

**BEFORE THE FAST-TRACK APPROVALS  
EXPERT PANEL**

**FTAA-2512-1158**

**UNDER** the Fast-track Approvals Act 2024 ("**FTAA**")

**AND**

**IN THE MATTER** of an application for approvals by Precinct Properties Holdings Limited ("**Applicant**" or "**Precinct**") in relation to the proposed Downtown Carpark Redevelopment ("**Application**")

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**MEMORANDUM OF COUNSEL**

**6 MARCH 2026**

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## MAY IT PLEASE THE PANEL:

### Summary

1. This memorandum is filed on behalf of the Applicant in response to the directions<sup>1</sup> in Minute 1 of the Panel Convenor ("**Minute**"). It addresses the matters set out in the Minute, including Schedules 1 and 2. The structure of this memorandum generally follows the same structure in Schedule 2<sup>2</sup> of the Minute (being the matters to consider when preparing for conference).

### Approvals

2. The approvals sought are set out in detail in Parts B and C of the Assessment of Environmental Effects lodged with the Application, being:<sup>3</sup>
  - (a) Resource consents under the Resource Management Act 1991 ("**RMA**"); and
  - (b) Authority to modify under Heritage New Zealand Pouhere Taonga Act 2014.
3. A summary of approvals sought is contained in Part 8 of the Assessment of Environmental Effects ("**AEE**") filed in support of the Application and as set out in **Annexure A** to this memorandum.

### Complexity

4. The application relates to the demolition of the Downtown Carpark site and the subsequent redevelopment of the site into an integrated mixed-use precinct providing for commercial, residential, hotel, retail, food and beverage and civic uses. The Project is being developed in partnership with Ngāti Whātua Ōrākei Whai Rawa Limited. This partnership will create a development that not only recognises and pays respect to Ngāti Whātua Ōrākei values and connection to the site as tangata whenua, but will actively involve their people in that process.
5. Precinct has undertaken substantial engagement with Auckland Council, Auckland Transport, Watercare, Heritage New Zealand and adjacent

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<sup>1</sup> Minute 1 of the Panel Convenor, 24 February 2025, at [15].

<sup>2</sup> Labelled as "Schedule 1" within the Minute, but understood to be "Schedule 2".

<sup>3</sup> Downtown Carpark Site Redevelopment – Assessment of Environmental Effects and Statutory Analysis dated 19 December 2025.

landowners and occupiers from an early stage of project development. In the lead up to lodgement of the FTAA Application, Precinct attended multiple meetings with those parties and provided draft conditions for comment and feedback.

6. In respect of "legal complexity", Counsel submits that the project will not raise novel or difficult legal questions.
7. In respect of "evidentiary and factual complexity", it is acknowledged that the project involves comprehensive evidence, some of which is technical in nature. However, Precinct has already undertaken extensive discussion and engagement with key parties and continues to do so. In particular, continued engagement with Auckland Council and Auckland Transport has occurred post-lodgement, with Precinct agreeing for the Council to start its formal review of the lodged application material ahead of the Expert Panel commencing, and Precinct's planners currently meeting with Auckland Council planners on a weekly basis. Precinct therefore does not expect there will be any factual disputes. In the usual way, we expect there may be a confined number of technical disputes between experts on specific issues.

#### **Key issues during pre and post-lodgement**

8. As outlined above, Precinct has engaged in extensive consultation in relation to the project to date. Prior to lodgement this involved a series of meetings with Auckland Council to discuss both the project at a high-level, as well as particular subject matters including transport, landscape/urban design, noise and vibration, civil, natural hazards and wind. Precinct also undertook pre-lodgement consultation with Auckland Transport, Watercare, Heritage New Zealand, the M Social and neighbouring bodycorporate properties.
9. Based on this consultation, the Applicant considers the key issues that have arisen during pre-lodgement and post-lodgement relate to:
  - (a) Demolition and construction traffic effects including the level of detail provided within the Construction Traffic Management Plan.
  - (b) Demolition and construction noise and vibration effects including the measures and consent conditions to ensure these are appropriately managed noting the scale of the project and the duration of these works.
  - (c) Operational effects including the pick-up and drop-off area (porte cochere) and servicing.

- (d) Landscape and visual effects.
- (e) Shading in public places including St Patricks Square.
- (f) Building design and appearance in relation to the public realm.
- (g) Wind effects including the extent to which mitigation relies on trees in public places.
- (h) Basement excavation including groundwater and geotechnical/stability of surrounding properties including roads.
- (i) Coastal and flooding natural hazards including appropriate management of risks.
- (j) Wastewater servicing.

**Activities previously lodged with a consent authority**

- 10. An application for the same project was previously progressed under the RMA. In June 2025 Precinct withdrew the RMA application and instead decided to progress under the FTAA process.
- 11. During the RMA application process, various requests for information under section 92 of the RMA were made by Auckland Council and responded to by Precinct. Although these section 92 requests and responses form part of the previous RMA process, Precinct has taken into account the previous section 92 request/ response position in its continued engagement with Auckland Council, where relevant.

**Statutory process coinciding with 30 working day period**

- 12. The Applicant considers it is likely that more than 30 working days will be required for the expert panel to make a decision (refer paragraph 17 below) and therefore does not address paragraph 3(c) of the Minute.

**Mātauranga and tikanga**

- 13. The Applicant considers that iwi authorities are best placed to comment on Mātauranga and Tikanga issues. As noted above, Ngāti Whātua Ōrākei is a project partner and can address matters of Mātauranga and Tikanga.

### **Panel membership**

14. The Applicant does not consider that:
- (a) there are particular skills or expertise required to decide the Application; and
  - (b) there are any circumstance which warrant the appointment of more than four panel members.

### **Procedural requirements**

15. The Applicant is willing to engage directly with the Panel as necessary to advance the application and is committed to working to resolve issues efficiently, including briefings, meetings and conferencing if required.
16. The Applicant considers that:
- (a) it would be useful for the Panel to be given a briefing by the Applicant regarding its proposal early on in the Panel's assessment of the Application;
  - (b) if any expert conferencing or wānanga is required, this should take place following the provision of comments;
  - (c) it is unlikely that any topics will need to be referred to mediation as the Applicant is proactively engaging with Auckland Council and other parties to work through any issues; and
  - (d) no form of hearing will be required for this Application – if any matters arise where the Panel requires clarification, the Applicant is happy for this to be addressed through requests for further information. Matters in relation to conditions can be addressed through the statutory process to provide comments on draft conditions.

### **Timeframes**

17. The Applicant considers that 40 working days after the date specified for receiving comments is sufficient for a Panel to make a robust decision, taking into account the low level of complexity and limited outstanding issues. Counsel respectfully requests that the Panel Convener set the timeframe for Panel decision-making under section 79(1)(a) and (2) to 40 working days after the date specified for receiving comments under section 53 of the FTAA.

18. An indicative timetable is provided in **Annexure B**.

**Attendance at Conference**

19. Counsel confirms that the Applicant will attend the Conference set down for 9 March 2026 at 10am.

**Conclusion**

20. The Applicant thanks the Panel Convener for the opportunity to provide this memorandum and attend the Conference.

**DATED:** 6 March 2026



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Simon Pilkinton | Louise Espin  
**Counsel for Precinct Properties Holdings Limited**

## ANNEXURE A

### SUMMARY OF CONSENTS REQUIRED FOR THE PROPOSAL – FROM PART 8 OF THE AEE

#### 8. PLANNING FRAMEWORK

##### 8.1 Overview

This section of the application is provided in accordance with Schedule 5, clause 5(1)(h) of the FTAA which requires an assessment of the activity be provided against relevant provisions of the following documents provided in Schedule 5, clause 5(2) of the FTAA:

- (a) A national environmental standard.
- (b) Other regulations made under the Resource Management Act 1991.
- (c) A national policy statement.
- (d) A New Zealand coastal policy statement.
- (e) A regional policy statement or proposed regional policy statement.
- (f) A plan or proposed plan.
- (g) A planning document recognised by a relevant iwi authority and lodged with a local authority.

The Project has been considered against the above documents in the following sections of this report as well as consideration of the Project against the items listed in Schedule 5, clause 5(3)(a)-(c).

The application seeks all resource consents necessary for the construction and ongoing operation of the Project. The list of consents considered to be required is outlined below. For completeness, this application also seeks consent for any matters that are not listed below but which are subsequently identified as being necessary through the processing of this application. If such matters are identified, the applicant will, as a matter of urgency, provide to the EPA an assessment of any relevant adverse effects that are different to, additional to, or cumulative upon those discussed in this report, which would be generated by the Project as a result of the additional matters.

The Site is zoned Business - City Centre Zone under the AUP (OP) and is subject to Downtown West, sub-precinct B, 204 Quay Street (Former Auckland Harbour Board Workshops) is subject to the Viaduct Harbour, sub-precinct A, and is subject to the following controls and overlays:

- City Centre Port Noise Overlay [rcp/dp] - 58db
- City Centre Port Noise Overlay [rcp/dp] - 60db

- Coastal Inundation 1 per cent AEP Plus 1m Control - 1m sea level rise
- Macroinvertebrate Community Index - Urban
- 204 Quay Street is subject to the Historic Heritage and Special Character Overlay : Historic Heritage Overlay Extent of Place [rcp/dp] - 1969, Auckland Harbour Board Workshops (former).

The Site is a contaminated site and contains overland flow paths, flood plain, coastal inundation, and a recorded archaeological site.

The Proposal requires approvals for the matters as outlined below.

A detailed rules assessment against the applicable AUP(OP) and NES-CS provisions is attached in **Appendix 22**.

## 8.2 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

The NESCS regulates activities on land which are safe for human health and provides national consistency for the assessment and management of soil which may be contaminated as a result of current or past uses.

Resource consent is required under the NESCS regulations as follows:

- A Detailed Site Investigation is not provided as part of this application (but will be provided prior to the works being undertaken). This is a **discretionary activity** under Regulation 11.

## 8.3 Other National Environmental Standards

The Proposal does not require resource consent under any other National Environmental Standards, including:

- National Environmental Standards for Air Quality
- National Environmental Standards for Commercial Forestry
- National Environmental Standards for Electricity Transmission Activities
- National Environmental Standards for Freshwater
- National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat
- National Environmental Standards for Marine Aquaculture
- National Environmental Standards for Sources of Human Drinking Water
- National Environmental Standards for Storing Tyres Outdoors
- National Environmental Standards for Telecommunication Facilities

## 8.4 Auckland Unitary Plan (Operative in Part)

Reasons for consent under the AUP(OP), including under Plan Change 79 (PC79) and Plan Change 120 (PC120) are as follows:

(aa) D17 Historic Heritage Overlay

- The Proposal involves modifications to the existing Auckland Harbour Board Workshops (former) (Category B) at 204 Quay Street, including demolishing the existing pedestrian bridge over Lower Hobson Street and fixings related to the existing façade and is a **restricted discretionary activity** under rule D17.4.1(A9).

(bb) E7 Taking, using, damming and diversion of water and drilling

- The diversion of groundwater caused by any excavation that does not meet the permitted activity standards or not otherwise listed is a **restricted discretionary activity** under rule E7.4.1(A28).

(cc) E11 Land disturbance - Regional

- The Proposal involves earthworks over an area of 6,442m<sup>2</sup> where part of the earthworks area is within Sediment Control Protection Area. Earthworks greater than 2,500m<sup>2</sup> within the Sediment Control Protection area is a **restricted discretionary activity** under rule E11.4.1(A9).

(dd) E12 Land disturbance – District

- The Proposal requires earthworks of approximately 100,000m<sup>3</sup> across an area of 6,442m<sup>2</sup> to facilitate the proposed development. Earthworks greater than 2,500m<sup>2</sup> and 2,500m<sup>3</sup> are a **restricted discretionary activity** under rule E12.4.1(A6) and (A10).
- Subject to Plan Change 120 the proposal involves earthworks within a flood prone area not complying with Standard E12.6.2(11). This is a subject to C1.9.(2) and is classified as a **restricted discretionary activity**.

(ee) E23 Signs

- The Proposal involves comprehensive development signage in association with the proposed development and is a **restricted discretionary activity** under rule E23.4.2(A53).

(ff) E25 Noise and vibration

- The Proposal involves construction activities that may exceed the maximum 75 dB LAeq and 90 dB LAFmax long-term construction noise limits (Monday to Friday 6.30am – 10.30pm) under E25.6.28.2 as follows:
  - 191 – 200 Quay Street (M Social):
    - Up to 80dBA during concrete;

- Up to 79dBA during D wall / bored piling;
- o 29 Customs Street West (Aon Building – Tower)
  - Up to 85dBA during sheet piling;
  - Up to 76 dBA during D wall / bored piling;
- o 29 Customs Street West (Aon Building – Podium)
  - Up to 90dBA during sheet piling;
  - Up to 79dBA during D wall / bored piling;
- o 188 Quay Street (HSBC Tower):
  - Up to 80dBA during sheet piling;
- o 85 Customs Street West (Sebel Apartments):
  - Up to 80dBA during sheet piling

Activities that do not comply with the permitted activity standards are a **restricted discretionary activity** under rule E25.4.1(A2).

- Standard E25.6.10(3)(f) requires the mechanical systems to be controlled to a level of 35 dB LAeq. This will not be achieved for living areas within the apartments as mechanical services noise is controlled at a level of 40 dB LAeq. Activities that do not comply with the permitted activity standards are a **restricted discretionary activity** under rule E25.4.1(A2).

(gg) E27 Transport

- The Proposal involves accessory parking and access that does not meet the following parking and access standards and is a **restricted discretionary activity** under rule E27.4.1(A2):
  - o Four smaller carparking spaces are proposed which do not meet Standard E27.6.3.1 and Table E27.6.3.1.1 as these spaces have a 2.4m width and a length of 4.7m.
  - o 21 accessible parking spaces are proposed where a minimum of 55 spaces is required combined for all activities proposed.
  - o 21 tandem spaces are proposed which are allocated to the office activity, whereas only residential is permitted.
  - o The vertical clearance of the service lane between the entrance to the basement carparking and Quay Street is 3.6m with 3.8m required for loading spaces.
  - o The vertical clearance for accessible parking will not have 2.5m of full vertical clearance.
  - o The Site has about 80m of road frontage to Customs Street West and the proposal provides for three vehicle crossings where two vehicle crossings are permitted.

- The width of the Quay Street service lane vehicle crossing exceeds 6m with 7.6m proposed.
- The width of the hotel pick-up and drop-off area vehicle crossing exceeds 3.5m with 4.1m proposed for the western vehicle crossing and 4.6m proposed for the eastern vehicle crossing.
- The use of a vehicle crossing where a Vehicle Access Restriction applies under Standards E27.6.4.1(2) or E27.6.4.1(3). This is a **restricted discretionary activity** under rule E27.4.1(A5).
- The use of an existing vehicle crossing (Quay Street) where a Vehicle Access Restriction applies under Standard E27.6.4.1(1) to service the establishment of a new activity or a building is constructed that is not permitted in Table H8.4.1. This is a **restricted discretionary activity** under rule E27.4.1(A6).
- The proposal involves up to 121 off-site parking spaces associated with M Social. This is a **discretionary activity** under rule E27.4.1(A16).

(hh) E30 Contaminated land

- The Proposal involves discharges of contaminants into air, or into water, or onto or into land not meeting controlled activity Standard E30.6.2.1 as a Detailed Site Investigation is not provided. This is a **discretionary** activity under rule E30.4.1(A7).

(ii) E31 Hazardous substances

- The Proposal will include the storage of hazardous substances above the thresholds for controlled and restricted discretionary activities in the activity table or are otherwise not provided for. This is a **discretionary** activity under E31.4.1(A7).

(jj) E36 Natural hazards and flooding

- AUP (OP) E36 Natural Hazard provisions are identified as follows:
  - The Proposal involves basement parking in part of the Site affected by 1% AEP floodplain. This is a **restricted discretionary activity** under rule E36.4.1(A26).
  - The Proposal involves flood mitigation works such as flood barriers in the 1% AEP floodplain. This is a **restricted discretionary activity** under rule E36.4.1(A33).
  - The Proposal involves new buildings within 1% AEP floodplain. This is a **restricted discretionary activity** under rule E36.4.1(A37).
  - The Proposal involves the use of new building to accommodate more vulnerable activities (residential) located within the 1% AEP floodplain. This is a **restricted discretionary activity** under rule E36.4.1(A38).

- Subject to Plan Change 120 the proposal involves the development of mixed-use activities which are identified as 'Activities sensitive to natural hazards' (both group A (hotel accommodation) and group B (hazardous facilities)) 'Activities potentially sensitive to natural hazard' (being retail, office and commercial uses) and Activities less sensitive to natural hazards (parking and loading areas). The proposal is exposed to flood hazard areas classified as medium and low associated with overland flow and flood prone areas on the Site. Floodplain areas and overland flowpaths have been identified within the road corridor (beyond the Site) and have, for completeness, been assessed as low and moderate (refer to **Appendix 23**, Flood Hazard and Risk Assessment). Subject to Policy E36.3(1B)(b) the default risk level associated with activities included as components of the proposal are identified as 'potentially Tolerable' and 'acceptable'. The following matters for consent are identified:
  - The Proposal involves 'activities sensitive to natural hazards' (both group A (hotel accommodation) and group B (hazardous facilities)) and 'activities potentially sensitive to natural hazard' (being retail, office and commercial uses) which with a default risk classification of 'potentially tolerable'. Where located within the Low Flood Hazard Area they are classified under E36.4.1A (A79) as a **restricted discretionary activity**.
  - The Proposal involves surface parking and above ground parking areas (including vehicle entry and exit points) in flood hazard areas, subject to E36.4.1A (A81) where parking areas area and entry and exist points are subject to moderate flood hazards they are classified as a **restricted discretionary activity**.
  - The Proposal involves below ground parking (including vehicle entry and exit points) in flood hazard areas subject to E36.4.1A (A82), within low and moderate flood hazard areas this is classified as a **restricted discretionary activity**.
  - The Proposal involves the storage of hazardous substances in flood hazard areas, noting this is only identified as a 'residual risk' with due to proposed mitigation measures, subject to E36.4.1A (A84) this is classified as a **restricted discretionary activity**.
  - The Proposal involves the development of accessways located within flood hazard areas, primarily the internal laneway access, subject to E36.4.1A (A88) accessways in flood hazard areas are classified as a **restricted discretionary activity**.
  - The Proposal involves the development of flood barriers associated with flood prone and overland flow paths interacting with the site subject to E36.4.1A(A92) the construction of stormwater management devices or flood mitigation works in the 1 per cent annual exceedance probability ("AEP") floodplain and flood prone areas is classified as a **restricted discretionary activity**.
  - The proposal involves the development of new buildings and structures, being the development of the Site subject to E36.4.1A(A98) All other structures and buildings

(including retaining walls) in the 1 per cent AEP floodplain and flood prone areas are classified as a **restricted discretionary activity**.

- The proposal includes the use of flood protection barriers which would have the potential to divert overland flows from entering areas of the Site, the laneway and basement parking areas. Subject to E36.4.1A (A102) diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path is classified as a **restricted discretionary activity**.
- Subject to Plan Change 120 the Proposal involves the development of mixed-use activities which includes 'Activities sensitive to natural hazards' (both Group A (hotel accommodation) and Group B (hazardous facilities)) 'Activities potentially sensitive to natural hazard' (including retail, office and commercial uses) and 'Activities less sensitive to natural hazards' (parking and loading areas) a portion of the Site has been identified as located within the coastal hazard area 3 (coastal inundation) (refer to **Appendix 44**, Coastal Hazard and Risk Assessment. Resource consent classifications are as follows:
  - The proposal involves 'activities sensitive to natural hazards' (both group A (hotel accommodation) and group B (hazardous facilities)) and 'activities potentially sensitive to natural hazard' (being retail, office and commercial uses) which subject to E36.4.1A (A58) Coastal Hazard Area 3 (1.0 – 1.5 m RSLR) is classified as 'potentially tolerable' is a **restricted discretionary activity**.
  - The proposal involves the development of below ground parking where the Site and associated entry and exit points are located within the Coastal Hazard Area 3 (1.0 – 1.5 m RSLR) which subject to E36.4.1A (A61) is classified a **restricted discretionary activity**.
  - The proposal involves the development of accessways within the Coastal Hazard Area 3 (1.0 – 1.5 m RSLR) which subject to E36.4.1A (A69) is classified a **restricted discretionary activity**.
  - The proposal involves the development of new buildings and structures in the Coastal Hazard Area 3 (1.0 – 1.5 m RSLR) which subject to E36.4.1A (A77) is classified a **restricted discretionary activity**.
- Subject to Plan Change 120 the Proposal involves the use of coastal hazard flood protection in the form of flood protection doors and barriers which is subject to E36.4.1D (A142) classified as **discretionary activity**.
- The proposal involves activities which may infringe aspects of the Permitted activity standards E36.6.1. applicable to development within coastal and flood hazard areas. Including in relation to vehicle entry and exit points associated with parking activities and the storage of hazardous substances in relation to the coastal hazard area 3, considering future relative sea level rise scenarios of up to 1.5m. This is subject to C1.9.(2) and is a **restricted discretionary activity**.

(kk) E40 Temporary activities

- The Proposal involves the temporary activities for construction for more than 24 months as provided or in E40.4.1(A20). These temporary activities include the construction of the proposed buildings and associated landscaping and is anticipated to last approximately 5.5 years and is therefore a **restricted discretionary activity** under rule E40.4.1(A24).

(ll) H8 Business – City Centre Zone

- The Proposal involves the construction of a new building comprising of three podiums and two towers. This is a **restricted discretionary activity** under rule H8.4.1(A32).
- The Proposal involves demolition of the existing carpark building. This is a **controlled activity** under rule H8.4.1(A32A).
- The Proposal involves the alterations and additions to buildings not otherwise provided for associated with the alterations to existing podia of Aon and HSBC building. This is a **restricted discretionary activity** under rule H8.4.1(A36).
- The Proposal does not comply with Standard H8.6.3 Admission of sunlight to public places (St Patricks Square). This is a **non-complying activity** under rule H8.4.1.(A40).
- The Proposal exceeds the Standard H8.6.5 Harbour edge height control plane (40m above the centre line of Quay Street at a tilted plane at 45 degrees) by the following extents:
  - T1: maximum 88.8m along the northern façade reducing to 44m along the southern façade over a depth of 44.1m.
  - T2: maximum 49.2m along the northern façade reducing to nothing along the southern façade over a depth of 49.2m.

This is a **restricted discretionary activity** under rule H8.4.1(A42).

- The Proposal fails to meet the following standards and is a **restricted discretionary activity** under rule C1.9(2):
  - H8.6.24 Maximum tower dimension, setback from the street and tower separation:  
Infringes as follows:
    - H8.6.24.(1)(a). A maximum tower dimension above 28m must not exceed an average of 55m: T1 has a maximum tower dimension of 57.81m exceeding the standard by 2.81m.
    - H8.6.24.(1)(b). A 6m setback from Customs Street West for the parts of a building above 28m: T1 provides no setback from 28m to 33m-34.3m with a setback of 5.5m from 33m-34.3m above.
    - H8.6.24.(1)(b). A 6m setback Lower Hobson Street for the parts of a building above 28m: T2 provides no setback from 28m to 30.7m-31m with a setback of 4.5m from 30.7m-31m above.

- H8.6.24.(3). Where there is more than one tower on a site, a tower separation distance of at least 12m must be provided between the parts of the buildings above 28m: the tower separation distance between T1 and Aon House is 11.2m, 0.8m below the minimum tower separation distance.
- o H8.6.24A.(1)(a). Maximum east-west tower dimension must not exceed 45m for that part of the building above 28m: Parts of P1 podium above 28m have an east-west dimension of 53.48m, exceeding the maximum dimension by 8.48m.
- o H8.6.25 Building frontage alignment and height: Infringes as follows:
  - H8.6.25.(1)(a)(ii). For frontages identified as '19m', the building must have minimum contiguous height of 19m for a minimum depth of 6m from the frontage: P3 is approximately 15.3m in height, 3.7m below the minimum frontage height.
  - H8.6.25.(2)(a). For frontages identified as "28m", the maximum frontage height must not exceed 28m for a minimum depth of 6m from the frontage:
    - The maximum frontage height of T1 exceeds 28m, with no setback along Customs Street West provided from 28m to 33m-34.3m with a setback of 5.5m from above 33m-34.3m.
    - The maximum frontage height of T2 exceeds 28m, with no setback provided along Lower Hobson Street from 28m to 30.7m-31m with a setback of 4.5m from above 30.7m-31m.
- o H8.6.26 Verandahs. A new building, external alteration or substantial internal alteration to an existing building, excluding minor cosmetic alterations or repairs which do not change its design and appearance, must provide a continuous verandah along the full width of its building frontage:
  - No verandah is provided along the Customs Street West frontage.
  - A 1.8m wide verandah is provided (with a setback of 700-800mm from the edge of the road carriageway) where 3m is required that has a 3.5m height clearance from the footpath immediately below the Lower Hobson Street frontage.
- o H8.6.27 Minimum floor to floor height: The ground floor has a minimum floor to floor height of 4.2m with 4.5m required.
- o H8.6.28 Wind: Infringes for the following locations as outlined in the Environmental Winds Report prepared by Holmes (refer to **Appendix 28**).
  - Location 9: Gust speed of 26m/s and therefore exceeding the 25m/s threshold.
  - Location 8, 9 and 42 (Lower Hobson Street): Category D conditions where Category C conditions required.

- Location 18 (Urban Room): Category D conditions where Category C conditions required.
- Location 26 (Customs Street West): Category D conditions where Category C conditions required.
- o H8.6.33 Minimum dwelling size: Infringes for the following T2 apartments (30 in total) where a minimum of 50m<sup>2</sup> of net internal area is required for one-bedroom dwellings and the following is provided:
  - Apartments 20.01-31.01 and 22.09-31.09 – 45m<sup>2</sup>
  - Apartments 32.01-39.01 – 48m<sup>2</sup>

(mm) I205 Downtown West Precinct

- The Proposal involves the construction of a new building comprising of three podiums and two towers. This is a **restricted discretionary activity** under rule I205.4.2(A4).
- The Proposal involves new open space. This is a **restricted discretionary activity** under rule I205.4.2(A5).
- The Proposal involves new vehicle, cycle and pedestrian access. This is a **restricted discretionary activity** under rule I205.4.2(A6).
- The proposed pedestrian connection within the development does not comply with Standard I205.6.2 as follows:
  - o I205.6.2(3): The proposed north-south connection is not at-grade and not generally aligned with Federal Street.

This is a **restricted discretionary activity** under rule I205.4.2(A7).

## 8.5 Information Requirements

### (a) Clause 5 of Schedule 5 of the Act

Clauses 5 of Schedule 5 of the FTAA sets out specific information to be submitted to the Panel. These are addressed throughout the consent application and supporting technical documents. A checklist is included at **Appendix 3** which sets out how and where this information has been provided.

### (b) Auckland Unitary Plan – Special Information Requirements

The following Special Information is required under the AUP (OP) in relation to the Proposal:

Special Information Requirements	Assessment
<p>D17.9(1): <i>An application for resource consent for works affecting scheduled historic heritage places must be accompanied by a heritage impact assessment that is commensurate to the effects of the proposed works on the overall significance of a historic heritage place, and taking into account whether the works affect a primary, non-primary, non-contributing or excluded site or feature.</i></p>	<p>A heritage impact assessment is provided in Section 9.2.2 of this report meeting the special information requirements under E17.9.(1).</p>
<p>E27.9 (1) Parking plans submitted to Council must show:</p> <p>(a) the locations and dimensions of any pillars and/or other structures that may restrict parking space, or inhibit access and manoeuvring, as well as clearances between parking spaces and vehicle tracking curves and those pillars and/or other structures; and</p> <p>(b) the proposed gradients of parking, manoeuvring and access areas</p> <p>New Zealand Standard for Off-Street Parking - Parking Facilities Part 1: OffStreet Car Parking (AS/NZS 2890.1 2004) may assist applicants in designing parking areas.</p> <p>the application.</p>	<p>The access, parking and loading arrangements are detailed in the Architectural Drawings (<b>Appendix 9A</b>) and the Operational Integrated Transport Assessment (<b>Appendix 13</b>) meeting the special information requirements under E27.9.(1)</p>
<p>E27.9 (2) Travel plan:</p> <p>(a) a travel plan may be required as part of an assessment of environmental effects where a proposal exceeds the trip generation threshold or provides more parking than the maximums specified. A travel plan will not be required where the infringement of the parking maximums is minor in relation to the scale of the activity and associated parking proposed.</p>	<p>Not applicable to the Proposal as there are no infringements to maximum parking standards.</p>

Special Information Requirements	Assessment
<p>E27.9 (3) Applications for off-site parking must include information to demonstrate that:</p> <p>(a) the proposal provides off-site parking which is related exclusively to the parking associated with activities located on other donor site(s) in the area;</p> <p>(b) the off-site parking arrangements will be formalised on the land titles of all sites involved, including extinguishing the ability to provide accessory parking on the donor site(s); and</p> <p>(c) the parking has been transferred from the donor site(s) and the donor site(s) are permitted by the parking standards of this Plan to provide the number of parking spaces proposed.</p>	<p>The access, parking and loading arrangements are detailed in the Architectural Drawings (<b>Appendix 9A</b>) and the Operational Integrated Transport Assessment (<b>Appendix 13</b>) meeting the special information requirements under E27.9.(3)</p>
<p>E27.9 (4) The Council may require applications which affect the transport network, including proposals which exceed the trip generation threshold, to include a transport assessment prepared by suitably qualified transport planner or traffic engineer.</p>	<p>The access, parking and loading arrangements are detailed in the Architectural Drawings (<b>Appendix 9A</b>) and the Operational Integrated Transport Assessment (<b>Appendix 13</b>) meeting the special information requirements under E27.9.(4)</p>
<p>E27.9 (5) Any new activity or change to an existing activity, which is not specifically provided for in the activity tables in the applicable zone or is a non-complying land use activity, and which will generate 100 vehicles or more (any hour) may need to include an Integrated Transport Assessment prepared in accordance with the Auckland Transport Integrated Transport Assessment Guidelines in force at the time of application.</p>	<p>The access, parking and loading arrangements are detailed in the Architectural-Drawings (<b>Appendix 9A</b>) and the Operational Integrated Transport Assessment (<b>Appendix 13</b>) meeting the special information requirements under E27.9.(5)</p>
<p>E36.9.(1): A hazard risk assessment must be undertaken when subdivision, use or development requiring resource consent is proposed to be undertaken on land which may be subject to any one or more of the following:</p> <ul style="list-style-type: none"> <li>• coastal erosion;</li> <li>• coastal storm inundation 1 per cent annual exceedance probability (AEP);</li> <li>• coastal storm inundation 1 per cent annual exceedance probability (AEP)</li> </ul>	<p>A Flood Hazard and Risk Assessment required under the operative AUP (OP) and PC120 has been prepared by T+T and is enclosed as <b>Appendix 23</b>.</p>

Special Information Requirements	Assessment
<ul style="list-style-type: none"> <li>• plus 1m sea level rise;</li> <li>• the 1 per cent annual exceedance probability (AEP) floodplain;</li> <li>• overland flow paths; or</li> <li>• land instability.</li> </ul> <p>The level of information required to be provided should be proportionate to the hazard risk, the nature of the hazard. It should also be appropriate to the scale, nature and location of the development and reflective of the scale of the activity proposed. For coastal hazards this should include a consideration of the effects of climate change over at least a 100 year timeframe.</p>	
<p>E36.9.(3) A landslide hazard risk assessment prepared by a suitably qualified and experienced person in accordance with Appendix 24 Landslide hazard risk assessment methodology must accompany a resource consent application for the subdivision, use or development of land within a landslide hazard area.</p>	<p>A Landslide hazard risk assessment required under the operative AUP (OP) and PC120 has been prepared by T+T in accordance with Appendix 24 and is enclosed as <b>Appendix 46</b>.</p>
<p>E36.9.(4) Geotechnical reports prepared by a suitably qualified and experienced person in accordance with Auckland Council Code of Practice for Land Development and Subdivision, Section 2 (Earthworks and Geotechnical Requirements) must accompany a resource consent application for the subdivision, use or development of land within a landslide hazard area.</p>	<p>A geotechnical report required under the operative AUP (OP) and PC120 has been prepared by T+T and is enclosed as <b>Appendix 33</b>.</p>
<p>H8.10.1.(1) Alterations and additions to buildings identified as historic heritage and special character.</p> <p>For scheduled historic heritage buildings, the applicant must prepare a conservation plan (or update an existing conservation plan where one already exists) and demonstrate that a programme of works will be undertaken including a maintenance plan to guide ongoing regular maintenance and cleaning.</p>	<p>The remedial works outlined in Section 6.6 in relation to the make good works at the façade of the Auckland Harbour Board Workshops (former) are not considered to be:</p> <ul style="list-style-type: none"> <li>• substantial demolition or destruction;</li> <li>• relocation within the scheduled extent of place; or</li> <li>• significant restoration or modification works.</li> </ul>

Special Information Requirements	Assessment
<p>This information shall be provided where the application is for:</p> <ul style="list-style-type: none"> <li>(a) substantial demolition or destruction;</li> <li>(b) relocation within the scheduled extent of place; or</li> <li>(c) significant restoration or modification works.</li> </ul>	<p>Therefore no conservation plan is required.</p>

There are no other special information requirements relevant to the reasons for consent that are required under the AUP(OP).

#### 8.6 Any Other Activities

This section is provided in accordance with clause 5(1)(e) of Schedule 5 of the FTAA. There are no other activities that are part of the Proposal to which the consent application relates.

#### 8.7 Other Resource Management Act 1991 Approvals

This section is provided in accordance with clause 5(1)(f) of Schedule 5 of the FTAA.

Designation 1550 has recently been removed from the AUP (OP) and therefore is no longer relevant to the Site.

#### 8.8 Sections 5, 6, and 7 of the Resource Management Act 1991

Clause 5(1)(g) requires an assessment of the activity against sections 5, 6, and 7 of the RMA. These sections are contained within Part 2 of the RMA. An assessment of the Proposal against Part 2 of the RMA is provided in section 12.4 below.

#### 8.9 Assessment of the Proposal Against Relevant Statutory considerations

Clause 5(1)(h) requires an assessment against any relevant provisions in any of the documents listed in Section 5(2) of Schedule 5. An assessment of the Proposal against these relevant statutory considerations is provided within section 10.0 below.

#### 8.10 Treaty Settlement Provisions and Redress

Clause 5(1)(i) of Schedule 5 of the Act requires the provision of information about any Treaty Settlements that apply in the project area, including:

- The identification of the relevant provisions in those Treaty settlements; and
- A summary of any redress provided by those settlements that affects natural and physical resources relevant to the project or project area.

There are no Treaty Settlement Statutory Acknowledgement Areas identified on Auckland Council's GeoMaps for the Site or any adjacent properties.

All other iwi settlement Acts and Deeds have been reviewed and there are no other statutory acknowledgement areas, cultural redress properties or deeds of recognition that affect the Site.

#### 8.11 Customary Marine Title Groups

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Clause 5(1)(j) of Schedule 5 of the Act as it applies to the Project, requires a list of any relevant customary marine title groups, protected customary rights groups or applicants under the Marine and Coastal Area (Takutai Moana) Act 2011.

Clause 5(5)(b) of Schedule 5 of the Act requires that if an activity is to occur in an area that is within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011 or the environmental covenant prepared by ngā hapū o Ngāti Porou under section 19 of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019, an assessment of the activity against any resource management matters set out in that document must be provided.

This does not apply because the Project is for the development of the Downtown Carpark building to a mixed use development on land and does not involve any activities within the coastal marine area.

#### 8.12 Proposed Consent Conditions

This section of the application is provided in accordance with clauses 5(1)(k) and 18 of Schedule 5 of the FTAA. These clauses require that an application provide conditions of consent. With specific reference to clause 18 of Schedule 5, conditions have been drafted with reference to Section 108, which relate to Part 6 and 10 of the RMA. The proposed conditions of consent relating to necessary mitigation and monitoring, as identified within the technical assessments, are appended to this AEE at **Appendix 24**.

In recommending the proposed conditions of consent for this application in accordance with Clause 5(1)(k) of Schedule 5, the conditions are proposed to:

- Appropriately manage adverse effects, including providing mitigation to prevent or reduce adverse effects in accordance with Clause 6(1)(d) of Schedule 5;
- Provide for monitoring as required by Clause 6(1)(g) of Schedule 5; and
- Give effect to those matters that the Panel must consider under Section 81(2)(a)

The conditions are not considered to be more onerous than necessary, and comply with Section 83 with reference to Section 81(2)(d). It is considered that they meet the requirements of the FTAA, and that the Panel may grant the required approvals subject to the conditions in accordance with Section 81(1)(a) of the FTAA.

8.13 Notice Under Section 30

In accordance with clause 5(1)(l) of Schedule 5 of the FTAA, the applicant has received a notice from Auckland Council, as the consent authority under section 30(3)(b). The notice was received within the time frame specified in section 30(6)(b) and confirms that there are no relevant consents under section 30 (refer **Appendix 7**).

8.14 Permitted Activities

In accordance with clause 5(5)(a) of Schedule 5 of the FTAA, the following permitted activities are part of the proposal to which the consent application relates such that a resource consent is not required for the activities under section 87A of the RMA 1991.

(a) Auckland Unitary Plan Operative in Part

Permitted Activity under AUP OP	Permitted activity comment
D25 City Centre Port Noise Overlay	
<ul style="list-style-type: none"> <li>Buildings accommodating activities sensitive to noise within the overlay must be insulated to achieve an internal noise level appropriate to the activity in accordance with Standard D25.6.1 - this is a permitted activity.</li> </ul>	<p>This is discussed in Section 3.5 of the Acoustic Assessment of Effects prepared by Marshall Day Acoustics ("MDA") at <b>Appendix 38</b>.</p> <p>The proposal will be appropriately insulated so that the internal noise levels are in accordance with Standard D25.6.1.</p>
E8 Stormwater – Discharge and diversion	
<ul style="list-style-type: none"> <li>Contamination Diversion of stormwater runoff from lawfully established impervious areas directed into an authorised stormwater network or a combined sewer network that complies with Standard E8.6.2.1 is a permitted activity pursuant to E8.4.1(A1).</li> </ul>	<p>There is no increase in impervious areas as part of this application and the proposal will be discharging to existing public stormwater networks.</p> <p>Regardless, stormwater management will be addressed in the NDC requirements as outlined in the Infrastructure Concept Design Report prepared by T + T (<b>Appendix 19</b>).</p>

Permitted Activity under AUP OP	Permitted activity comment
E14 Air quality	
<ul style="list-style-type: none"> <li>The discharges to air from the proposed demolition and construction activities are assessed as being compliant with standards E14.6.1.1(1-5) and are therefore is a permitted activity pursuant to E14.4.1.(A1).</li> </ul>	<p>This is discussed in detail in the Air Quality Assessment by T+T (<b>Appendix 25</b>).</p>
E17 Trees in Roads	
<ul style="list-style-type: none"> <li>The proposed pruning of Tree 3 to enable suitable clearance for the demolition of the vehicle exit bridge structure in accordance with Standard E17.6 is a permitted activity pursuant to E17.4.1(A5).</li> <li>The proposed Works within the protected root zone of Trees 1 &amp; 3 as part of the demolition works in accordance with Standard E17.6.3 is a permitted activity pursuant to E17.4.1 (A7).</li> <li>The proposed removal of one (1) Lancewood trees (Group 1a) as part of the demolition works is a permitted activity pursuant to E17.4.1(A9).</li> </ul>	<p>This is discussed in section 5 of the Arboricultural Assessment by PBM (<b>Appendix 18</b>).</p>
H8 Business – City Centre Zone	
<ul style="list-style-type: none"> <li>Dwellings are a permitted activity pursuant to H8.4.1(A3).</li> <li>Visitor Accommodations (hotel) are a permitted activity pursuant to H8.4.1(A6).</li> <li>Offices are a permitted activity pursuant to H8.4.1(A9).</li> <li>Retail activities are a permitted activity pursuant to H8.4.1(A10).</li> <li>Conference activities are a permitted activity pursuant to H8.4.1(A11).</li> <li>Public Amenities (The Urban Room) are a permitted activity pursuant to H8.4.1(A16).</li> </ul>	<p>The proposal is a mixed-use development which includes the activities outlined in H8.4.1(A3, A6, A9, A10, A11, and A16) that are anticipated and permitted in the City Centre Zone. The proposal is consistent with the zones description which seeks to:</p> <p><i>“to ensure the city centre is an international centre for business and learning, innovation, entertainment, culture and urban living”</i></p>

#### 8.15 Mitigation and Monitoring Measures

Clause 6(1)(d) of Schedule 5 of the FTAA requires that an assessment of an activity’s effects on the environment must include a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity.

A number of mitigation measures are proposed to ensure that the Proposal will comply with the permitted activity standards of the AUP(OP), to address actual and potential effects on the environment relative to specific subject matters, but are not strictly limited to:

Subject Matter	Mitigation and Condition Response
Enabling Works and Construction	<ul style="list-style-type: none"> <li>• A draft CMP is enclosed as <b>Appendix 14</b> to mitigate any adverse effects that relate to the demolition of the existing carpark building and construction of the podia and towers.</li> <li>• A draft CTMP is enclosed as <b>Appendix 26</b> to mitigate any traffic effects arising for the demolition of the existing carpark building and construction of the podia and towers.</li> <li>• A draft Construction Noise and Vibration Management Plan ("<b>CNVMP</b>") is enclosed as <b>Appendix 27</b> to mitigate any adverse noise and vibration effects that relate to the demolition of the existing carpark building and construction of the podia and towers.</li> <li>• A draft Erosion and Sediment Control Management Plan ("<b>ESCMP</b>") is contained within the Erosion Control Sediment Report enclosed as <b>Appendix 15</b>.</li> <li>• A draft Dust Management Plan ("<b>DMP</b>") is provided in <b>Appendix 25</b> and the implementation of final required as a consent condition.</li> </ul> <p>The draft management plans referenced here and below in this table will be finalised prior to works being undertaken.</p>
Urban Design and Landscape	<ul style="list-style-type: none"> <li>• Architectural drawings are provided in <b>Appendix 9A</b> and final architectural design details are required as consent conditions.</li> <li>• Landscape plans are provided in the Architecture Landscape Report in <b>Appendix 9</b> and final landscape plans are required as consent conditions.</li> <li>• Concept signage details are provided in the Architectural drawings in <b>Appendix 9A</b> and final signage details are to be provided prior to installation, required as a consent condition.</li> <li>• Wind environment mitigation is addressed in <b>Appendix x</b>.</li> </ul>
Operational matters	<ul style="list-style-type: none"> <li>• A draft Operational Waste Management Plan is enclosed as <b>Appendix 20</b>.</li> </ul>

Subject Matter	Mitigation and Condition Response
	<ul style="list-style-type: none"> <li>• A draft Servicing and Loading Management Plan is enclosed as <b>Appendix 29</b>.</li> <li>• A draft Hotel Pick-Up and Drop-Off Management Plan is enclosed as <b>Appendix 30</b>.</li> <li>• A draft Managed Access Service Arrangement Plan is enclosed as <b>Appendix 31</b>.</li> <li>• A draft Hazardous Substances Management Plan is enclosed as <b>Appendix 32</b>.</li> <li>• Acoustic design certification for noise sensitive activities is required as a consent condition.</li> </ul>
Contamination	<ul style="list-style-type: none"> <li>• Handling of contaminated land must be undertaken in accordance with the CSMP enclosed as <b>Appendix 17</b>. The draft management plans will be finalised prior to works being undertaken.</li> </ul>
Servicing and Infrastructure	<ul style="list-style-type: none"> <li>• The installation of local three waters infrastructure is outlined in the Infrastructure Concept Design Report enclosed as <b>Appendix 19</b>.</li> </ul>
Groundwater	<ul style="list-style-type: none"> <li>• A draft Groundwater and Settlement Monitoring and Contingency Plan is contained within Geotechnical Report enclosed as <b>Appendix 33</b>.</li> </ul>
Geotechnical	<ul style="list-style-type: none"> <li>• Earthworks are to be undertaken in accordance with the recommendations in the Geotechnical and Groundwater Assessment, and as required as consent conditions (refer <b>Appendix 33</b>).</li> <li>• A method statement and certification is to be provided by a qualified engineer confirming the works are in accordance with recommendations in the Geotechnical Report, as required by the consent conditions.</li> </ul>
Archaeology	<ul style="list-style-type: none"> <li>• A draft Archaeological Management Plan enclosed as <b>Appendix 35</b>.</li> <li>• The Project archaeologist is required to monitor and record any information (if discovered), as required by the consent conditions.</li> </ul>

Clause 6(1)(g) of Schedule 5 of the FTAA also requires that if the scale and significance of the activity's effects are such that monitoring is required, an assessment of effects includes a description of how the effects will be monitored and by whom, if the activity is approved.

The monitoring that is proposed is also documented in the proposed draft consent conditions and technical assessments appended to this AEE.

8.16 In accordance with clause 6(1)(d) of Schedule 5 of the FTAA, Protected Customary Rights

Clause 6(1)(h) of Schedule 5 of the Act requires an application to include an assessment of any effects of the activity on the exercise of a protected customary right.

There are no protected customary rights that relate to the site and as such an assessment under Clause 6(1)(h) of Schedule 5 is not required.

## ANNEXURE B – INDICATIVE TIMETABLE

<b>Task</b>	<b>Working Days</b>	<b>Date</b>
Panel commencement	N/A	9 March 2026
Invite comments from relevant parties	10 W/D	23 March 2026
Comments close	20 W/D	22 April 2026
Comments close for applicants in response	5 W/D	30 April 2026
Draft conditions and decision	-	-
Participants comment on draft decisions	-	-
Applicant response to participants comments on conditions	5 W/D	-
Decision released	40 W/D after comments close	19 June 2026