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**ANNEXURES TO MEMORANDUM OF PLANNING MATTERS FOR AUCKLAND  
COUNCIL - Waitakere Courthouse Project**

**Dated: 22 January 2026**

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1. This document contains the following 11 accompanying annexures referred and accompanying the Planning Memorandum (**Memorandum**)
  - a. Healthy Waters - Hillary Johnston (Annexure 1)
  - b. Watercare – Annika Swanberg (Annexure 2)
  - c. Development Engineering – Serena Goh (Annexure 3)
  - d. Traffic Engineering – Andrew Temperley (Annexure 4)
  - e. Auckland Transport – Emeline Fonua (Annexure 5)
  - f. Urban Design – Sheerin Samsudeen (Annexure 6)
  - g. Lighting – Jared Osman (Annexure 7)
  - h. Parks and Community Facilities – Douglas Sadlier (Annexure 8)
  - i. Noise and Vibration – Andrew Gordon (Annexure 9)
  - j. Economist – James Stewart (Annexure 10)
  - k. Heritage Arborist – West Fynn (Annexure 11)

# Healthy Waters - Hillary Johnston (**Annexure 1**)

## Technical Specialist Memo – Healthy Waters and Flood Resilience

To:

Jo Hart – Lead Planner  
Joe Wilson – Premium Project Lead

From:

Hillary Johnston – Healthy Waters Fast-Track Lead

Qualifications &  
Relevant  
Experience:

I hold the qualification of **Bachelor of Science in Environmental Science and Geography**, and have **12** years of experience in **regulatory stormwater assessments**.

I am a **Certified Environmental Practitioner, a full member of the Environmental Institute of Australia and New Zealand, a member of WaterNZ, and an associate member of Engineering New Zealand**. I have prepared expert evidence and technical assessments for resource consent applications, plan changes, notices of requirement for designation, and fast-track applications, and have appeared as an expert witness for Council before consent authorities and the Environment Court on multiple occasions.

Preparation in  
Accordance  
with the Code  
of Conduct:

I confirm that I have read the Environment Court Practice Note 2023 – Code of Conduct for Expert Witnesses ([Code](#)), and have complied with it in the preparation of this memorandum. I also agree to follow the Code when participating in any subsequent processes, such as expert conferencing, directed by the Panel. I confirm that the opinions I have expressed are within my area of expertise and are my own, except where I have stated that I am relying on the work or evidence of others, which I have specified.

Date:

22 January 2026

## 1.0 APPLICATION DESCRIPTION

### Application and property details

Fast-Track project name:

Waitākere District Court – New Courthouse Project

Fast-Track application number:

FTAA-2508-1096 (Council Reference PRR00042765)

Site address:

14 Edmonton Road, Henderson (Lot 1 Deposited Plan 564257)

## 2.0 Documents Reviewed

### Key Documents Reviewed:

- *Waitākere District Courthouse – New Courthouse Project, Notice of Requirement, 14 Edmonton Road, Henderson, Assessment of Environmental Effects and Statutory Analysis* (dated 11 August 2025)
- *Waitākere District Court – New Courthouse Project, Flood Assessment, Ministry of Justice, 14 Edmonton Road, Henderson* (dated 15 September 2025)
- *Flooding and Infrastructure Assessment to support a new Justice Facility at 14 Edmonton Road, Henderson Version 2.9* (dated 19 December 2025)
- *Flood Emergency Management Plan* (dated 8 August 2025)
- B&A Memorandum: *Memorandum in response to Auckland Council Preliminary Information Request* (dated 19 December 2025)
- *Waitākere District Courthouse – Proposed NoR Conditions* (updated and provided as Attachment 6 to the B&A Memorandum: *Memorandum in response to Auckland Council Preliminary Information Request* dated 19 December 2025)
- B&A Memorandum: *Plan Change 120 – Housing Intensification and Resilience Memo* (dated 19 December 2025)
- ACH Memorandum: *14 Edmonton Road – Plan Change 120 – 50-Year Flood Assessment* (dated 06 November 2025)
- Holmes Memorandum: *Waitākere Justice Facility – Stormwater Management Plan Memorandum* (dated 12 December 2025)

## 3.0 Specialist Assessment

The Applicant (Requiring Authority) has applied for a Notice of Requirement to designate the site at 14 Edmonton Road for ‘judicial and court purposes’. A new courthouse is proposed known as the Waitākere District Courthouse. This is stated as being intended to replace the existing Waitakere District Court situated at 9-11 Ratanui Street, Henderson.

### **Existing Environment**

The site is zoned *Business – Metropolitan Centre* and is identified within a *Stormwater Management Area Control* (Flow 2) overlay. It is subject to significant existing flood hazards however, Auckland Councils GeoMaps viewer was considered by the Applicant’s Engineer to not present an accurate depiction of the extent of flood hazards within the site and in consultation with Healthy Waters have developed a site specific flood model to assess the flooding and flooding effects from the proposed development. The modelled flood levels presented in the Application are considered acceptable for undertaking risk assessments.

It is recognised that PC120 was notified during the time HWFR has been provided to review the Application. The Applicant’s Agents and Engineers have, notwithstanding this, engaged and provided further information in response to this Plan Change notably within the the response to the Auckland Council preliminary information requested dated 19 December 2025 that is welcomed and clearly acknowledged. The Applicant’s Agent and

Engineers have worked collaboratively with HWFR to navigate and give effect to the new requirements introduced under this Plan Change.

In review of the overall helpful, additional information provided in respect to PC120 as part of the additional information dated 19 December 2025, the Applicant’s Engineer has provided an *Occupancy Evacuation Pathway Risk Assessment* and *Flooding Evacuation Plan* as Appendix D of the revised Flood Emergency Management Plan. It is currently not clear if the Flooding Evacuation Plan includes an indication of the PC120 Flood Hazard Risk Ratings risk categories that the site is subject to, or if the colour coding presented on this drawing is based on Flood Water Velocity (as presented in the drawing key).

Plan Change 120 Flood Hazard Risk Ratings (extracted from page 49)

Risk Category	1% AEP Event	Primary Stormwater Network 100% blocked
Very High Flood Hazard Area	where floodwaters have a depth equal or greater than 1200mm or depth x velocity product greater than or equal to 0.8m <sup>2</sup> /s	where floodwaters have a depth equal or greater than 1200mm with 50mm of rainfall (approximately a 20 per cent AEP event)
High Flood Hazard Area	where floodwaters have a depth between 500mm and 1200mm or depth x velocity product between 0.4m <sup>2</sup> /s and 0.8m <sup>2</sup> /s	where floodwaters have a depth between 500mm and 1200mm with 50mm of rainfall (approximately a 20 per cent AEP event)
Medium Flood Hazard Area	where floodwaters have a depth between 500mm and 300mm or depth x velocity product between 0.4m <sup>2</sup> /s and 0.24m <sup>2</sup> /s	where floodwaters have a depth between 500mm and 300mm with 50mm of rainfall (approximately a 20 per cent AEP event)
Low Flood Hazard Area	where floodwaters have depth equal to or less than 300mm or depth x velocity product less than or equal to 0.24m <sup>2</sup> /s	all other flood prone areas not meeting the definition for very high, high and medium flood hazard areas

### Waitākere District Court Flooding Evacuation Plan - During Event (Peak Flooding Level)

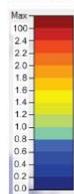
COMMERCIAL IN CONFIDENCE

- Public Walking
- Public Vehicle
- Custodial
- Staff/Judicial/Security Walking
- Staff/Judicial/Security Vehicle
- Point of Refuge

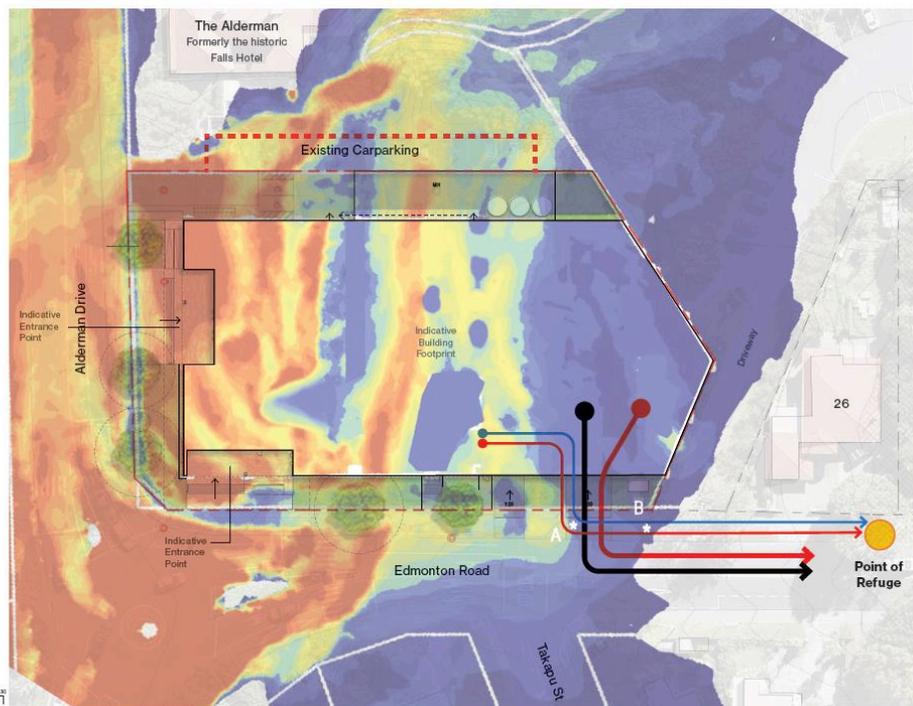
Flood Hazard Vulnerability (PC 120 Classification)

Point	Depth of Flood Water	Velocity of Flood Water	Hazard Classification
A	0.2 – 0.4m	0.4 – 0.6 m/s	Medium – High Flood Hazard Area
B	0.0 – 0.2m	0.2 – 0.4 m/s	Medium Flood Hazard Area

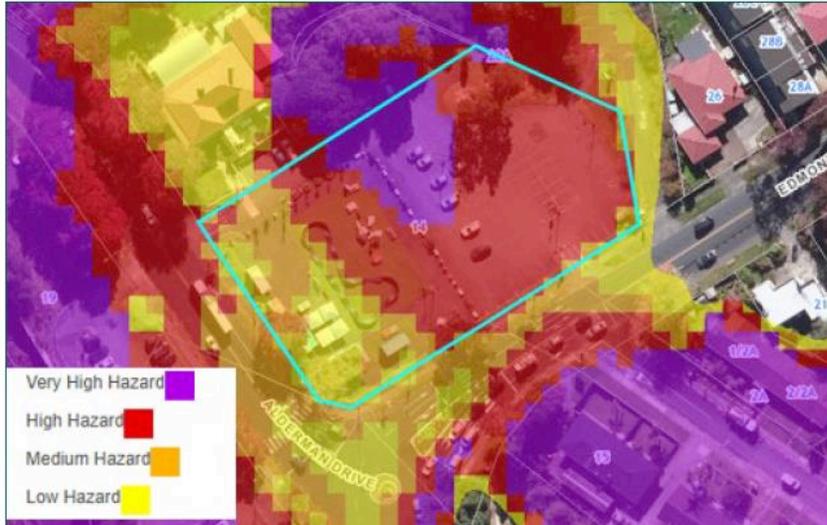
Flood Water Velocity Key



Scale @ A3: 1:500



The Plan suggests notable differences to the risk categories that are shown on Auckland Council’s GeoMaps viewer, which have been used as the basis of the PC120 assessments that have been provided by the Applicant’s Agent and Engineers. The key areas of notable difference are the categorisation of risk at the pedestrian access to the building on both Alderman Drive and Edmonton Road, as well as safe egress and refuge areas.



Where site specific flood modelling has been undertaken, it is considered more appropriate to use this as the basis for PC120 categorisation and assessment, rather than the hazard classifications presented indicatively on GeoMaps.

It is acknowledged that revision of this information will not likely materially affect the outcomes of the PC120 assessments that have been provided however would likely assist the panel in clearly understanding the flood hazards in undertaking their assessment against the relevant objectives and policies of Chapter E36 (PC120).

HWFR recommend that the comprehensive information and modelling undertaken and presented in the response dated 19 December 2025 is utilised to apply and delineate the PC120 Flood Hazard Risk Ratings. The PC120 assessments would then ideally be updated in reference to this confirmed hazard classification (based on site specific modelling) instead of the indicative hazard classifications that are shown on Auckland Council’s GeoMaps viewer. Importantly, and to assist the Panel, we do not anticipate the use of site specific modelling information to achieve this classification will result in a different recommendation on the proposal as provided in the memorandum.

This matter has been discussed with our planning colleagues, and it is understood will also be addressed within the Strategic Memo.

**Engagement with the Applicant**

HWFR has been actively involved in a detailed and iterative preapplication feedback process with the Applicant’s Team, which has been extremely helpful, and we acknowledge and thank the Applicant for their engagement over the flood hazards that impact the site.

HWFR’s Manager Growth and Development, Mark Iszard, undertook a site visit on the 28<sup>th</sup> November 2025.

### **Potential Effects and Proposed Mitigation**

In assessing potential effects, consideration and review was given to potential offsite effects including displacement and changes to the conveyance, extent, and velocity of the flood hazard in a post development scenario. The Applicant's Engineers have provided assessments based on a conceptual site and building design. HWFR are satisfied with the Flood Assessment provided in this regard.

It is important to note that this review is based on the effects of the development assumed by the Applicants modelling. The NoR recognises that the final design has not yet been confirmed at this stage of development. In response to preliminary comments on this matter and the potential need for further review or assessment of potential offsite effects as a result of any changes to the finalised design, a condition (*New Condition X: Flood Modelling*) has been offered within the 19 December 2025 version of the proposed NoR conditions. The inclusion of a condition to address this concern is supported but the scope of condition put forward is limited to changes to the final building slab and pile design as the trigger for re-assessment. It is considered that there are a greater number of factors that could influence potential changes in downstream flooding effects. For this reason, further amendments are proposed to this condition.

On the basis of the above HWFR assessment has been refined to two remaining key areas of concern being the potential impacts on building users arising from significant flood hazards, and the implications of constructing over an existing 1500mm public stormwater pipe located within the centre of the site.

#### *Flood Risk and Hazards*

The proposed Waitākere Courthouse development will introduce additional people and assets to an area that is subject to significant flood hazards increasing exposure to flood risk and creating significant safety and operational concerns.

Flooding that impacts the site is primarily associated with the Waikumete Stream to the southwest of the site with modelled 100-year storm flows of over 100m<sup>3</sup>/s that spills over Alderman Drive and through the site. A large secondary flow of 16m<sup>3</sup>/s also intersects the site from Takapu Street to the East of the site and passes over Edmonton Road and then through the site exiting over the remaining carparking area and into a unnamed tributary of the Waikumete Stream behind the Alderman restaurant.

Analysis carried out by the Applicant's Engineer has indicated that the site could be inundated due to flooding for up to 70hrs.

As summarised by the Applicant's Engineer on the drawing labelled '*flooding and overland flow path extent plan*' (DWG. 149014.33 C C90-01, Rev C), the post development 100-year OLFP for this secondary flow path from the east of the site (2022 Flows, including allowance for 3.8°C climate change) is indicated with a maximum width of 36.176m (OLFP – Section 3), a depth of 0.354m (OLFP – Section 3), a maximum velocity of 3.083 m/s (OLFP – Section 4), and a peak flow of 16.55m<sup>3</sup>/s (OLFP – Section 3 and 4). The extent of the OLFP will cover an area of Approximately 1,863m<sup>2</sup> of the subject site.

The Applicant's Engineer has proposed to elevate the foundation slab of the building above the modelled flood levels. Freeboard of at least 300mm above the predicted 100-year overland flow path level is proposed. An NoR condition has been put forward by the Applicant to ensure the minimum FFL, requiring that engineering plans shall be submitted to Council with the Outline Plan of Works for certification.

The Applicant's Engineer has also put forward a Flood Management Plan that proposes rigorous management of the site and building users during times of risk. The flood management plan includes planning, monitoring, and evacuation procedures, outlines roles and responsibilities of building management staff, and includes provision for regular auditing and updating of flood management practices and procedures.

As part of this Flood Management Plan and E36 Natural Hazard Assessment, the Applicant's Engineer has identified safe egress and refuge as demonstrated on the *Flooding Evacuation Plan – During Event (Peak Flooding Level)*.

Overall, it is agreed that the risk to persons is appropriately managed as a safe and unobstructed route can be provided from the building in the event of a flood hazard. A significant reason for this position is the robust site and building management process and framework that are associated with this type of facility, the fact that the building is not intended to be occupied or in use outside normal business hours, and that there are no overnight stays of court personal or persons in custodial care. It is noted following discussion with our planning colleagues that whilst the activity is described, and a number of the assessments clearly rely on daytime business hour operations with no overnight stay, the designation conditions do not explicitly provide for this. It is understood our planning colleagues have raised this in preliminary feedback to the Applicant's Agents and will be raising this to the Panel.

#### *Impacts on Critical Public Stormwater Infrastructure*

The proposed development footprint is located over an area with critical stormwater assets, including a 1500mmØ concrete pipe that services a large upstream area within the Oratia Catchment. The infrastructure design proposes to retain the 1500mmØ pipe alignment and to construct the courthouse above it. The building's foundation piles are proposed to span over the pipe with a 5.0m clearance zone. Development over this extent of network presents serious challenges for the future operation, maintenance, and long-term resilience of this key asset. This is not a preferred approach for a pipe of this scale and raises significant concerns regarding future access, maintenance risk, and structural vulnerability.

The Applicant's Engineer has worked closely with HWFR to ensure all possible alternative solutions have been exhausted and to minimise access and maintenance concerns as far as possible. HWFR can accept the proposed build over given there are limited other practical options to relocate this pipe around and away from the building, subject to improvements proposed by the Applicant.

As outlined on the drawing titled '*proposed drainage and utility services layout plan*' (DWG. 149014.33 C40-02, Rev B) the Applicant's Engineer has proposed to upgrade the existing 1500mmØ pipe under the building to a 1650mmØ pipe and to install a new 3.0mØ stormwater manhole at the rear service area of the site to allow for access to install a future liner or undertake repairs, if or when needed. The new proposed stormwater pipe will match the invert levels of the existing pipe. HWFR accept that the new 1650mmØ pipe will continue to discharge through the existing 1500mmØ remaining section of pipe and outfall to the stream.

At the time of writing this memo, discussions are ongoing with the Applicant's Agents in respect to two important but minor further additions to these plans, being:

- The replacement of the existing stormwater manhole near the southern boundary with Edmonton Road with a larger diameter manhole to allow improved access to the upper section of the stormwater pipe.
- That both new stormwater manholes shall be fitted with hinged lids. Due to the location of them within a significant OLFP, safety grills shall also be installed inside the stormwater manholes.

The Applicant's Agent in correspondence has confirmed agreement to these additions (noting ongoing correspondence regarding the safety grill design) but we are yet to receive a further updated drawing which includes these. We defer to our planning colleagues to provide for this in correspondence with the Applicant's Agent and Panel.

The Applicant's Engineer has proposed a 5-meter exclusion zone on either side of the existing Ø1500mm stormwater pipe. HWFR would potentially accept an offset to this exclusion zone to allow additional space on one side of the existing pipe to allow for any future trenchless installation as part of any potential replacement project. In respect to this we have proposed an amendment to condition 14 which notes the acceptability of the proposed exclusion zone but provides a process for an alternative offset to be proposed and assessed.

Although the proposed build over of the existing 1500mmØ stormwater pipe is not preferable, HWFR are supportive of the proposed design and mitigation solutions put forward by the Applicant to manage ongoing risk to the operation, maintenance, and long-term resilience of this asset.

#### 4.0 Section 67 Information Gap

Based on the detailed and iterative preapplication feedback process with the Applicant's Team and response to Auckland Council Preliminary Information Request, there are no remaining section 67 information gaps.

#### 5.0 Recommendation

Overall, based on the information provided, we consider there is a strong basis for supporting the Application, provided the Applicant's Agent submit an updated PC120 assessment and an updated *proposed drainage and utility services layout plan*. HWFR agree with the Applicant's Agent that the effects of the proposal can be appropriately mitigated through the combination of engineering design solutions proposed and the implementation of the proposed NoR conditions.

#### 6.0 Comments/Additional Proposed Designation Conditions

The NoR conditions have been discussed at length as part of the detailed and iterative preapplication feedback process with the Applicant's Team. The NoR conditions put forward as Attachment 6 to the B&A Memorandum: *Memorandum in response to Auckland Council Preliminary Information Request* dated 19 December 2025 are generally supported by HWFR subject to the following suggested amendments (in green) as discussed and drafted by our planning colleagues based on an understanding of our comments to respond to the points raised in the memo.

New Condition X: Flood Modelling

- A) Prior to the commencement of earthworks an updated HEC-RAS-2D model or equivalent modelling platform, by a suitably qualified engineer, shall be provided to demonstrate that the final earthworks and associated flood hazard effects are appropriately managed, in general accordance with the Infrastructure Report and Civils Plans prepared by Holmes Ltd, dated 2025, as well as the Flood Risk Assessment Report prepared by ACH Consulting, dated 2025 and result in no greater extent, depth, and velocity of the hazards in the surrounding environment than modelled in the NoR approved documents.
- B) In respect to the finalised design (internal and external) prior to any construction works (other than earthworks), as part to the Outline Plan of Works application an updated HEC-RAS-2D model or equivalent modelling platform, by a suitably qualified engineer, shall be provided to demonstrate that the final design (including but not limited to impediments in the hazard, arrangement and impervious area) and associated flood hazard effects are appropriately managed, in general accordance with the Infrastructure Report and Civils Plans prepared by Holmes Ltd, dated 2025, as well as the Flood Risk Assessment Report prepared by ACH Consulting, dated 2025 and result in no greater extent, depth, and velocity of the hazards in the surrounding environment than modelled in the NoR approved documents.
- C) Where an increase in the flood hazard is proposed based on the modelling, including in extent, depth, and velocity of the hazard in the environment, a flood hazard assessment including updated modelling and assessment must be provided by a suitably qualified engineer, and approved by the Council prior to the commencement of any works which must be carried out in accordance with any such details.

*Advice Note: Council would accept and encourage the lodgement of a single assessment for the effects of the earthworks and construction/finalised design but have amended the condition to provide flexibility to potential development programme.*

*Significant changes to flooding effects as a result of the finalised design will be considered outside the general accordance scope of the designation and likely to require a separate Resource Consent. The condition would not be considered a suitable framework to assess changes of effects of high significance as a result of notable changes than the basis for the assessment in the Notice of Requirement.*

#### Condition 14: Stormwater Pipe and Clearance

- A) Location and design of permanent stormwater infrastructure (existing pipe or replacement pipe) including access for maintenance shall be submitted to Council with the Outline Plan of Works for certification.
- B) Foundations for a future building must maintain a minimum horizontal setback of 5m from the edge of the existing 1500 diameter stormwater pipe that traverses the centre of the site, unless subject to an alternative suitable clearance distance, specified by a suitably qualified engineer and approved by the Council. A pile setout plan with supporting details outlining the size of the proposed piles around the existing stormwater main shall be submitted to Council with the Outline Plan of Works for certification.

# Watercare - Annika Swanberg (Annexure 2)

19 December 2025

Joe Wilson  
Principal Project Lead  
Auckland Council



Dear Joe,

**Waitākere District Court – New Courthouse Project Fast-track Application**  
**14 Edmonton Road, Henderson**

**Introduction**

1. Watercare Services Limited (**Watercare**) welcomes the opportunity to provide comments on the Waitākere District Court – New Courthouse Project Fast-track Application (**Application**), made under the Fast-track Approvals Act 2024 (**Act**).
2. The Minister of Justice (**Applicant**) has lodged a substantive application under the Act for a Notice of Requirement to designate an area of approximately 4,435m<sup>2</sup> for a new courthouse (**New Courthouse Project**) located at 14 Edmonton Road in Henderson (**Project Area**).
3. The zoning of the Project Area is Business – Metropolitan Centre Zone (for most of the site) and there is a small portion of the site zoned Open Space – Informal Recreation Zone. The Applicant is proposing to connect the New Courthouse Project to the public water supply and wastewater systems.
4. The Applicant summarises pre-application consultation undertaken with Watercare in Appendix 4, Flooding and Infrastructure Assessment.
5. Watercare's comments in this letter are based on the Application as at today's date, in particular the following lodged Application documents:
  - Waitākere District Courthouse – New Courthouse Project Notice of Requirement Assessment of Environmental Effects and Statutory Analysis, dated 11<sup>th</sup> August (**AEE**).
  - Appendix 4 Flooding and Infrastructure Assessment to support a new Justice Facility at 14 Edmonton Road, Henderson, dated 15<sup>th</sup> September 2025.
  - Appendix 9 Waitākere District Courthouse – Proposed NoR Conditions.
6. Any amendment to the Application will require further review from Watercare.

**Watercare's purpose and statutory obligations**

7. Watercare is New Zealand's largest provider of water and wastewater services. Watercare is a council-controlled organisation under the Local Government Act 2002 and is wholly owned by the Auckland Council (**Council**).

8. As Auckland's water and wastewater services provider, Watercare has a significant role in helping the Council achieve its vision for the Auckland region.
9. Watercare's purpose, embodied in the Māori whakatauki (proverb) below, reflects the connection between Watercare's services and the wellbeing of our community and the local environment:

*Ki te ora te wai, ka ora te whenua, ka ora te tangata.*  
*When the water is healthy, the land and the people are healthy.*

10. Watercare is required to manage its operations efficiently with a view to keeping overall costs of water supply and wastewater services to its customers (collectively) at minimum levels, consistent with the effective conduct of its undertakings and the maintenance of the long-term integrity of its assets<sup>1</sup>.
11. Watercare is subject to interim economic regulation under the Watercare Charter (**Charter**). The Charter imposes minimum service quality standards, financial performance objectives, and an interim price-quality path. The Commerce Commission has been appointed as the Crown monitor and has regulatory oversight of Watercare's compliance with the Charter.
12. Subject to the Charter, Watercare must also give effect to relevant aspects of the Council's Long-Term Plan, and act consistently with other plans and strategies of the Council<sup>2</sup> including the Council's Long-Term Plan, Auckland Council's Growth Scenario (AGS2023 v1.1) and act consistently with other plans and strategies of the Council, including the Auckland Unitary Plan (Operative in Part), the Auckland Plan 2050, and the Auckland Future Development Strategy 2023-2053.

#### **Watercare's comments**

13. As noted, the Project Area is zoned predominantly Business – Metropolitan Centre Zone and is currently used as a car park which does not have any water supply or wastewater connection.
14. For wastewater, Watercare confirms that the assessment and description of previous discussions / communications, as summarised in section 4.2.1 of Appendix 4 Flooding and Infrastructure Assessment, are accurate. Since the meeting and email correspondence referred to in Appendix 4, the Takapu Street wastewater upgrade has been completed and commissioned, and there is now capacity within the local wastewater network to accommodate the New Courthouse Project. Watercare notes that off peak discharge is considered to be between 11pm – 5am and therefore the operation of the New Courthouse Project would be within peak times. However, based on the additional design flows of 1.50L/s, mitigation is unlikely to be required.
15. As of today, it is considered there is sufficient capacity in the transmission wastewater network to support the New Courthouse Project however, given it is located within an area identified as "area with

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<sup>1</sup> Local Government (Auckland Council) Act 2009, s57(1)

<sup>2</sup> Local Government (Auckland Council) Act 2009, s58.

capacity, closely monitored” in the Watercare Network Capacity Map,<sup>3</sup> this assessment of available capacity may change in the future.

16. Works Over Approval under the Water Supply and Wastewater Network Bylaw 2015 would be required for works within 2m of Watercare’s local pipelines (pipes less than 300mm in diameter, including connected manholes and structures) and 10m from transmission pipelines (pipes 300mm in diameter and greater, including connected manholes and structures), and should be applied for at Engineering Plan Approval stage. As part of the Takapu Street wastewater upgrade, the existing 225 AC pipe has been abandoned and replaced by a new 300 PVC pipe as shown on Watercare’s publicly available GIS. The Applicant has proposed to relocate existing 225 AC pipe (and discharge into it) however this has been abandoned and replaced by the new 300 PVC pipe. Any relocation of Watercare’s pipeline would be subject to approval by Watercare and should be undertaken in accordance with Watercare’s Water and Wastewater Code of Practice for Land Development and Subdivision (**Code of Practice**). Watercare notes that if the Applicant relocates the pipeline, and in doing so extends it, then the Applicant will need to ensure it maintains the same capacity, keeping in mind that the resulting pipeline gradient may be reduced from the current gradient.
17. For water supply, in order to confirm whether any upgrades are required to the local network to service the New Courthouse Project a hydrant test with a total flow of 60 L/s is required. This will confirm any required upgrades for the New Courthouse Project and validate the sprinkler connection to the system. Watercare can confirm that as of today’s date there is sufficient capacity in the local and transmission water supply network to support the New Courthouse Project, provided the hydrant test and any required upgrades are undertaken to accommodate the required fire flows including sprinkler connection. These requirements will be confirmed at the Engineering Plan Approval stage.

### Conclusion and recommendations

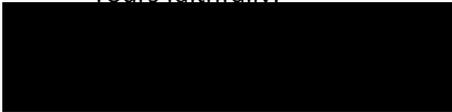
18. Watercare confirms that as of today’s date there is sufficient capacity in the water supply and wastewater networks to accommodate the demand proposed by the New Courthouse Project. Works Over Approval and water supply firefighting requirements should be applied for and confirmed at the Engineering Plan Approval stage.
19. To ensure the Requiring Authority is aware of the following requirements Watercare recommends the following advice notes to be included in addition to proposed condition 12:
  - *Works Over Approval may be required from Watercare Services Limited under the Water Supply and Wastewater Network Bylaw 2015.*
  - *Prior to commencing construction of any part of the water supply or wastewater network to vest in the water supply and wastewater utility provider, the consent holder must obtain Engineering Plan Approval for the relevant works.*
  - *Plans approved under Notice of Requirement or Outline Plan of Works do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public reticulation works in the absence of that approval.*

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<sup>3</sup> [Network capacity table updated Dec2025 1d4fa47b70.pdf](#)

- *Any person wishing to connect to Watercare Services Limited's (Watercare) water and/or wastewater asset(s) must also obtain Watercare's approval to such connection under the Water Supply and Wastewater Network Bylaw 2015 (Bylaw). Under the Bylaw Watercare may refuse an application to connect to a network in specified circumstances, including where, in Watercare's reasonable opinion, there is insufficient capacity in the network to accommodate the connection.*

Yours faithfully,



Anna Jennings  
Manager – Major Developments, Strategy and Planning

Development Engineering -  
Serena Goh (**Annexure 3**)

## Technical Specialist Memo – Development Engineering

To: Jo Hart – Lead Planner & Joe Wilson - PPL

From: Serena Goh – Senior Development Engineer

Qualifications & Relevant Experience: I hold the qualification(s) of: **Bachelor of Civil Engineering (Honours)**, and have **8** years of experience in **land development and three waters engineering**. I am a full member of **Engineering New Zealand, Water NZ and Infrastructure New Zealand**. I have prepared expert evidence and technical assessments for resource consent applications and plan changes.

Preparation in Accordance with the Code of Conduct: I confirm that the opinions I have expressed are within my area of expertise and are my own, except where I have stated that I am relying on the work or evidence of others, which I have specified.

Date: 16 January 2026

## 1.0 APPLICATION DESCRIPTION

### Application and property details

Fast-Track project name: Waitākere District Court – New Courthouse Project

Fast-Track application number: FTAA-2508-1096 (Council Reference PRR00042765)

Site address: 14 Edmonton Road, Henderson (Lot 1 Deposited Plan 564257)

## 2.0 Documents Reviewed

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### 3.0 Specialist Assessment

#### **Flooding**

A Flooding and Infrastructure Assessment prepared by Holmes Ltd, Version 2.9 (dated 19 December 2025) to support a new Justice Facility at 14 Edmonton Road, Henderson which states the existing 100-year major overland flow path including 3.8 degree climate change has a 10.98m<sup>3</sup>/s peak flow, 0.259m depth and 2.348m/s velocity at cross section A, 10.87m<sup>3</sup>/s peak flow, 0.311m depth and 2.284m/s velocity at cross section B, and a 10.77m<sup>3</sup>/s peak flow, 0.354m depth and 2.503m/s velocity at cross section C. The flood model produced was similar to Healthy Waters 2022 data confirming the flood depths ranging from 0.1m to 1.5m depth, extending across the vehicle crossing for the neighbouring church in the pre-development scenario. The post-development scenario for the proposed future building will be constructed on suspended foundation slab to prevent obstructing the existing overland flow paths and the floodplain therefore would be a minor with an increase of 110mm flood depth over the church vehicle crossing.

The cross section through the centre of the building has a peak flow of 18.1m<sup>3</sup>/s, top width of 82.5m, depth of 1.25m and velocity of 0.2-3.5m/s. The long section through the western vehicle crossing has a peak flow of 1.8m<sup>3</sup>/s, top width of 5m, depth of 0.95m and velocity of 0.3-1.12m/s. The long section through the eastern vehicle crossing has a 0.45m<sup>3</sup>/s, top width of 5m, depth of 0.9m and velocity of 0.1-0.53m/s. There will be a minimum 150mm clearance from the western end of the future building slab to the existing ground level to meet NZ Building Code requirements. As the cross section to the centre of the building has a velocity that exceeds 2m/s, and 1200Ø piles will be installed, consideration must be undertaken for the large piles which could effect the flow. Due to the depth and velocity of water, it is likely that flood flows would be a high hazard on any structure. We will require a statement from a structural engineer showing confirmation that the pile design will be able to withstand the peak flood depth and velocity for the required design life. The report notes that any obstructions within an

overland flow path is kept to a minimum to ensure unimpeded water flow, reducing localised ponding or potential flood displacement to neighbouring properties. In addition there will be minimum 300mm freeboard requirement that will be met by the building design and the indicative building footprint achieve 500mm freeboard at 8.6m RL which DE is in support of this. There is signals and telemetry alarm systems for flood evacuation which provides good safety and warning during extreme weather events.

The historic flooding event in response to the 2023 Anniversary Day flood shows the overland flow path is triggered when the 1500mmØ culvert under Edmonton Road is blocked, causing water to overtop the road and enter the site at 10.86m<sup>3</sup>/s and additional flow fed by Alderman Drive runoff due to Oratia Stream overtopping the stream banks. The HEC-RAS 2D model confirms flood depths of 0.3-1.5m across the site and up to 0.5m along the western boundary with flood duration of 48-60 hours which is significant 1% AEP flood risk. Based on the mitigation provided and flood management plan detailed in the report, the overall risk to public safety and neighbouring properties is low. Furthermore, the future justice facility built on suspended concrete foundation is set 580mm above flood level at FFL8.6m RL achieving its minimum 300mm freeboard requirement (8.32m RL) and 5m wide trapezoidal channel lowered 150mm from the existing ground level along existing gulley through the property to allow surface runoff traversing underneath crossings and building footprint along the eastern corner for additional flood storage. Safe egress will be at the west of the future building as it is not impacted by overland flow path or localised ponding. As such, DE supports this application.



**Wastewater**

The existing asbestos cement wastewater pipes will be realigned to avoid structural risks and existing public wastewater lines within the site will be removed, and new proposed public lines installed around

the building footprint. The proposal involves four new wastewater manholes and new 225Ø uPVC wastewater pipes which will require EPA.

The 225Ø wastewater pipe (GIS ID 893471) has inadequate capacity of 19.48L/s and the catchment flowrate is 20.61L/s and there is downstream pipe capacity constrain. NoR Condition 12 captures additional assessment to be provided in the event the proposed wastewater demand is not in general accordance with the infrastructure report submitted with the NoR.

### **Water Supply**

The new water meter location has been shown to service the proposed courthouse which will require EPA. There is fire hydrant within 135m of the site meeting NZS PAS 4509:2008.

### **Utility**

The site is within proximity to power and telecommunications services.

### **Stormwater**

The existing stormwater drainage pipes within the site are removed or realigned due to the positioning of the proposed Courthouse. The existing stormwater pipe will be replaced with concrete stormwater pipe with new Class 4 concrete 1650mmØ pipe under building extents, with a new 3000Ø stormwater manhole. The existing catchpit is to be rerouted to discharge directly into the existing manhole and existing 1500mmØ line.

Stormwater hydrological mitigation has been provided via detention and retention tanks of 75m<sup>3</sup> stormwater mitigation with 20mmØ orifice to meet SMAF-2 requirements. DE have checked the SMAF-2 calculations, and this meets the E10 hydrological mitigation requirements. The Stormwater Management Plan Memorandum prepared by Holmes Consulting Ltd, reference 149014.33, dated 12 December 2025 new Justice Facility will have roof runoff directed to 3 x 25000L above ground tanks which discharges to Oratia Stream via the existing stormwater outfall. The existing catchpits will be servicing the reduced paved areas. Surface runoff is directed into the existing pipes towards the existing stormwater treatment device (GIS IDL 2000511627) before it discharges into Oratia Stream.

The pipe capacity calculations were not undertaken due to reduction in surface runoff into the outfalls by redirecting neighbouring stormwater flows and proposed stormwater mitigation, therefore effects are minor. DE accepts this as the predevelopment site is paved area and there is no increase in impervious area. Condition 13 of the noR has been updated to require final Stormwater Management Plan to be submitted with the Outline Plan of Works certification in accordance with Schedule 4 Regionwide Discharge Consent.

It is noted that the building over 1500mmØ stormwater pipe has been covered in the report and Healthy Waters is in support of this. Please refer to Healthy Waters specialist memo.

### **Servicing**

As such, the future courthouse can be serviced by wastewater, stormwater, water and existing public utility services.

### **Earthworks**

I have reviewed the earthworks and geotechnical condition 9 and 18 in the NoR and have additional recommended conditions in section 6 below.

Please note the earthworks specialist must be engaged to review the earthworks as it is within 50m to the Sediment Control Protection Area as per E11. I recognise this is a regional consent need and it is noted that the Notice of Requirement and designation do not cover regional consent needs. If a regional consent trigger arises from future design, you will be required to apply for it.

## **4.0 Section 67 Information Gap**

Based on the information provided by the Applicant's Team to Auckland Council Preliminary Request for Information, there are no information gaps Section 67.

## **5.0 Recommendation**

Overall, based on the information provided, I support the application and NoR Conditions. I have recommended additional conditions in section 6 below.

## **6.0 Comments/Additional Proposed Designation Conditions**

The Notice of Requirement conditions are outlined in Attachment 6 to the B&A Memorandum: *Memorandum in response to Auckland Council Preliminary Information Request* dated 19 December 2025. I agree with the conditions outlined in the attachment and recommend additional conditions below:

### **Recommended Conditions**

#### **Earthworks**

##### **General Earthworks Conditions:**

1. The Council, must be notified at least two (2) working days prior to earthwork activities commencing on the subject site.
2. Prior to the commencement of earthworks activity, all required erosion and sediment control measures on the subject site shall be constructed and carried out.

##### **Advice Note**

*It is recommended that you discuss any potential measures with Council's monitoring officer who will guide you on the most appropriate approach to take. Please contact the Team Leader, Compliance*

& Monitoring North West 2 on +64 9 301 0101 for more details. Alternatively, please refer to “Auckland Council, Guidance Document No. 05, Erosion & Sediment Control Guidelines for Land Disturbing Activities in the Auckland Region”.

3. All imported fill used must:

- comply with the definition for ‘cleanfill material’ in the Auckland Unitary Plan (Operative in Part) – ([Chapter J1](#) Definitions) .
- be solid material of a stable, inert nature and
- not contain hazardous substances or contaminants above recorded natural background levels of the receiving site.

**Advice Note:**

*In addition to the characteristics for imported fill outlined in condition (4), please refer to the relevant [New Zealand Standard \[e.g. NZS 4431:1989 ‘Code of Practice for Earth Fill for Residential Development’\]](#) to ensure that all fill used is of an acceptable engineering standard.*

4. All earthworks must be managed to minimise any discharge of debris, soil, silt, sediment or sediment-laden water is discharged beyond the subject site to either land, stormwater drainage systems, watercourses or receiving waters. In the event that a discharge occurs, works must cease immediately and the discharge must be mitigated and/or rectified to the satisfaction of the Council.
5. All earthworks must be managed to ensure that they do not lead to any uncontrolled instability or collapse either affecting the site or adversely affecting any neighbouring properties. In the event that such collapse or instability does occur, it must immediately be rectified.
6. Earthworks must be managed to avoid deposition of earth, mud, dirt or other debris on any public road or footpath resulting from earthworks activity on the subject site. In the event that such deposition does occur, it must immediately be removed. In no instance must roads or footpaths be washed down with water without appropriate erosion and sediment control measures in place to prevent contamination of the stormwater drainage system, watercourses or receiving waters.

**Advice Note:**

*In order to prevent sediment laden water entering waterways from the road, the following methods may be adopted to prevent or address discharges should they occur:*

- *provision of a stabilised entry and exit(s) point for vehicles*
- *provision of wheel wash facilities*
- *ceasing of vehicle movement until materials are removed*
- *cleaning of road surfaces using street-sweepers*
- *silt and sediment traps*
- *catchpits or environpods*

*In no circumstances should the washing of deposited materials into drains be advised or otherwise condoned.*

*It is recommended that you discuss any potential measures with Council who may be able to provide further guidance on the most appropriate approach to take.*

*Please contact Council on [monitoring@aucklandcouncil.govt.nz](mailto:monitoring@aucklandcouncil.govt.nz) for more details.*

*Alternatively, please refer to “[GD05 Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland region](#)”*

7. There shall be no discharge of contaminated surface runoff into the stormwater system or into the groundwater.
8. There shall be no obstruction of access to public footpaths, berms, private properties, public services/utilities, or public reserves resulting from the earthworks activity. All materials and equipment shall be stored within the subject site’s boundaries.
9. There shall be no airborne or deposited dust beyond the subject site as a result of the earthworks activity that in the opinion of Council is noxious, offensive or objectionable.

**Advice Note:**

*It is recommended that potential measures as discussed with Council’s monitoring officer who will guide you on the most appropriate approach to take. Please contact the Council on +64 9 301 0101 for more details. Alternatively, please refer to the Ministry for the Environment publication “Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions”.*

10. There shall be no damage to public roads, footpaths, berms, kerbs, drains, reserves or other public asset as a result of the earthworks activity. In the event that such damage does occur, the Council will be notified within 24 hours of its discovery. The costs of rectifying such damage and restoring the asset to its original condition will be met by the consent holder.

**Advice Note:**

*In order to prevent damage occurring during the earthwork activity, the consent holder should consider placing protective plates over footpaths, kerbs, and drains. Where necessary, prior to works commencing, photographing or video recording of roads, paths and drains may be appropriate.*

*If you would like further details or suggestions on how to protect public assets during the earthwork phase, please contact the Council on +64 9 301 0101*

11. Where excess soil or waste materials resulting from earthworks activity is to be removed from the subject site, it shall be deposited at an approved disposal site.
12. Fills in excess of 600mm recommended by NZS3604 may necessitate reconsideration of this bearing capacity value due to variable ground conditions at depth and potential differential stiffness issues with deep fills. Earthworks should comply with the following documents:
  - GD005; “Erosion and Sediment Control Guide for Land Disturbing Activities in Auckland Region”
  - NZS4431:1989; “Code of practice for Earth Fill for residential development” and
  - “Good Practice Guide for Assessing and Managing the Effects of Dust Emissions”

**Wastewater**

13. The consent holder must design and construct wastewater network connection to the existing public wastewater reticulation network to serve the subject development in accordance with the requirements of the wastewater utility service provider.

**Advice Note:**

- *Acceptable forms of Evidence from the Utility Providers include a Certificate of Acceptance.*
- *Alterations to the public wastewater reticulation network require Engineering Plan Approval. Additional approval is required from Watercare/Veolia as part of the Engineering Plan Approval Process.*
- *Public connections are to be constructed in accordance with the Water and Wastewater Code of Practice.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public reticulation works in the absence of that approval.*
- *The infrastructure report shows the 225Ø wastewater pipe (GIS ID 893471) has inadequate capacity of 19.48L/s and the catchment flowrate is 20.61L/s and there is downstream pipe capacity constrain.*

**Stormwater**

14. The consent holder must design and construct stormwater network extension and connections to the existing network consented to serve the subject development in accordance with the requirements of the stormwater utility service provider.

**Advice Note:**

- *Acceptable forms of evidence include Engineering Approval Completion Certificates.*
- *Stormwater utility provider is Auckland Council Healthy Waters.*
- *Public connections are to be constructed in accordance with the Stormwater Code of Practice.*
- *Alterations to the public stormwater reticulation network require Engineering Plan Approval.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public reticulation works in the absence of that approval.*

**Stormwater Device**

15. The consent holder shall design, install and maintain a private on-site stormwater management device (retention and detention tanks) in accordance with Auckland Council's standards and Infrastructure Report prepared by Holmes Consultants Ltd, version 2.9, reference 149014.33, dated 15/09/2025. The system shall mitigate against adverse effects on the environment for SMAF-2 requirements and 10-year Average Recurrence Interval rainfall event requirements.
16. Provide an as-built plan prepared by a certifying drain layer/plumber signed as sighted and approved by a Council Inspector.

**Advice note:**

*The stormwater management device or system shall be operated and maintained in accordance with best practice for the device or system. Details of all inspections and maintenance for the stormwater management system, for the preceding three years, shall be retained by the consent holder. These records shall be provided to the Regulatory Engineering Team Leader – North West 1 on request.*

17. *Construction of private drainage requires building consent. The tank details shall be assessed under building consent.*
18. The stormwater management devices (detention tanks) must be fully operational before the use of the impervious area.
19. Within three months of the practical completion of the works, the consent holder must provide the following to the council:
  - Written evidence in the form of a validation report that the stormwater management devices and system was installed or built generally in accordance with the design specifications in the report provided, and by a suitably qualified service provider; and
  - As-built plans of the stormwater management devices (detention tanks), certified (signed) by a suitably qualified service provider as a true record of the stormwater management system.
20. The stormwater management device or system must be operated and maintained in accordance with best practice for the device or system.
21. Details of all inspections and maintenance for the stormwater management system, for the preceding three years, must be retained by the consent holder. These records must be provided to the council on request.

**Water Supply**

22. The consent holder must design and construct a connection to the public water reticulation network to serve the subject development in accordance with the requirements of the water utility provider.

**Advice Note:**

- *Acceptable forms of evidence from the Utility Providers include a Certificate of Acceptance.*
- *Alterations to the public water reticulation network require Engineering Plan Approval. Additional approval is required from Watercare/ Veolia as part of the Engineering Plan Approval Process.*
- *Public water supply is required to ensure an acceptable water supply for each lot, including for fire-fighting purposes.*
- *Public connections are to be constructed in accordance with the Water and Wastewater Code of Practice.*
- *Plans approved under Resource Consent do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public reticulation works in the absence of that approval.*

**Overland Flow**

23. The proposed development is subject to 1 in 100-year overland flow. A means of conveying unobstructed overland flow through Waitakere Courthouse in accordance with *Flooding and Infrastructure Assessment to support a new Justice Facility at 14 Edmonton Road, Henderson* prepared by Holmes Consulting Ltd, Version 2.9, dated 19 December 2025 must be provided and maintained. There must be no obstruction of the overland flow with any fencing, object, impermeable landscaping, building, or structure.

This condition must be registered as a consent notice on the record(s) of title to be issued for LOT 1 DP 564257 to ensure that it is complied with on a continuing basis.

#### **Flooding**

The proposed development is subject to a 1 in 100-year floodplain, which must be maintained (provided for) in accordance with the recommendations of *Flooding and Infrastructure Assessment to support a new Justice Facility at 14 Edmonton Road, Henderson* prepared by Holmes Consulting Ltd, Version 2.9, dated 19 December 2025. This condition must be registered as a consent notice on the record(s) of title to be issued for LOT 1 DP 564257 to ensure that it is complied with on a continuing basis.

24. Please provide a statement from a structural engineer showing confirmation that the pile design will be able to withstand the peak flood depth and velocity for the required design life.

#### **Advice note:**

Due to the depth and velocity of water, it is likely that flood flows would be a high hazard on any structure therefore structural engineer statement is required.

## **7.0 Supporting Documents**

*As referenced above in section 2. Documents Reviewed.*

# Traffic Engineering - Andrew Temperley (**Annexure 4**)

## Technical Specialist Memo – Transportation Engineering

To: Jo Hart – Lead Planner & Joe Wilson - PPL

From: Andrew Temperley

**Qualifications & Relevant Experience:**

I am a Senior Transportation Engineer and Planner at Traffic Planning Consultants Ltd (TPC) and have over 24 years of experience in transportation planning and engineering.

I hold the qualifications of a Bachelor of Mechanical Engineering with German from the University of Nottingham, UK (1998) and I am a Chartered Transportation Engineer and member of the Chartered Institution of Highways and Transportation (CIHT) in the UK.

My experience includes assessing and reporting on transportation effects of commercial and residential developments and strategic growth proposals in both New Zealand and the UK. Over recent years, I have been contracted to undertake such work on behalf of Auckland Council and have appeared as an expert witness before consent authorities on multiple occasions.

**Preparation in Accordance with the Code of Conduct:**

I confirm that I have read the Environment Court Practice Note 2023 – Code of Conduct for Expert Witnesses ([Code](#)), and have complied with it in the preparation of this memorandum. I also agree to follow the Code when participating in any subsequent processes, such as expert conferencing, directed by the Panel. I confirm that the opinions I have expressed are within my area of expertise and are my own, except where I have stated that I am relying on the work or evidence of others, which I have specified.

Date: 13 January 2026

### 1.0 APPLICATION DESCRIPTION

#### Application and property details

Fast-Track project name: Waitākere District Court – New Courthouse Project

Fast-Track application number:

FTAA-2508-1096 (Council Reference PRR00042765)

Site address:

14 Edmonton Road, Henderson (Lot 1 Deposited Plan 564257)

## 2.0 Documents Reviewed

- *Waitākere District Court New Courthouse Project* – Transportation Assessment (TA) in Support of a Notice of Requirement, Don McKenzie Consulting & Carriageway Consulting, 04 August 2025
- *Waitākere District Court New Courthouse Project* – Notice of Requirement Assessment of Environmental Effects (AEE) and Statutory Analysis, 11 August 2025
- *Waitākere District Courthouse* – Proposed NoR Conditions
- *New Waitākere District Courthouse* – Urban Design Report, 15 September 2025

## 3.0 Specialist Assessment

### Transport Context and Issues

#### *Introduction*

The proposed courthouse enabled by the NoR replaces an existing courthouse located at 9-11 Ratanui Street, Henderson, which is located within a walking distance of around 400 metres from the subject site and is deemed to be no longer fit for purpose due to capacity issues.

While the existing courthouse provides secure car parking on site for judiciary staff, it does not provide parking for members of the public, who instead rely on the availability of public car parking within the centre of Henderson or travel by other means. The new courthouse will similarly provide on-site parking for judiciary staff only, as well as areas for servicing, including catering for custodial activities

The site is zoned Business – Metropolitan Centre Zone, under which justice facilities are a permitted activity. Under Unitary Plan Transport Chapter requirements, a resource consent proposal does not require assessment for traffic generation effects.

### *Overview of Transport Effects*

The transport effects of the proposal enabled by the NoR thus partially represent effects which already take place within the adjoining transport network but are effectively being ‘displaced’ to the new courthouse site, albeit it is not presently clear as to how the existing courthouse site may be repurposed in future.

The new courthouse location remains within the threshold of ‘desirable’ to ‘acceptable’ walking distances of the Henderson town centre, as defined by good practice guidelines published by the UK’s Chartered Institution of Highways and Transportation (CIHT), which refers to 500 metres as a ‘desirable’ maximum walking distance and 1000 metres as an ‘acceptable’ maximum walking distance. This threshold includes access to public car parking areas and to public transport connections including Henderson railway station.

### *Parking related effects*

As a result of the displaced ‘footprint’ of transport related effects associated with the NoR proposal, nearby residential streets to the east of Henderson town centre may attract ‘free’ public on-street parking.

However, analysis requested from the applicant in the updated draft of their TA confirms that lengths of residential street within a 500-metre walking distance of the site and which are not subject to time limited parking or ‘no stopping at all times’ controls are relatively limited. The closest such location, along Takapu Street and Cirprian Place, is at least 300 metres from the site, while other such potential locations for ‘free’ on-street parking, such as Matuhi Rise and Claude Brookes Drive, would be accessed via an uphill ascent along Edmonton Road for the return journey.

Overall, I consider that members of the public accessing the new courthouse site will park wherever they find convenient. While this could result in some overspill parking occurring in nearby residential streets, I consider the likely geographical scope and corresponding scope for adverse effects associated with this problem to be low.

### *Arterial Road Access*

As noted in pre-lodgment discussions with the applicant, the subject site’s location has frontage to 2 intersecting arterial roads, adjacent to the roundabout intersection of Alderman Drive / Edmonton Road. As arterial roads, these roads are both subject to a Vehicle Access Restriction (VAR), thus placing a limitation on the provision of new vehicle crossings and accesses, and subjecting any future proposals to assessment for acceptability in relation to safe and efficient operation.

This constraint is compounded by the requirement for the courthouse to have separate vehicle access points for people in custody and justice staff. Further to assessment undertaken in the applicant's TA, I consider that the selected locations for the vehicle accesses on the Edmonton Road frontage represent the optimum outcome in relation to vehicle crossing spacing and consequent management of potential conflicts for vehicles and pedestrians.

Additional constraints associated with the proposed vehicle access to the subject site include the proximity of the following adjacent vehicle access intersections:

- Access to Korean Presbyterian Church of Auckland, located at 22 Edmonton Road
- Access to The Alderman, located at 22 Alderman Drive

Identified constraints include the ability to maintain adequate access, parking and servicing arrangements to the above 2 neighboring sites, as a result of the footprint of the new courthouse building, and potential for adverse effects resulting from accesses points in close proximity to each other.

At the time of writing, I am satisfied that adequate access to the Korean Presbyterian Church can still be accommodated. However, I have yet to see sufficient and adequate evidence to confirm that access and servicing requirements for The Alderman can be adequately accommodated alongside the footprint for the new courthouse building.

### **Proposed NoR Conditions**

The principal tool for managing the transport effects of the NoR proposal is the proposed NoR Conditions, which include several conditions in relation to transport matters.

Below I have outlined conditions for which I recommend changes or amendments, as indicated in red. For completeness, these also include and acknowledge recommendations made by AT.

Draft NoR Conditions (including strikethrough amendments proposed by AT and further amendments proposed by myself, highlighted in red)	My Comments
<p><b>Condition 10: Construction Traffic Management Plan</b></p> <p>At least 10 working days prior to the commencement of any building construction works, a Construction Traffic Management Plan ('CTMP') shall be submitted to Council (or the relevant delegated authority) for certification. The objective of the CTMP is to provide a framework for managing adverse traffic effects which may result from</p>	<p>I am happy with AT's amendment as proposed.</p> <p>As a minor point in relation to item (a), I note that COPTTM has now been superseded by the New Zealand Guide for</p>

<p>construction <u>and to ensure that existing legal access to surrounding properties is not obstructed.</u> To achieve this, the CTMP must <del>be</del>:</p> <p>(a) <del>be</del> <u>Drafted in consultation with the Road Controlling Authority.</u></p> <p><del>(a) (b) be</del> <u>Prepared in accordance New Zealand Transport Authority's Code of Practice for Temporary Traffic Management with the New Zealand Guide for Temporary Traffic Management</u> and must address the surrounding environment, including routing for heavy construction vehicles and equipment, access for emergency vehicles, pedestrian and bicycle traffic, and public transport.</p> <p>(c) <del>be</del> <u>Included in any associated Corridor Access Request to the Road Controlling Authority.</u></p> <p>No construction activity must commence until a CTMP has been certified by the Council (or the relevant delegated authority) and all construction traffic must be managed at all times in accordance with the certified CTMP.</p>	<p>Temporary Traffic Management.</p>
<p><b>Condition 19: Public Parking</b></p> <p>If public parking is proposed to be provided on site, this shall be supported by further assessment which is undertaken by a suitably qualified traffic engineer and submitted to Council with the Outline Plan of Works. The assessment shall determine the traffic effects associated with the provision of on-site public parking as being acceptable.</p>	<p>I support the inclusion of this condition as put forward by the Requiring Authority in their updated conditions.</p>
<p><b>Condition 20: Provision for Cycle Parking</b></p> <p>At least 20 cycle parking spaces shall be provided for visitors and 20 cycle parking spaces for staff. This may include visitor cycle parking within the road reserve directly adjacent to the site if there is sufficient space and subject to the approval of the Road Controlling Authority. This detail shall be confirmed at time of <del>Building Consent</del> <u>Outline Plan of Works.</u></p>	<p>I note AT's approval as the road controlling authority towards allowing part of the cycle parking provision to catered for within the road reserve and support their recommendation for this to confirmed at the Outline Plan of Work (OPW) stage.</p>

<p><b>Condition 21: Accessible Parking Spaces</b></p> <p>The Justice Facility shall have access to an adequate number of accessible parking spaces, in a location that enables an accessible route to the main public entrance to the building <b>and in accordance with the requirements of NZS 4121:2001 <i>Desing for Access and Mobility – Buildings and Associated Facilities</i></b>. <del>This can include existing or proposed accessible spaces outside of the Designation boundary (subject to the approval of the Road Controlling Authority or respective site owner) and shall be determined at time of Building Consent.</del></p>	<p>I consider that all accessible parking serving the site should be provided within the site and in accordance with NZS 4121:2001, to appropriately align with the needs of accessible users, including the provision of safe and convenient pedestrian access routes.</p> <p>The proposal should additionally take account of the emerging requirements for accessible parking spaces under Plan Change 79 (PC79), based on demand.</p> <p>I rely on AT as the road controlling authority to confirm the view that reliance should not be placed on the provision of accessible parking within the public road reserves of arterial roads to serve the new development.</p>
<p><b>Condition 22: Vehicle Maneuvering</b></p> <p>All vehicles must enter and exit the site in a forward direction, unless further assessment is undertaken by a suitably qualified traffic engineer <u>in consultation with the Road Controlling Authority</u> (submitted with the Outline Plan of Works and certified by Council) that confirms reverse maneuvering is appropriate <del>on</del> <u>from</u> the site.</p>	<p>As both site frontages are onto arterial roads, I would not generally support reverse maneuvering as good practice, but am happy with AT's proposed amendment requiring engagement with the road controlling authority.</p>
<p><b>Condition 23: Principal Operational Access</b></p> <p>The principal operational vehicle access to the site must be from Edmonton Road, unless further assessment is undertaken by a suitably qualified traffic engineer and</p>	<p>I am generally satisfied with transport assessment analyses to date, which have identified Edmonton Road as the more suitable frontage for the future</p>

<p>certified by council <u>in consultation with the Road Controlling Authority</u>, that confirms <del>primary</del> <u>principal</u> operational vehicle access via <u>Edmonton Road Alderman Drive</u> is appropriate.</p>	<p>vehicle access points. I support AT's proposed amendment requiring engagement with the road controlling authority.</p>
<p><b>Condition 24: Vehicle Access on Edmonton Road</b></p> <p>(a) <u>As part of the Outline Plan of Works, finalised details of all vehicle crossings and their operation must be submitted and certified by Council as appropriate. Where right turn movements into or out of the site are proposed, a Transport Assessment undertaken by a suitably qualified traffic engineer must be provided to confirm whether these movements can be safely accommodated. The Transport Assessment must be undertaken in consultation with the Road Controlling Authority.</u></p> <p>(b) No more than two vehicle crossings to the sites shall be provided on Edmonton Road, unless further assessment is undertaken by a suitably qualified traffic engineer <u>in consultation with the Road Controlling Authority</u> and certified by Council that confirms this is appropriate. This detail shall be submitted to Council with the Outline Plan of Works.</p> <p>(c) No vehicle crossing shall be located to the southwest of Edmonton Road/Takapu Street intersection, unless further assessment is undertaken by a suitably qualified traffic engineer and certified by Council that confirms the construction of a vehicle crossing in this location is appropriate. This detail shall be submitted to Council with the Outline Plan of Works.</p>	<p>I support AT's proposed amendments, requiring additional triggers for assessment and engagement with the road controlling authority, on account of the arterial road status of Edmonton Road and the proximity of the proposed new site access points to existing intersections.</p>
<p><b>Condition 25: Queuing Space</b></p> <p>Queuing space of at least one vehicle length shall be provided at any vehicle crossing that provides entry to the site (with the vehicle length being determined according to the largest vehicle that is expected to enter the site at that location). This detail shall be <u>discussed with the Road</u></p>	<p>I support the inclusion of this condition as put forward by the Requiring Authority in their updated conditions.</p>

<p><u>Controlling Authority and submitted to Council with the Outline Plan of Works.</u></p>		
<p><b>Condition 26: Vehicle Crossing Width</b></p> <p>No vehicle crossing shall be more than 7m wide measured at the site boundary, unless further assessment is undertaken by a suitably qualified traffic engineer <u>in consultation with the Road Controlling Authority</u> that confirms a wider vehicle crossing is appropriate for the site. This detail shall be submitted to Council with the Outline Plan of Works.</p>	<p>I support this condition in principle, subject to the requiring authority’s provision of scaled vehicle tracking plans to support the basis for the 7 metre width parameter, as noted in section 4.0 of this report, and AT’s proposed requirement for engagement with the road controlling authority.</p>	
<p><b>Condition 27: Vehicle Crossing on Edmonton Road</b></p> <p>Unless further assessment is undertaken by a suitability qualified traffic engineer that confirms the following is not required, any vehicle crossing onto Edmonton Road shall <u>be designed in accordance with the Auckland Transport Design Manual, Practice Note 07: Vehicle Crossings Design Standards (dated 1 July 2025).</u></p> <p>Any proposed departure from standard must be supported by a detailed assessment demonstrating that safe operation can be achieved through additional measures to slow or stop vehicles before exiting the site.</p>	<p>I support AT’s recommendation for assessment to be undertaken against its new recently published Practice Note on Vehicle Crossing Design Standards.</p>	
<p><u>New condition</u></p> <p><u>No service vehicle or refuse collection vehicle shall be required to load or unload from a location that obstructs any other vehicle from entering or passing the site unless a further assessment is undertaken by a suitably qualified traffic engineer in consultation with the Road Controlling Authority which confirms that this will not have adverse effects on the surrounding transportation networks.</u></p>	<p>I support the inclusion of this condition as recommended by the Requiring Authority in their ITA.</p>	
<p><u>New condition</u></p>	<p>I support the inclusion of this condition as recommended by AT.</p>	

<p><u>If any assets in the road corridor, including footpaths, berms, and kerbs, are damaged by heavy vehicles entering or leaving the construction site, the requiring authority must rectify such damage and restore the assets to its original condition (at its own costs) as soon as reasonably practicable or within a timeframe agreed with the Road Controlling Authority.</u></p>	
<p><b>New condition: Final proposal design provides for access to The Alderman</b></p> <p>The final proposal design must continue to provide for existing access functions enabled by the Right of Way (RoW), which serves accessible car parking and servicing activities for The Alderman. Access provisions must allow all vehicles to be able to enter and exit via the RoW in a forward direction.</p>	<p>I recommend the new condition to ensure that the NoR proposal does not adversely affect vehicle access and servicing arrangements for The Alderman.</p>

**Conclusions & Recommendations**

At present, I am unable to support the NoR to enable the proposed new courthouse, on the basis of insufficient evidence having been provided to demonstrate that acceptable access arrangements can be maintained, to serve accessible car parking and fulfil servicing functions for The Alderman Hospitality venue. I consider that the footprint of the new courthouse building, as currently proposed, results in a fundamental constraint towards allowing sufficient manoeuvring space to be accommodated. This could result in adverse safety outcomes, including reverse manoeuvres taking place onto Alderman Drive.

Subject to the closure of information gaps, as identified in section 4.0 of this memo, I consider that the NoR proposal can be made to be acceptable. I consider that the updated transport conditions will provide an appropriate framework through which acceptable transport outcomes can be achieved, including further assessment of the vehicle crossings onto the site’s arterial road frontage as part of the Outline Plan of Works phase.

**At the time of writing this Memo I have identified the following information gaps:**

**Impact of proposal on access to The Alderman Hospitality Venue**

As a result of the NoR, the Alderman will continue to be served from the existing right of way in respect to vehicle access for loading / servicing and for accessible parking spaces. While recent information provided by the Requiring Authority on 19 December 2025 provides some vehicle tracking for B85 and B99 cars accessing the accessible parking spaces, I consider that further information is requested in relation to the scope of the assessment, as follows:

- Tracking for entry manoeuvres as well as exit manoeuvres
- Vehicle tracking assessment for a waste collection or servicing vehicle. I would expect the former vehicle type to be an 8-metre medium rigid truck or equivalent
- Assessment of the risk that vehicles may choose to reverse manoeuvre onto Alderman Drive as an alternative to undertaking inconvenient multi-point manoeuvres at the end of the RoW, in order to be able to exit in a forward direction. Such an outcome would infringe Unitary Plan Transport Chapter requirement E27.6.3.4, due to Alderman Drive being an arterial road.
- Confirmation of any mitigatory measures or interventions to alleviate any constraints identified in the above assessment.

***Why is this Information Essential?***

The information is needed to confirm that access and servicing arrangements for The Alderman will not be adversely impacted by the NOR proposal and will remain fit for purpose following the construction of the courthouse building.

**Vehicle Access and Tracking**

Paragraph 8.2.11.5 of the updated TA refers to vehicle tracking evidence to support the case for a vehicle crossing width of 7 metres or more (being in excess of the maximum 6 metre width permitted by the Unitary Plan Transport Chapter). While tracking diagrams have been provided in the Requiring Authority's Memorandum of 11 December 2025, these are not scaled and I would recommend requesting scaled plans, in order to confirm the case for the 7-metre width parameter.

While the TA does not include scaled access layout and vehicle tracking plans for the site, the Urban Design Report appendices do include some 1:500 plans covering ground floor loading and servicing and a parking layout for level 1. However, these plans do not provide sufficient detail to confirm that the parking layout is compliant with Unitary Plan requirements, and the tracking outline for an 8-metre rigid

truck on the Ground Floor indicates a swept vehicle path which appears to conflict with the location of the vehicle ramp and other internal site infrastructure. I would therefore recommend requesting enlarged scaled plans which show internal layouts, site infrastructure and tracking paths more clearly.

***Why is this Information Essential?***

Updated plans are required to confirm that safe and complying layouts can be achieved within the site footprint, as this is not clear from the plans provided to date.

# Auckland Transport - Emeline Fonua (**Annexure 5**)

## Technical Specialist Memo – Auckland Transport

To: Jo Hart – Lead Planner & Joe Wilson - PPL

From: Emeline Fonua – Planner, Spatial Planning Policy Advice, Auckland Transport

Qualifications & Relevant Experience: I hold the qualification(s) of: Bachelor of Urban Planning degree from the University of Auckland, and have over 2 years of policy and planning experience at Auckland Transport. I am an intermediate member of the New Zealand Planning Institute. I have prepared expert evidence and technical assessments for plan changes and for notices of requirement for designation, and have appeared as an expert at plan change hearings.

Preparation in Accordance with the Code of Conduct: I confirm that I have read the Environment Court Practice Note 2023 – Code of Conduct for Expert Witnesses ([Code](#)), and have complied with it in the preparation of this memorandum. I also agree to follow the Code when participating in any subsequent processes, such as expert conferencing, directed by the Panel. I confirm that the opinions I have expressed are within my area of expertise and are my own, except where I have stated that I am relying on the work or evidence of others, which I have specified.

Date: 19 December 2025

## 1.0 APPLICATION DESCRIPTION

### Application and property details

Fast-Track project name: Waitākere District Court – New Courthouse Project

Fast-Track application number: FTAA-2508-1096 (Council Reference PRR00042765)

Site address: 14 Edmonton Road, Henderson (Lot 1 Deposited Plan 564257)

## 2.0 Documents Reviewed

- Assessment of Environmental Effects and Statutory Analysis, dated 11 August 2025, by Barker & Associates Limited
- Appendix 7 Urban Design Assessment, dated 15 September 2025, by Architectus
- Appendix 9 Proposed NoR Conditions
- Appendix 17 Integrated Transport Assessment, dated 4 August 2025, by Carriageway Consulting Limited and Don McKenzie Consulting
- Memorandum in response to Auckland Council Preliminary Information Request, dated 11 December 2025, by Barker & Associates Limited

### 3.0 Specialist Assessment

- 3.1 Thank you for the opportunity to provide comments on the Waitākere Courthouse Fast Track application (the Project), by the Minister of Justice (MoJ), which is a referred project under the Fast-track Approvals Act 2024 (FTAA). I am appreciative of the MoJ's positive engagement with Auckland Transport (AT) to date.
- 3.2 I have previously been involved on behalf of AT in pre-application engagement with the MoJ for the Project. Following on from this engagement MoJ has included further analysis in the Transport Assessment and made amendments to the application package relating to transportation issues.
- 3.3 Accordingly, outstanding transport issues have been significantly narrowed from the pre-application discussions and AT's focus for the lodged application package is now on resolving some final matters of detail related to the proposed conditions.
- 3.4 My review does not address traffic engineering, and I rely on the assessment undertaken by Auckland Council's (Council) traffic specialist, who may identify matters that need further consideration. Otherwise, I consider that the information provided by MoJ regarding matters of interest to AT is generally appropriate.
- 3.5 I have reviewed the supporting documents lodged by MoJ as it relates to AT concerns and recently visited the site on 21 November 2025. From a transport perspective, I do not have any high-level concerns about the alignment of the Project with the planning framework in the Auckland Unitary Plan (Operative in part) (AUP(OP)). Most of the Project site is zoned Business – Metropolitan Centre, with a small portion of the site zone Open Space – Informal Recreation Zone. The Justice Facility is a permitted activity within the Business – Metropolitan Zone and trip generation thresholds under Chapter E27 Transport (E27) of the AUP(OP) are not applicable to this zone. Furthermore, the Project is consistent with the outcomes anticipated for this zone. However, due to the Project site's arterial frontages and proximity to the Alderman Drive and Edmonton Road intersection, careful consideration of access points is essential to maintain transport efficiency and safety. Vehicle access to arterial roads is usually a restricted discretionary activity under E27. Accordingly, my focus is on the specific transport effects of the Project and ensuring these are mitigated to the extent reasonably practicable and that this is supported through conditions on the designation.

3.6 Whilst there will be some adverse effects on the transport network from the development enabled, I consider these effects to be acceptable subject to suitable conditions to ensure these are mitigated to a reasonable level.

#### 4.0 Section 67 Information Gap

4.1 AT have identified that there are no section 67 information gaps.

#### 5.0 Recommendation

5.1 In general, based on the information provided, additional amendments to the conditions are required to support this application and ensure that the Projects adverse transport effects are adequately mitigated.

#### 6.0 Comments/Additional Proposed Designation Conditions

6.1 It is pleasing to note that some feedback provided previously during the pre-application process has been adopted by MoJ. However, I do recommend amendments to the lodged conditions as set out in the following table.

Recommended Amendments to Proposed Conditions (and further amendments proposed by Council's traffic specialist, highlighted in red)	Comments
<p><b>Condition 10: Construction Traffic Management Plan</b></p> <p>At least 10 working days prior to the commencement of any building construction works, a Construction Traffic Management Plan ('CTMP') shall be submitted to Council (or the relevant delegated authority) for certification. The objective of the CTMP is to provide a framework for managing adverse traffic effects which may result from construction. To achieve this, the CTMP must:</p> <p><u>(a) be drafted in consultation with the Road Controlling Authority.</u></p> <p><del>(a)</del>(b) be prepared in accordance with the New Zealand Guide for Temporary Traffic Management and must address the surrounding environment, including routing for heavy construction vehicles and equipment, access for emergency vehicles, pedestrian and bicycle traffic, and public transport.</p> <p><del>(b)</del>(c) be included in any associated Corridor Access Request to the Road Controlling Authority.</p>	<p>MoJ's wording is generally consistent with my previous recommendation (dated 18 July 2025). However, I recommend that the condition specify that the CTMP is to be drafted in consultation with the Road Controlling Authority, given the potential effects on the transport network.</p> <p>I have included and support the further amendments proposed by Council's traffic specialist in relation to clause (b) and (d) of this condition.</p>

<p>(d) include appropriate provisions to maintain vehicle and pedestrian access to Korean Presbyterian Church and The Alderman hospitality venues over duration of the construction phase.</p> <p>No construction activity must commence until a CTMP has been certified by the Council (or the relevant delegated authority) and all construction traffic must be managed at all times in accordance with the certified CTMP.</p>	
<p><b>Condition 20: Provision for Cycle Parking</b></p> <p>At least 20 cycle parking spaces shall be provided for visitors and 20 cycle parking spaces for staff. This may include visitor cycle parking within the road reserve directly adjacent to the site if there is sufficient space and subject to the approval of the Road Controlling Authority. This detail shall be confirmed at time of <del>Building Consent</del> <u>Outline Plan of Works</u>.</p>	<p>I support the recognition that cycle parking within the road reserve is only appropriate if there is sufficient space and it has been approved by the Road Controlling Authority. However, I recommend that the provision for cycle parking should be confirmed at the Outline Plan of Works stage rather than at the Building Consent stage. Cycle parking provision should be addressed as part of the planning approval process rather than left to a building consent matter as early confirmation ensures cycle parking is strategically located and integrated (near entrances, sheltered, secure) with site layout / design.</p>
<p><b>Condition 21: Accessible Parking Spaces</b></p> <p>The Justice Facility shall have access to an adequate number of accessible parking spaces, in a location that enables an accessible route to the main public entrance to the building and in accordance with the requirements of <a href="#">NZS 4121:2011 Design for Access and Mobility – Buildings and Associated Facilities</a>. <del>This can include existing or proposed accessible spaces in the public road reserve (subject to the approval of the Road Controlling Authority) and shall be determined at time of Building Consent.</del></p>	<p>I recommend that the second sentence be deleted. AT does not support any accessible parking on Edmonton Road and Alderman Drive as these are both arterial roads with a key movement function. All accessible parking is to be provided on site.</p> <p>I have included and support the further amendment proposed by Council’s traffic specialist to this condition.</p>
<p><b>Condition 22: Vehicle Manoeuvring</b></p> <p>All vehicles must enter and exit the site in a forward direction, unless further assessment is undertaken by a suitably qualified traffic engineer <u>in consultation with the Road Controlling Authority</u> (submitted with the Outline Plan of Works and certified by Council) that confirms reverse manoeuvring is appropriate <del>on</del> <u>from</u> the site.</p>	<p>I recommend that this condition be amended to specifically require the traffic engineer to engage with the Road Controlling Authority when further assessment is undertaken. This will assist with ensuring that the proposed access arrangements are consistent with the operational and safety requirements of the network.</p> <p>A minor amendment is also recommended to the last sentence.</p> <p>I note and support the comment from Council’s traffic specialist that reverse manoeuvring is not good practice where vehicle accesses are on arterial roads.</p>

<p><b>Condition 23: Principal Operational Access</b></p> <p>The principal operational vehicle access to the site must be from Edmonton Road, unless further assessment is undertaken by a suitably qualified traffic engineer <u>in consultation with the Road Controlling Authority</u>, that confirms <del>primary</del><u>principal</u> operational vehicle access via <del>Edmonton Road</del> <u>Alderman Drive</u> is appropriate.</p>	<p>I recommend that this condition be amended to require specific reference to the need for the traffic engineer to engage with the road controlling authority when further assessment is undertaken. This will assist with ensuring that the proposed access arrangements are consistent with the operational and safety requirements of the network.</p> <p>A minor amendment is also recommended so that consistent terminology is used within the condition i.e. 'principal operational vehicle access'. A correction is needed to refer to Alderman Drive as the alternative location.</p>
<p><b>Condition 24: Vehicle Access on Edmonton Road</b></p> <p>(a) <u>As part of the Outline Plan of Works finalised details of all vehicle crossings and their operation must be submitted and certified by Council as appropriate. Where right turn movements into or out of the site are proposed, a Transport Assessment undertaken by a suitably qualified traffic engineer must be provided to confirm whether these movements can be safely accommodated. The Transport Assessment must be undertaken in consultation with the Road Controlling Authority.</u></p> <p>(b) No more than two vehicle crossings to the sites shall be provided on Edmonton Road, unless further assessment is undertaken by a suitably qualified traffic engineer <u>in consultation with the Road Controlling Authority</u> and certified by Council that confirms this is appropriate. This detail shall be submitted to Council with the Outline Plan of Works.</p> <p>(c) No vehicle crossing shall be located to the southwest of Edmonton Road/Takapu Street intersection, unless further assessment is undertaken by a suitably qualified traffic engineer and certified by Council that confirms the construction of a vehicle crossing in this location is appropriate. This detail shall be submitted to Council with the Outline Plan of Works.</p>	<p>I recommend a new clause to address the general location and design of all vehicle crossings on Edmonton Road and Alderman Drive. The location and design should be supported by a transport assessment to further assess the appropriateness of vehicle movements (e.g. left in left out vs full movements), as these directly affect road safety and network operation.</p> <p>I also recommend that the traffic engineer be required to engage with the Road Controlling Authority when further assessment is undertaken under clause (b) to ensure that the proposed access arrangements are consistent with the operational and safety requirements of the network.</p>
<p><b>Condition 25: Queuing Space</b></p> <p>Queuing space of at least one vehicle length shall be provided at any vehicle crossing that provides entry to the site (with the vehicle length being determined according to the largest vehicle that is expected to enter the site at that location). This detail shall be <u>discussed with the Road Controlling</u></p>	<p>I recommend that this condition be amended to specifically require the traffic engineer to engage with the Road Controlling Authority when further assessment is undertaken. This will assist with ensuring that the proposed access arrangements are consistent with the</p>

<p><u>Authority and submitted to Council with the Outline Plan of Works.</u></p>	<p>operational and safety requirements of the network.</p>
<p><b>Condition 26: Vehicle Crossing Width</b></p> <p>No vehicle crossing shall be more than 7m wide measured at the site boundary, unless further assessment is undertaken by a suitably qualified traffic engineer <u>in consultation with the Road Controlling Authority</u> that confirms a wider vehicle crossing is appropriate for the site. This detail shall be submitted to Council with the Outline Plan of Works.</p>	<p>I recommend that this condition be amended to specifically require the traffic engineer to engage with the Road Controlling Authority when further assessment is undertaken. This will assist with ensuring that the proposed access arrangements are consistent with the operational and safety requirements of the network.</p>
<p><b>Condition 27: Vehicle Crossing on Edmonton Road</b></p> <p>Unless further assessment is undertaken by a suitability qualified traffic engineer in consultation with the Road Controlling Authority that confirms the following is not required, any vehicle crossing onto Edmonton Road shall <u>be designed in accordance with the Auckland Transport Design Manual, Practice Note 07: Vehicle Crossings Design Standards (dated 1 July 2025).</u></p> <p><u>Any proposed departure from standard must be supported by a detailed assessment demonstrating that safe operation can be achieved through additional measures to slow or stop vehicles before exiting the site. provide either:</u></p> <ul style="list-style-type: none"> <li>(a) <del>A pedestrian visibility splay of 2.5m width and 5.0m depth; or</del></li> <li>(b) <del>An audio-visual method (such as a system that emits an audible tone and/or illuminates a lantern when a vehicle is approaching the vehicle crossing) to alert pedestrians to vehicles about to exit the site.</del></li> </ul>	<p>This condition needs amending as it is not consistent with AT standards. It is based on an NZTA standard which is no longer accepted by AT for assessing vehicle crossing visibility.</p> <p>As noted in MoJ's Transport Assessment, this condition is consistent with New Zealand Transport Agency (NZTA) Guide RTS 6 for assessing vehicle crossing visibility. AT prefers its recently published Practice Note 07 on Vehicle Crossings Design Standards (dated 1 July 2025)<sup>1</sup> which is included in AT's Transport Design Manual (TDM). I recommend that the Transport Assessment and condition be updated to meet the requirements of the relevant TDM standard.</p> <p>Furthermore, any mitigation measures proposed to address vehicle crossing visibility, including the use of an audible warning device, would need to be assessed for potential nuisance effects on nearby residential properties.</p>
<p><u>New condition</u></p> <p><u>No service vehicle or refuse collection vehicle shall be required to load or unload from a location that obstructs any other vehicle from entering or passing the site unless a further assessment is undertaken by a suitably qualified traffic engineer in consultation with the Road Controlling Authority which confirms that this will not have adverse effects on the surrounding transportation networks.</u></p>	<p>MoJ proposed this new condition in its Integrated Transport Assessment, but it does not appear in its recommended set of conditions.</p> <p>I support its inclusion, given the site's arterial road frontages and the importance of maintaining safety and efficiency on these roads.</p>

<sup>1</sup> <https://at.govt.nz/media/j1ii02sg/tdm-practice-note-07-vehicle-crossings-design-standards-edition.pdf>

<p><u>New condition</u></p> <p><u>If any assets in the road corridor, including footpaths, berms, and kerbs, are damaged by heavy vehicles entering or leaving the construction site, the requiring authority must rectify such damage and restore the assets to its original condition (at its own costs) as soon as reasonably practicable or within a timeframe agreed with the Road Controlling Authority.</u></p>	<p>I recommend that a new condition is included to cover damage within the road corridor, directly caused by heavy vehicles during construction of the Project. This is a standard condition that AT uses on resource consents involving construction activities and / or heavy vehicles.</p>
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# Urban Design - Sheerin Samsudeen (**Annexure 6**)

## Technical Specialist Memo – Urban Design

To: Jo Hart – Lead Planner & Joe Wilson - PPL

From: Sheerin Samsudeen, Design review Team Leader &  
Nick Denton – Principal Urban Design (until December 2025)

Qualifications & Relevant Experience: I hold the qualification(s) of Bachelor of Architecture, and Master of Arts (Urban Design), and have more than 22 years of experience in architecture, urban design, master planning, development strategy and policy input. I am an associate member of NZIA and a Registered Architect in India (CA/1998/22546). I have prepared expert evidence and technical assessments for resource consent applications, plan changes, notices of requirement for designation and fast-track applications, and have appeared as an expert witness before consent authorities and the Environment Court on multiple occasions.

Preparation in Accordance with the Code of Conduct: I confirm that I have read the Environment Court Practice Note 2023 – Code of Conduct for Expert Witnesses ([Code](#)), and have complied with it in the preparation of this memorandum. I also agree to follow the Code when participating in any subsequent processes, such as expert conferencing, directed by the Panel. I confirm that the opinions I have expressed are within my area of expertise and are my own, except where I have stated that I am relying on the work or evidence of others, which I have specified.

Date: 19.01.2026

### 1.0 APPLICATION DESCRIPTION

#### Application and property details

Fast-Track project name: Waitākere District Court – New Courthouse Project

Fast-Track application number: FTAA-2508-1096 (Council Reference PRR00042765)

Site address: 14 Edmonton Road, Henderson (Lot 1 Deposited Plan 564257)

## 2.0 Executive Summary / Principal Issues

While I support the Notice of requirement (NoR) application in principle, the current Urban Design Guidelines Framework (UDGF) contains significant ambiguities and there is a lack of clarity regarding the precedence between the indicative “Bulk and Location plans” and the design principles” when reading Conditions 6 and 7<sup>1</sup> together. In particular, it lacks clear assessment criteria for building envelope infringements and leaves critical site interfaces unresolved. Without strengthening these provisions, there is a significant risk that poor urban design outcomes, particularly regarding visual dominance and pedestrian safety, will be deemed approved by 'general accordancy' (via Condition 7) at the Outline Plan of Works (OPW) stage. My urban design assessment below sets out the key advantages of the UDGF approach and include recommended amendments to ensure the project aligns with the high-quality design expectations of the Business – Metropolitan Centre Zone (BMZ).

## 3.0 Documents Reviewed

I have reviewed the relevant application material, including the following:

### Lodged Application -

- Assessment of Environmental Effects (AEE) prepared by B&A, dated 11 August 2025
- Urban Design Report (UDA) prepared by Architectus, dated 29 July 2025
- Notice of Requirement drawings prepared by Architectus, dated 29 May 2025, Issue 1
- Proposed NoR Conditions (Updated), No date
- Te Kawerau ā Maki Letter, dated 25 July 2025
- Transportation Assessment (Updated) prepared by Don McKenzie Consulting and Carriageway Consulting, dated 4 August 2025

**S92 responses and further information** received 19 December 2025, including updated files -

- B&A PC 120 Memo, dated 19 December 2025
- Proposed NoR Conditions (Updated)
- UD Height in Relation Boundary Study (25/12/08)
- Response to UD Items prepared by B&A
- Urban Design Report prepared by Architectus, dated 29 July 2025
- Shading Studies (25/12/08)

## 4.0 Specialist Assessment

### Key aspects of the Proposal

<sup>1</sup> Updated files received 19 December 2025, Proposed NoR Conditions (Updated)

## **Introduction**

1. I acknowledge the Applicant's early-stage engagement with Council, in particular Principal Urban Design specialist Nick Denton. I have been involved as a peer reviewer for the urban design specialist and am familiar with the application. Nick has been involved in the review of this application however I have finalised the review in his absence due to leave commitments and the identified deadlines of the fast-track process and the invitation to comment.
2. I visited the site and surrounding area on 17 January 2026, prior to my assessment.
3. The new Justice Facility sought in the Notice of Requirement (NoR) is a 'gateway' project in the Henderson Business – Metropolitan Centre Zone (BMZ) and my assessment is made within the context of the Auckland Unitary Plan – Operative in Part (AUP). The Requiring Authority (Ministry of Justice) has provided a comprehensive set of application documents including an Urban Design Assessment (UDA) that clearly sets out the civic, cultural, historical and economic context of the site. The Design Guidelines Framework (UDGF) is the primary mechanism for managing future design outcomes and the design principles for the Waitākere District Court follow logical urban design principles generally consistent with the zone's objectives.
4. The UDGF covers site layout, building massing/form, building façades, landscaping and open space, CPTED, wayfinding and signage. In my review of these key aspects, I have considered Policy H9.3(3), which requires high-quality design and pedestrian amenity. The documentation also includes a bulk and location study which comprise Notice of Requirement drawings, to demonstrate how a Justice Facility that meets the operational and function requirements of the activity could be accommodated. These drawings within the bulk and location study are also given specific standing via proposed Condition 7 which notes that the building should be in general accordance with the bulk and location study. While the approach outlined in UDGF is sound, there are critical gaps regarding the lack of assessment criteria for building envelope infringements and unresolved site interface issues. In the absence of a confirmed building design, additional assessment criteria and amendments to the NoR conditions are essential. These will ensure the Justice Facility delivers a modern courthouse that positively contributes to its metropolitan context and avoids 'locking in' poor urban design outcomes at the Outline Plan of Works (OPW) stage.

## **Site and Context**

5. The Urban Design Assessment (UDA) clearly sets out the site and its surrounding context alongside the Ministry of Justice's spatial and security requirements for the new Courthouse. The facility's

location on the periphery of the Henderson Metropolitan Centre, adjacent to the twin streams (Takapu and Waikumete), and the surrounding landscape provides a significant opportunity to implement the innovative court design models tested in Tauranga and Whanganui.

6. The site is constrained or requires consideration of multiple overlays including Significant Ecological Areas (SEA), permanent streams, adjacent historic heritage, flooding limitations and urban arterials. As a result, the building will likely stand in isolation as a prominent 'gateway' structure. Because the indicative six-storey building (approximately 30m high) will be visible 'in the round', I recommend that all four facades require high-quality architectural treatment. This is essential to address public visibility from the street, the western open spaces, and the residential interfaces to the north. While the exact design is not confirmed, I consider that a building designed in accordance with the principles set out in the UDA is an appropriate approach, provided the guidelines are strictly enforced.

#### **Bulk and Massing**

7. The primary massing strategy to wrap the building with operational functions and positioning the public-facing side to the west is logical. It provides visual connections to the Waitākere ranges and the twin streams' open spaces, while effectively buffering public areas from the heavy traffic on Edmonton Road and Alderman Drive. During my site visit, I noted that the public footpath environment adjacent to these roads is currently harsh and unpleasant; therefore, the building's orientation is a positive urban design move.
8. I support the use of a base podium that is architecturally distinguished from the upper levels. This provides the necessary human scale to the building and allows for a more sensitive relationship with the lower-scale historic heritage of the Falls Hotel. However, the upper-level plant rooms and multi-level carparking present a significant risk of creating prominent, 'dull and unengaging' facades. Specific guidance is required to ensure screening is architecturally integrated rather than relying on utilitarian mesh or blank walls. This is especially critical for lift overruns or plant located above the public portion of the building, which may be unable to be set back from the western edge.
9. To meet the **Business - Metropolitan Centre Zone (BMZ)** intent which requires development to "positively contribute to the visual quality and interest of streets and other public open spaces". As stated in the UDFG, "*any building services equipment (plant) should be appropriately integrated with the building and screened, also considering views from further afield*".

## Design and Appearance

10. The UDFG references iwi and hapū involvement in the design of the façade and open spaces. While this is supported, I recommend extending this collaboration to the entire building, including site layout and the arrival experience. This is essential to ensure a 'mana-enhancing' experience for all users a principle that should serve as an overarching design driver for this civic project.
11. The Business – Metropolitan Centre Zone (BMZ) seeks high-quality design *to positively contribute to the visual quality and interest of streets and public open spaces, while ensuring pedestrian amenity, movement, safety, and convenience for people of all ages and abilities.*
12. While Policy H9.3(12) recognises the functional and operational requirements of the facility (including security), these needs must not result in a 'utilitarian' outcome for the public realm. The proposed 2m security fence at the rear secure area interface is a concern; security requirements should be integrated into the architectural or landscape design to avoid compromising the street interface.
13. Because the building stands in isolation as a prominent gateway, I recommend an explicit requirement for a high-quality design response for all four facades. This ensures the building addresses the western open spaces and northern residential interfaces with the same level of architectural rigour as the street-facing elevations.
14. The 'Unlock Henderson' High-Level Project Plan identifies this site as a catalyst project for the revitalisation of the centre. To align with this plan, the development should:
  - a. Reinforce the West Auckland and 'eco-centre' identity.
  - b. Integrate green building features to create a distinct point of difference.
  - c. Ensure a place-led approach that embeds Te Aranga Māori design principles and reflects the local cultural narrative.

### *Te Aranga Design Principles*

15. While the framework includes iwi and hapū in façade design, there is a missed opportunity to showcase culturally responsive design throughout the broader public architecture. Te Aranga principles (e.g., *Mauri Tu, Taiao, Mahi Toi*) are currently underserved in the UDFG to give the Requiring Authority clear direction.

## Public realm, accessibility and connections

16. The indicative proposed building setback from Alderman Drive is a positive urban design move. By providing a dedicated forecourt and gathering space, the proposal allows for the safe movement of

visitors, which is critical for a high-occupancy justice facility. The use of a canopy is supported as a functional and symbolic element that signals the primary point of entry while providing essential weather protection.

17. As no on-site external carparking is envisaged except for two accessible spaces, the vast majority of court users will arrive as pedestrians. Establishing clear and legible wayfinding is therefore essential. At this stage, the design does not sufficiently distinguish the hierarchy between the primary public entry and the secure/jury entry. I recommend a condition requiring that the entry hierarchy be clearly expressed through architectural form and materiality to improve public legibility.
18. I consider pedestrian safety and movement to be a primary concern and the zone requires development to provide "pedestrian amenity, movement, safety and convenience for people of all ages and abilities". My site measurements of 1.3m–1.4m contradict the Transport Assessment of 1.5m footpaths. This environment is currently low-quality and narrow, particularly at the roundabout where no berm separates pedestrians from heavy traffic near the intersection of Alderman Drive and Edmonton Road.
19. Given the civic function of this facility, the landscape design and boundary treatments could "borrow width" from the site to widen the existing paths on Alderman Drive and Edmonton Road to a minimum 1.8m–2.0m clear pedestrian zone. The current landscape plan prioritises the retention of existing vegetation over the necessary expansion of the public realm at this critical corner.
20. The current layout requires users of the envisaged accessible carparks to return to the public footpath and re-enter the site via a ramp. I recommend that the finalised design addresses direct, all-weather, and secure universal access from the accessible carparks directly to the building entry.
21. The interface with Falls Park from the secure area remains unresolved. The proposal includes a 2m security fence and back-of-house services adjacent to this boundary, Significant Ecological Area (SEA) and near to Historic Heritage. I recommend that the Urban Design Guideline Framework (UDGF) be updated to include specific design standards for this boundary to ensure fencing and screening are architecturally integrated and do not result in a 'utilitarian' or unsafe dead zone.

### **Landscape and Open Space**

22. The UDGF includes principles to achieve *a high-quality streetscape interface that defines the corner of Alderman Drive and Edmonton Road*. It specifies that *the building should be designed to enable sufficient space for landscaping and open spaces around the building, where it adjoins these roads*.

23. The site's proximity to the Takapu and Waikumete streams and the existing overland flow path makes the integration of Low Impact Design essential, aligning with the 'Unlock Henderson' goal of reinforcing an 'eco-centre' identity. These features should not only manage stormwater but also enhance the 'arrival experience'. The Urban Design Guideline Framework (UDGF) should include specific requirements for LID features to be designed as high-quality landscape that support indigenous biodiversity.
24. The proposal's indicative Bulk and Location plans identify a 2m-high security fence along parts of the northern and eastern boundaries, surrounding a rear service area and adjoining Falls Park. However, the exact extent and specific type of this fencing remain unclear from the provided drawings. While security is a functional requirement, I consider that a 2m-high perimeter fence must not be a mere utilitarian structure, if it is visible from the public realm. To ensure the boundary contributes to the streetscape and the amenity of Falls Park, I recommend that the UDGF be updated to require that any security fencing be of a high-quality, visually permeable design. Furthermore, the design should incorporate a substantial planted screen on the exterior side of the fence where possible to mitigate visual dominance and prevent the creation of a 'dead' or unsafe interface..

#### **Wayfinding and signage**

25. The building in the indicative plans is shown set back from Alderman Drive to provide a forecourt/gathering space, with a canopy to signalise the entrance. While separate secure entrances are provided for operational needs, a clear design hierarchy is required to ensure the public entry is intuitive and recognizable from other entrances.
26. Although the UDGF states that wayfinding and signage must be legible from all directions, the 'arrival experience' for universal access remains a key concern. The current envisaged location of the accessible carparks necessitates that users return to the public footpath to access the entry ramp; this is counter-intuitive and results in a poor wayfinding outcome for the most vulnerable users.
27. To resolve this, I consider that the Wayfinding and Signage strategy in the UDGF has to be updated to require architectural clarity and hierarchy in entrance design. This must prioritise the most direct and sheltered routes, ensuring that safety, and legibility are provided for all users from the point of arrival.

#### **CPTED**

28. The UDFG adequately covers the CPTED aspects to consider as part of the future design. Given the public and secure nature of the Justice facility, recommend the condition to require a CPTED audit at the OPW stage.

## 5.0 Section 67 Information Gap / Issues with Condition Structure and Approach

29. Nick Denton has sought and received responses from the Applicant’s urban designer (Architectus). The further information has assisted my understanding of the proposals and any urban design effects. With the latest response (19 December 2025) received, some outstanding issues remain as below.

Information gap	Nature of deficiency	Decision-making impact	Risk / uncertainty created
Bulk and location plans precedence over the UDFG or vice versa	Lack of clear link and conflict between Condition 6 <sup>2</sup> “General accordance with the Notice of Requirement Drawings” and Condition 7 <sup>3</sup> “meeting UDFG principles”. The additional advice note to Condition 7 proposed is considered insufficient in addressing this.	Risk of ‘locking-in’ poor massing or layout outcomes before the UDFG can be meaningfully applied at the OPW stage.	‘Unknown’ outcomes are deemed approved by general accordance, bypassing future review at the Outline Plan of Works (OPW) stage.
Bulk and Location deviation	Condition 7 outlines that where a building is not in accordance with the bulk and location plan that the development shall not exceed standards (BMZ) relating to height, setback and HIRB only.	New buildings are a RD activity in the BMZ with consideration/assessment to a range of zone standards and assessment criteria. The specifying of three standards as a next touchpoint (in particular in relation to height which has a significant difference to the	Creating and establishing a weighting and presumption for the OPW assessment around the application of zone standards which in the case of height significantly departs from the bulk and location study and do not follow the extensive criteria that the AUP

<sup>2</sup> Proposed NoR Conditions (Updated), received 19.12.2025

<sup>3</sup> Proposed NoR Conditions (Updated), received 19.12.2025

		indicative study) is considered unhelpful and unreliable.	framework provides for the consideration of new buildings in this location.
Footpath width discrepancy	The transportation assessment states the footpath width is 1.5m. However, site measurements indicate this is lower, at 1.4 and 1.3m in places.	Inaccurate assessment of pedestrian safety. A 1.3m path cannot accommodate two wheelchairs or prams passing each other.	A non-compliant, unsafe pedestrian environment for a high-traffic civic facility.
Boundary interface and fencing	No design response or assessment provided for the interface with adjacent hardscape/carparking.	Unable to assess the visual or safety effects of the proposed 2m security fence and back-of-house services.	Creating a dead/unsafe zone at the site boundary that fails CPTED principles.
Universal Access Path	Accessible carparks envisaged location lacks a direct, internal route to the building entry.	Disabled users are forced onto a longer, less safe public route.	Access and safety risks for vulnerable users.
Screening & Facade Quality	Lacks specific design guidance for screening at-grade carparks, rooftop plant, and services.	"Blank wall" definitions are too narrow; risk of "dull and unengaging" mesh screens on a prominent gateway site.	Poor architectural quality that fails to "positively contribute to the visual quality" of the zone.
Entry Hierarchy & Legibility	No clear design distinction between the public entry and the secure/jury entry.	The building fails to communicate its civic function, leading to poor wayfinding and legibility.	Failure to clearly identify the primary public arrival point and main entry.

Cultural & Holistic Integration	Mana whenua involvement is limited to facade design rather than the building's overall arrival experience.	Misses the opportunity to provide a truly "mana-enhancing" experience through building layout and massing.	Fails to achieve a culturally responsive design as expected for a major public architectural project
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## 6.0 Recommendation

Based on my assessment, I **support** the Notice of Requirement (NoR) application for the Waitākere District Court project in principle. However, my assessment identifies gaps in the information provided, raises concerns with the indicative Bulk and Location plans (which have standing through the structure of the proposed NoR) and the framework/interplay of the proposed design related conditions that must be addressed to ensure the project meets the objectives of the Business – Metropolitan Centre Zone (BMZ) and delivers a high-quality civic facility for the Henderson Centre. I consider that these should be addressed at this point through reinforcing the UDGF and amendments to the bulk and location study. However, acknowledge that the Panel may consider that this can be signposted and addressed as part of the drafting of, and review of conditions of designation.

### A. Process and Assessment Gaps:

- Require the structure of the proposed Conditions 6 and 7 be re-assessed so that the finalised design (site layout and building design), responds and considers together, the Urban Design Guidelines Framework (UDGF) rather than precedence or a default acceptability, and the indicative site layout and bulk plans (Appendix 2 of UDA) to ensure that a "general accordance" requirement does not prevent a full urban design review during the Outline Plan of Works (OPW) stage.
- Require any deviations from bulk and location plans are assessed against a wider range of design consideration and criteria than the three specified BMZ standards in particular to ensure visual dominance and shading effects are appropriately mitigated.

### B. Enhance Public Realm and Accessibility:

- Requiring interface treatment along Alderman Drive and Edmonton Road to provide a minimum 1.8m clear-width footpath, effectively widening the public realm to provide "convenience for people of all abilities".

- Consider safe, all-weather, and after-hours universal access is provided directly from the accessible car parks to the building without requiring users to return to the public footpath.
- Clearly distinguish the hierarchy of building entries (public vs. secure/jury) through design to improve wayfinding and civic prominence of the main public entry on Alderman Drive.

**C. Improve Building Design and Interface:**

- Require high-quality architectural treatment for all four elevations to address the building's prominence as a standalone 'gateway' structure visible from multiple locations; including specific architectural screening solution for rooftop plant and carparking (at-grade or upper-level) to ensure visual integration with the primary building form, and avoid using “dull and unengaging” mesh.
- Require any security fencing to be accompanied by a wide landscape buffer of native screening plants to mitigate visual impact on the public realm.

**D. Expand Cultural and Environmental Principles:**

- Require iwi and hapū involvement beyond façade design to the overall design, including site layout, building massing, and the arrival experience.
- Establish “mana-enhancing” relationships for all users as an overarching design principle for this important civic project.

**7.0 Comments/Additional Proposed Designation Conditions**

*As highlighted under section 6 ideally, we would consider that the comments provided in section 6 are responded to by the applicant and addressed in an updated UDFG and indicative bulk and location study. However, if the Panel are minded to progress the matter, in discussions with Council planning colleagues have proposed a restructure of Conditions 6 and 7 to address matters raised but also provide signposting and a clear mechanism for the issues identified to be addressed as part of the assessment of the future OPW.*

**Urban Design Conditions:**

Condition 6: Urban Design Guideline Framework

Prior to the commencement of Earthworks, an Outline Plan of Works application including finalised architectural and landscape designs, and a final design statement prepared by a suitably qualified person shall be submitted to Council for assessment and approval. The earthworks shall not

commence until the approval of such an OPW application, and the development shall be carried out in accordance with the approved details.

The OPW must demonstrate how the design of the Waitākere District Court - New Courthouse project, including the building form, scale, height and layout, and general arrangement of landscaping and access has addressed the Urban Design Guidelines Framework (UDGF) outlined in the Urban Design Assessment prepared by Architectus (dated June 2025) and is in general accordance with the bulk and location study prepared by Architectus, dated June 2025, subject to addressing any deviation to address limb (g) below. This includes

- a) How the site layout and building design meets the UDGF principles for safe, easy circulation and access;
- b) How the building design meets the UDGF principles for building massing/form and building facades;
- c) How the design meets the UDGF principles for Crime Prevention Through Environmental Design (CPTED);
- d) How the design meets the UDGF principles for wayfinding and navigation;
- e) How the design meets the UDGF principles for building entrances;
- f) How the design meets the UDGF principles for landscape and open space.
- g) How the finalized design has addressed the design advice and recommendations provided within the Auckland Council Technical Specialist Memo – Urban Design dated 21.01.26 as summarized in section 6.0 of that memo.

Where the finalised design is not in accordance with the bulk and location study prepared by Architectus, dated June 2025 for reasons other than addressing limb (g) of the above condition, the Justice Facility must demonstrate compliance with the relevant Business – Metropolitan Centre Zone (AUP) built form provisions for new buildings and the UDGF.

## 8.0 Supporting Documents

### Tauranga Innovative Courthouse

<https://www.epa.govt.nz/fast-track-consenting/referred-projects/tauranga-innovative-courthouse/>

# Lighting - Jared Osman (**Annexure 7**)

**From:** Jared Osman <[REDACTED]>

**Sent:** Tuesday, 13 January 2026 3:09 pm

**To:** Joe Wilson <[REDACTED]>

**Cc:** Jo Hart <[REDACTED]>; CANconsents <[canconsents@aucklandcouncil.govt.nz](mailto:canconsents@aucklandcouncil.govt.nz)>

**Subject:** FW: Lighting: FAST TRACK NOTICE OF REQUIREMENT - Waitākere District Court – New Courthouse Project - FTAA-2508-1096 - REQUEST FOR SPECIALIST/ASSET OWNER INPUT - PRR00042765

Hi Joe,

Just following up on previous comments, including the B&A Memorandum – Updated Response to Council Request (19 Dec 2025), in particular Attachment 6 – Proposed NoR Conditions (Updated)

Having reviewed the plans for this NoR (specifically Appendix 7 – Urban Design Assessment) I see no reason to require additional information.

Based on the urban design assessment, car parking is likely to be covered to maximise building coverage. Any outside lighting will be relatively minor, i.e. pedestrian and vehicle access points, security etc.

Lighting permitted activity limits at E24.6.1 that relate to glare and light spill only apply at adjacent residential dwellings – either at boundaries or windows of habitable rooms.

There are no particular reasons to foresee non-compliance with permitted activity standards in this scenario, noting the nearest dwellings are separated from the proposed courthouse site via driveways and roads, and there is already streetlighting in this area.

Any effects can be suitably addressed via conditions and I note a lighting condition is proposed as Condition 8. The applicant has proposed the following in their updated proposed conditions:

#### Condition 8: Lighting

Prior to the installation of any external lighting, lighting plans prepared by a qualified Lighting Engineer shall be submitted to the Council that demonstrate compliance with the requirements of AS/NZS1158.3.1 and the following standards:

- Lighting limits must be measured and assessed in accordance with Standard AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting, except for building façade lighting where the limits may be determined by calculation or measured in accordance with the CIE 150:2003 Guide on the limitation of effects of obtrusive light from outdoor lighting installations – International Commission on Illumination ISBN 3 901 906 19 3.
- Any lighting calculation must be based on a maintenance factor of 1.0 (i.e. no depreciation).

The lighting plans must detail the location, type and intensity of lighting external to the building, taking into account the operational requirements of the Justice Facility.

#### Earthworks and Construction Conditions:

This condition as worded does not capture all the permitted activity standards at E24.6.1 and I recommend that if the specific limbs are going to be listed, they should be listed fully (E24.6.1 (1-10) rather than in part. Noting how wordy this would make the condition, if a more focused condition is required then the key standards for ensuring no cross-boundary effects are E24.6.1(6 and 8)

Plan Change 79 (Decision Version) introduces additional lighting requirements as an E24.6.2 standard, however these only relate to access in residential zones.

Thanks,  
Jared

**Jared Osman (him) | Team Leader – Contamination, Air & Noise**  
Specialist Unit | Planning & Resource Consents Department  
Waea pūkoro / [REDACTED]  
Te Kaunihera o Tāmaki Makaurau / Auckland Council  
Level 6 (north), Te Wharau o Tāmaki Auckland House, 135 Albert Street, Auckland  
[aucklandcouncil.govt.nz](http://aucklandcouncil.govt.nz)

# Parks and Community Facilities - Douglas Sadler (Annexure 8)

**Parks Specialist Response Template – Fast-track  
Approvals Act 2024 – Substantive Application**

**Technical Specialist Memo - Parks**

To: Jo Hart – Lead Planner & Joe Wilson - PPL

From: Douglas Sadler, Senior Planner, Parks Planning, Specialist Operations, Parks & Community Facilities

Qualifications & Relevant Experience: I hold the qualification(s) of Master of Urban Design (Honours) and Bachelor of Planning and have over 20 years of experience in planning within both public and private sectors.  
I am a full member of the New Zealand Planning Institute. I have prepared expert evidence and technical assessments for resource consent applications, plan changes, notices of requirement for designation and fast-track applications, and have appeared as an expert witness before consent authorities and the Environment Court on multiple occasions.

Preparation in Accordance with the Code of Conduct: I confirm that I have read the Environment Court Practice Note 2023 – Code of Conduct for Expert Witnesses ([Code](#)), and have complied with it in the preparation of this memorandum. I also agree to follow the Code when participating in any subsequent processes, such as expert conferencing, directed by the Panel. I confirm that the opinions I have expressed are within my area of expertise and are my own, except where I have stated that I am relying on the work or evidence of others, which I have specified.

Date: 15 January 2025

**1.0 APPLICATION DESCRIPTION**

**Application and property details**

Fast-Track project name: Waitākere District Court – New Courthouse Project

Fast-Track application number: FTAA-2508-1096 (Council Reference PRR00042765)

Site address: 14 Edmonton Road, Henderson (Lot 1 Deposited Plan 564257)

## 2.0 Executive Summary / Principal Issues

A review of the application documents confirms that part of this substantive application is in the scope of Parks Planning Specialist Operations (PPSO) and Parks and Community Facilities (PCF).

## 3.0 Documents Reviewed

- Plan Change 120 – Housing Intensification and Resilience Memo dated 19 December 2025.
- Assessment of Environmental Effects and Statutory Analysis, prepared By Barkers & Associates, dated 14 August 2025.
- Flood Assessment, prepared by ACH Consulting Engineers, dated 15 September 2025.
- Memo – Plan Change 120 – 50-Year Flood Assessment, prepared by ACH Consulting Engineers, dated 6 November 2025.
- Infrastructure Report, Version 2.9, prepared by Civil, dated 19 December 2025.
- Arborist Memorandum, prepared by Greenscene, dated 15 September 2025.
- Urban Design Report, prepared by Architectus, dated 18 December 2025.
- Response to Urban Design Comments received 11 January 2026.
- Waitakere District Court House – Concept Design Massing & AUP Planning Envelope, issued 25 December 2025.
- Proposed NOR Conditions, prepared By Barkers & Associates, as amended and received 11 January 2026.
- Accessible Parking Space Tracking received 11 January 2026.
- Te Kawerau Iwi letter dated 25 July 2025.
- Adjacent Landowner and Occupiers Table, prepared by Barkers & Associates.
- Technical Specialist Memo from West Fynn – Senior Heritage Arborist, Heritage Department, Auckland Council dated 1 December 2025.
- Memorandum in response to Auckland Council Preliminary Information Request, prepared by Barker & Associates Limited, dated 19 December 2025.

## 4.0 Specialist Assessment

PPSO and PCF provide the following comments:

- That agreement is obtained with the Land Advisory Leasing team of Council (currently represented by Xavier Shaji, Community Lease Specialist) in relation to the existing service access and proposed fencing requirements as it impacts the adjacent Alderman Restaurant / Café, before finalization of the site plans for the subject site.

**Note:**

In memorandum response 10 – Auckland Transport from Barkers dated 19 December 2025 the agent comments that the Requiring Authority accepts that proposed NOR condition 10 has been updated

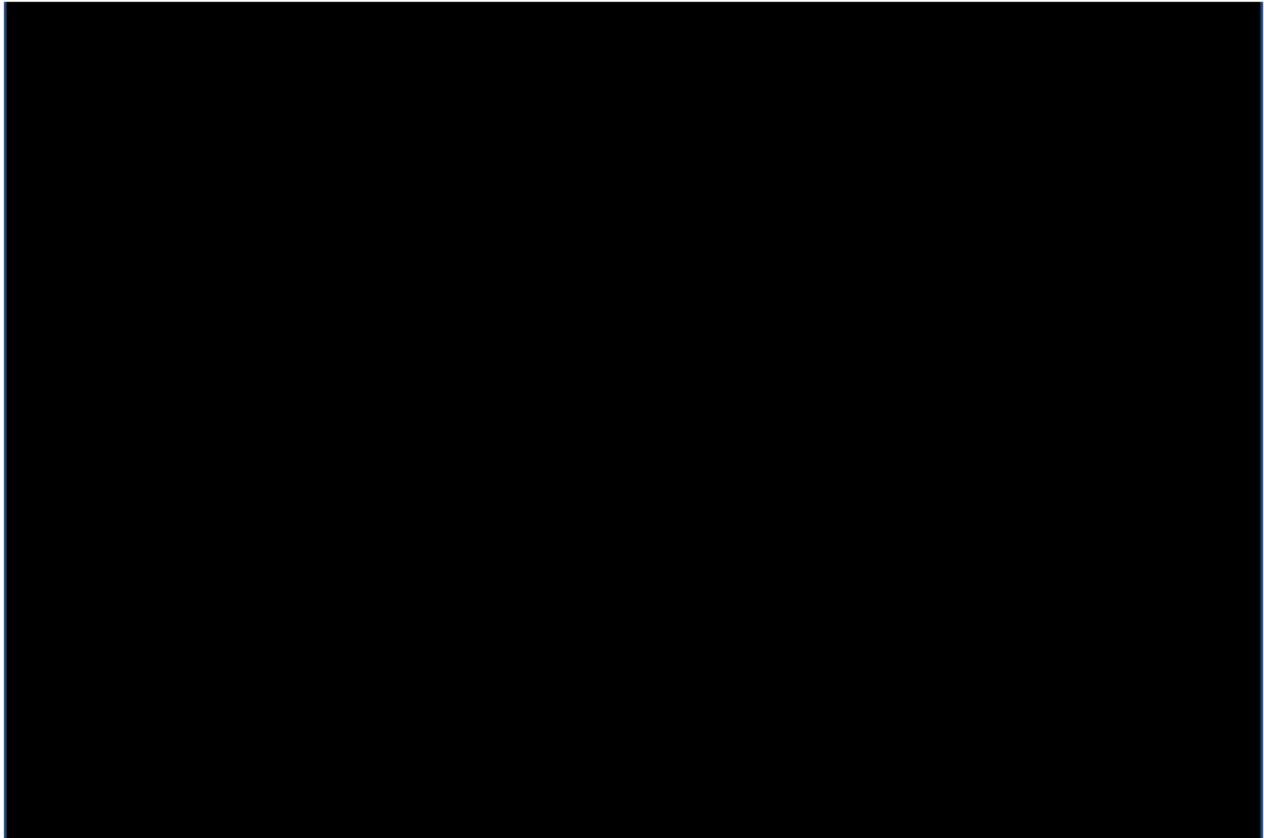
to clarify that the existing legal access to surrounding properties is not obstructed. PCF agrees with this response and action going forward.

- PCF recommends a permeable pool type fence, that can be of sturdy security design, with a maximum height of 2m, to be located on this adjoining northern boundary edge with Falls Reserve as noted in the red bubble in **Figure 2** below.
- PCF recommends a lockable gate be provided on the adjoining northern boundary fence with Falls Reserve and an easement access granted on the title at 14 Edmonton Road to allow for Council Contractors to gain access to this side of Falls Park to maintain landscaped areas.

Note:

In memorandum response 22 – Parks and Community Facilities Advice from Barkers dated 19 December 2025 the agent comments that the Requiring Authority accepts that a level of permeability will be required for fencing. Appropriate consideration and articulation of the rear building façade and managing building design outcomes will be considered. Further discussion can also be undertaken through private agreement outside the NOR process. Requiring Authority further notes no changes to conditions are considered necessary. PCF agrees with this response and action going forward.

- In accord with specialist advice presented by West Fynn, Senior Heritage Arborist on 1 December 2025, the PPSO and PCF team supports the provision of four specimen trees, two tulips and two kauri, being planted within the subject site to assist in mitigating the removal of the two notable trees on the subject site.
- Two permeable areas adjacent to the road boundaries, a 30m<sup>2</sup> area to the immediate south of the building facing Edmonton Road, and a 44m<sup>2</sup> area to the immediate west of the building facing Alderman Drive, should each incorporate a large specimen tulip tree with a minimum bag size of pb150 when planted. See **Figure 1** below.
- One 63m<sup>2</sup> permeable area located to the north of the proposed prison vehicles manoeuvring area, that contains the two notable trees for potential removal, should contain the existing small Kauri, and also allow for the planting of two additional specimen Kauri trees of the biggest plant bag size possible for their survival and growth. See **Figure 1** below.



**Figure 1:** Site layout showing permeable areas (green) where tree planting may occur – Source: Memorandum, Greenscene Limited, prepared by Christy Reynolds, dated 15 September 2025, page 5, figure 5

Note:

In memorandum response 21 - Landscape from Barkers dated 19 December 2025 the agent comments on behalf of the Requiring Authority, that further planting, in the arborist technical assessment, has identified opportunities for future planting to provide improved amenity to softening of the visual bulk of the building. We agree with this part of response 21.

The agent also considers that proposed NOR Condition 7 enables appropriate provision of landscaping at the time of the Outline Plan of Works (OPW) and specific species/locations are not considered necessary to mitigate effects. We agree that NOR Condition 7 enables appropriate provision of landscaping at the time of OPW but we are of the view that specific tree planting species / locations should be confirmed now, as West Fynn Senior Heritage Arborist advises and we support. This is noted in the bullet points above.

- PPSO and PCF understands that the Requiring Authority is also open to opportunities for further replacement landscaping to assist in the two notable tree removals. Although species have not been provided we consider Nikau, Kahikatea and other native tree species and appropriate exotic trees from local nurseries) as being appropriate.

- PPSO and PCF would be amenable for tree planting and landscaping to occur in the location noted in the red bubble area in **Figure 2** below:



**Figure 2:** Red bubble area location off site on Falls Park, close to the two existing notable trees, containing existing asphalt car park spaces (20) being deconstructed, designed and planted out for tree and landscaping purposes.

Note:

In memorandum response 19 – Falls Park Interface – Car Parking Area from Barkers dated 19 December 2025 the agent on behalf of the Requiring Authority comments that further planting in this location (**Figure 2**) is not necessary to mitigate effects and will be undertaken through private agreement outside the NOR process. PPSO and PCF agrees with this response and action going forward.

## 5.0 Section 67 Information Gap

I have identified that there are no section 67 information gaps.

## 6.0 Recommendation

PPSO and PCF support the Requiring Authority that proposed NOR condition 10 has been updated to clarify that the existing legal access to surrounding properties is not obstructed and that a level of permeability will be required for fencing based on the information available and reviewed.

PPSO and PCF support and recommend to the Requiring Authority that four specimen trees, two tulips and two kauri, be planted within the subject site to assist in mitigating the removal of the two notable trees on the subject site.

PPSO and PCF support and recommend to the Requiring Authority that although further planting in the specific location (**Figure 2**) off site is not necessary to mitigate effects further discussions around landscaping, fencing and access, will be undertaken through private agreement outside the NOR process.

#### 7.0 Comments/Additional Proposed Designation Conditions

No change to proposed NOR conditions recommended from an overall PPSO and RCF parks outcome perspective .

#### 8.0 Supporting Documents

N/A

Prepared by: Douglas Sadlier – Senior Parks Planner

Date: 15 January 2025

Date: 15 January 2026

# Noise and Vibration - Andrew Gordon (**Annexure 9**)

**From:** Andrew Gordon <[REDACTED]>

**Sent:** Tuesday, 13 January 2026 2:42 pm

**To:** Joe Wilson <[REDACTED]>

**Cc:** Jo Hart <[REDACTED]>; Jared Osman

<[REDACTED]>

**Subject:** RE: Noise: FAST TRACK NOTICE OF REQUIREMENT - Waitākere District Court – New Courthouse Project - FTAA-2508-1096 - REQUEST FOR SPECIALIST/ASSET OWNER INPUT - PRR00042765

Hi Joe,

Further to my initial comments below, I have reviewed:

- Response to Request for Further Information dated 17/12/2025 by SLR Consulting NZ Ltd
- Waitākere District Courthouse – Proposed NoR Conditions (Attachment 6)

The response is satisfactory.

No additional information is requested.

#### **FINAL COMMENTS (UPDATED)**

I have reviewed the AEE (in part) dated 11 August 2025 by B&A, the Construction Noise and Vibration Assessment dated 15 September 2025 (Revision 1.4) and the Response to Request for Further Information dated 17/12/2025 by SLR Consulting NZ Ltd.

My review objective is to “Confirm any essential or critical gaps in information” in regard to noise and vibration during construction and operation.

**Background**

I was involved in processing LUC60434320 (granted 19/12/2024) for the Papakura District Courthouse at 40 Elliot Street, Papakura which included construction of a new building and associated site enabling works.

**The Site**

The current activity is a car park. The corner site shares boundaries with Edmonton Road (Regional Road) and Alderman Drive (Arterial Road).

The two closest neighbouring buildings are located at 22 Alderman Drive (Open Space Zone) and 26 Edmonton Road (Residential Zone).

**Geo Maps**



**Concept Plan**



### Comments – Construction

I confirm relevant E25 standards are referenced for review purposes.

The assessment is preliminary as construction methodology and machinery to be used is not finalised. This is typical for most applications.

The assessment is informed *“by the concept bulk and location plans dated 02/04/2025 prepared by Architectus and design features report – structural dated 03/04/2025 prepared by Holmes.”*

I note significant earthworks are not required, which is reflected in the statement *“Earthworks will largely consist of scraping and removing of existing asphalt and the basecourse layer of the existing carpark and the drilling for the piles to allow for the suspended ground floor.”* (Flooding & Infrastructure Report).

Key works are identified as excavation and piling (i.e. bored and CFA methods) activities. The minimum setback distance is reported to be 16m from CFA piling to 26 Edmonton Road which indicates it should be practicable to manage works to ensure general compliance.

However, given CFA piling rigs typically have an elevated noise source, which is difficult to acoustically mitigate/screen, SLR predict noise exceedances of 5 – 10 dBA as the closest buildings.

Additional information provided adequately demonstrates that demolition works (i.e. removal of paved surfaces) and compaction works (which are both key works) can be managed to enable compliance without any practical difficulties.

The additional information also confirms there is a low risk of vibration causing cosmetic damage to the building at 22 Alderman Drive. I note examples of cosmetic damage include cracking in paint or plasterwork. Cosmetic building damage effects are deemed ‘minor damage’ in DIN 4150-3 and can generally be easily repaired. Further, the cosmetic damage guideline limits are much lower than those that will result in structural damage and experience has shown that if these limits are complied with, damage that reduces the serviceability of the building will not occur.

Based on my experience reviewing hundreds of similar projects on other sites, I consider the assessment and predicted construction noise and vibration levels to be indicative of the proposed works.

As expected for a project of this scale and given predicted exceedances, a CNVMP will be prepared and submitted to council for certification prior to works commencing.

Effective implementation of recommended best practice measures (i.e. Best Practicable Option) will reduce noise and vibration emissions as far as practicable and will avoid any unnecessary effects on the neighbouring sites. In my view effects are reasonable when put into context with the relevant E25 objective and policy.

The temporary noise and vibration effects associated with the proposed works are typical for redevelopments of this nature.

It is also worth reproducing the foreword of New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise" which states:-

*"Construction noise is an inherent part of the progress of society. As noise from construction is generally of limited duration, people and communities will usually tolerate a higher noise level provided it is **no louder than necessary and occurs with appropriate hours of the day**. The Resource Management Act 1991 requires the **adoption of the best practicable option to ensure the emission of noise from premises does not exceed a reasonable level**. The Act also imposes a duty on every person to avoid, remedy, or mitigate any adverse effect on the environment arising from an activity carried on by, or on behalf of, that person."*

#### Comments – Operation

I confirm relevant E25 standards are referenced for review purposes.

The proposal will generally give rise to low noise emissions, similar to an office building. It is important to note proposed operating hours are generally restricted to normal business hours.

The two key noise sources are onsite vehicle movements and building services plant and equipment (i.e. HVAC). Given the proposed design and layout, I confirm it will be practicable to ensure compliance with relevant E25 standards without any practical difficulty.

Compliance strongly implies noise will be at a reasonable level when assessed within neighbouring sites and effects will be compatible with surrounding land use, in particular given the expected ambient noise levels due to traffic on the immediate road network.

#### Comments - Proposed Conditions

- Proposed conditions 2 – 5 are acceptable.

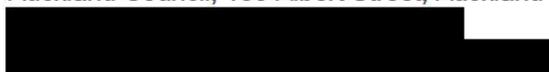
I note construction noise limits reproduce permitted noise levels in E25 - except where exceedances are predicted and therefore are "authorised".

I note construction vibration limits reproduce permitted vibration levels in E25.

No amended conditions or new conditions are recommended or required.

Regards,

Andrew Gordon | Senior Specialist  
Contamination, Air & Noise Team | Specialist Unit  
Planning and Resource Consents Department  
Auckland Council, 135 Albert Street, Auckland 1010



## Economist - James Stewart (**Annexure 10**)

**Specialist Response Template – Fast-track Approvals Act 2024 –  
Substantive Application**

**Technical Specialist Memo - Economics**

To: Jo Hart – Lead Planner & Joe Wilson - PPL

From: James Stewart – Economist (Auckland Council)

Qualifications & Relevant Experience: I hold the qualification(s) of: Bachelor of Commerce (Honors) in Economics and have 7 years of experience in urban economics and public policy. I have prepared expert evidence and technical assessments for resource consent applications, plan changes, notices of requirement for designation and fast-track applications, and have appeared as an expert witness before consent authorities on multiple occasions.

Preparation in Accordance with the Code of Conduct: I confirm that I have read the Environment Court Practice Note 2023 – Code of Conduct for Expert Witnesses ([Code](#)), and have complied with it in the preparation of this memorandum. I also agree to follow the Code when participating in any subsequent processes, such as expert conferencing, directed by the Panel. I confirm that the opinions I have expressed are within my area of expertise and are my own, except where I have stated that I am relying on the work or evidence of others, which I have specified.

Date: 24/11/2025

**1.0 APPLICATION DESCRIPTION**

**Application and property details**

Fast-Track project name: Waitākere District Court – New Courthouse Project

Fast-Track application number: FTAA-2508-1096 (Council Reference PRR00042765)

Site address: 14 Edmonton Road, Henderson (Lot 1 Deposited Plan 564257)

## 2.0 Executive Summary / Principal Issues

- This specialist response is related to a FTAA application for a Proposed new Waitākere courthouse development as it relates to the economics of the Proposed Development.
- The economic evidence provided with the application is not robust and does not demonstrate that the Proposed Development is net welfare enhancing.
- The economic evidence does not demonstrate that the Proposed (infrastructure) Development would be regionally or nationally significant.
- The economic report does not establish a framework for weighing up the costs and benefits of the Proposed Development.
- The methodology adopted in the economic report does not demonstrate that the economic benefits of the Proposed development outweigh the economic costs. The evidence in the economic report does not imply a net benefit or a significant economic benefit arising from the Proposal as described by the FTAA.
- I establish a high-level framework for assessing the costs and benefits of the Proposed development relative to a plausible counterfactual (the existing courthouse continues operating).
- I identify the costs and benefits that are most likely to impact societal welfare. On the costs side, my proposed framework includes the financial costs of the Proposed Development and the deadweight costs of taxation. The primary benefits are the promotion of trust in public institutions and the value added of the services that the District courthouse will offer.
- I provide some evidence that suggest that the current Court system in New Zealand, and Auckland in particular, is constrained and demand for District Court services may continue to rise. While it is not definitive that the Proposed Development would solve these constraints, it is plausible that additional District Court capacity arising from the Proposed Development may help alleviate some of the growing constraints in New Zealand's legal infrastructure.
- It is plausible that the Proposed Development represents a net benefit to society. It is also plausible the Proposed Development would meet the statutory test, being an infrastructure development that could yield significant regional or national benefits. In my view, a cost-benefit analysis would assist in providing greater certainty of both.

## 3.0 Documents Reviewed

- Property Economics. (2025, September). Economic Impact Assessment: New Waitākere Courthouse – Substantive Application under the Fast Track Approval Act 2024. Prepared for the Minister of Justice.

- Barker & Associates Limited. (2025, August 11). Assessment of Environmental Effects and Statutory Analysis: Waitākere District Courthouse – New Courthouse Project. Prepared for the Minister of Justice.

## 4.0 Specialist Assessment

### **Context**

1. I was asked to provide a review of the robustness of the economic assessment that is in support of a fast-track application to construct a new Waitākere District Courthouse in Henderson, Auckland and identify any pertinent gaps in the analysis.
2. The project includes the development of a new building that will house Waitākere District court at 14 Edmonton Road.
3. The project is intended to replace the existing Waitākere District courthouse at 9-11 Ratanui Street, Henderson which is “no longer fit for purpose.” (at page 11, AEE)

### **Robustness of economic evidence**

4. The economic impact assessment (**the report**) by Property Economics adopts an Economic Impact Assessment (EIA) methodology to estimate the economic activity generated by the construction of the Proposed courthouse.
5. The report estimates economic impact on Auckland’s regional economy of \$218 million and 1,511 full-time equivalent (FTEs) over the 3-year development period.
6. I have several reservations about the methodology that the report has adopted:
  - a. Economic impacts or activity that are estimated are not equivalent to economic benefits, though they are treated interchangeably in the report. Mistaking the two leads to bizarre outcomes e.g., the transaction of digging a hole and filling it back in again leads to economic benefits.
  - b. The analysis is mechanistic. The approach uses the costs of a project and input-out multiplier tables to estimate economic activity which necessarily results in a larger number than the cost inputs. Consequently, if a project were to cost more to deliver the same project, the analysis would show the project would deliver more benefits.
  - c. No consideration of opportunity costs. The analysis does not consider alternative uses for the resources needed effectively treating scarce resources as though they exist in unlimited quantities. There is no consideration of the trade-offs faced due to constraints in the real world.

- d. Gross rather than net impacts. The report focuses on the economic activity generated but does not consider costs of the project. This is a gross rather than net view. In my opinion, the resulting economic activity number is meaningless for decision makers without consideration of what might be lost.
7. The report does make some references to what it calls “high-level economic benefits”<sup>1</sup> but does not make any attempt to understand what the incremental value of the Proposed Development is. The danger is that decisions will be made on arbitrary, unevidenced economic grounds. While I agree that there are benefits of having District Courts, these need to be considered at the margin i.e., what improvements the Proposed Development offers over the status quo (if we did not build the Proposed courthouse). Additionally, these marginal benefits must be considered alongside the costs that arise.
8. The report states that, “Property Economics considers that advancing the proposed new Waitākere Courthouse development would yield significant economic benefits for the regional economy and community.” And the AEE supporting the Proposed Development, relying on the Property Economics report, states that (at page 20):
- a. “will enable the delivery of new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure”, and
  - b. “the project will deliver significant economic benefits”
9. I do not believe that the economic evidence presented supports these claims. To get to these statements about the nature of the economic benefits, there is a need to consider the trade-offs that arise. This involves an analysis of the benefits and the costs. This has not been undertaken.
10. A preferred assessment method is cost-benefit analysis (CBA). This methodology is a systematic weighing up of the incremental benefits and costs of a project relative to an appropriate counterfactual.

**Framework for assessing the costs and benefits**

11. To assess the economic costs and benefits of the project, a framework of costs and benefits needs to be established i.e., what are the incremental benefits and costs that arise from the Proposed Development relative to a counterfactual (the Proposed development not occurring). I suggest following the Treasury guidance<sup>2</sup> on CBA.
12. I understand that upon a successful application under the FTAA and completion of the Proposed new courthouse that the existing courthouse would be disposed of. I assume, in the absence of this FTAA application being approved, the Proposed courthouse would not be built, and the old courthouse would continue operation. An alternative assumption could be that the Proposed

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<sup>1</sup> At pages 9-10.

<sup>2</sup> Treasury New Zealand. Guide to Social Cost Benefit Analysis. July 2015. Retrieved from Treasury [website](#).

Development would go through an RMA process – in this instance, the FTAA application likely represents an acceleration of the Proposed Development relative to the counterfactual (assuming the RMA application is successful).

13. Costs may be fairly straight forward. The Applicant is proposing to commit financial resources to acquire land and construct the Proposed courthouse. There may be costs for supporting infrastructure e.g., road and footpath improvements, and costs for design, planning and legal services. There will likely be additional variable costs associated with running a higher capacity courthouse e.g., more staff, increased utility expenses, increased security, etc.
14. Given it is a public building, constructed with public funds, there is reason to include a deadweight cost of taxation element to acknowledge economic distortions that taxation imposes on resource allocation. The standard approach is to assume 20% of project costs funded from general taxation<sup>3</sup>.
15. The benefits are less straight forward. In my view, the primary benefits of the Proposed Development are – greater trust in public institutions (the system is seen to be upholding the rule of law in the pursuit of just outcomes and access to justice) and greater delivery of services.
16. A benefit of Courts is the maintenance of trust in public institutions with the rule of law. Including both criminal and civil matters, trust is built and maintained by the Courts through delivery of justice and ensuring rules are interpreted and enforced, fairly and consistently. Within this, sits the option (or threat) of proceedings to dissuade criminal behavior and / or adverse civil behavior as means to chastise the guilty or liable.
17. This benefit is difficult to quantify at a marginal level. Despite difficulty in measurement, it is important for maintaining welfare and protecting resources. It could be reason enough to adopt a break-even analysis approach to the CBA which means the value of this benefit is treated as a residual or leftover and evaluated, after considering other benefits and costs.
18. I take it at face-value<sup>4</sup> that the new courthouse would be able to deliver more services relative to the current Waitākere courthouse. I can see two streams by which might occur:
  - a. Cases before the courts are heard in a timelier manner so more cases can be heard, and
  - b. Hitherto unknown cases may be more likely to be brought before the courts (rather than not pursued by potential litigants) if there is a perception that they will be conducted in a timely manner i.e., there may be incremental additionality in the number of cases.
19. Employment is typically not considered a benefit in CBAs<sup>5</sup>. This is because employment in one place often displaces employment in another, so the net effect is zero. For example, if a solicitor were to be invited to become a judge at the Proposed District Courthouse, they would no longer be working as a solicitor. In my view, there is no reason to deviate from the Treasury advice on this.

<sup>3</sup> Ibid. At pages 15-16.

<sup>4</sup> At page 9 of the Property Economics report.

<sup>5</sup> Treasury New Zealand. Guide to Social Cost Benefit Analysis. July 2015. At page 19.

20. I assume here the new courthouse would offer the same types of services as the current courthouse<sup>6</sup> but to a greater extent i.e., able to conduct more hearings or other court affairs.
21. The marginal value of the increase in services could plausibly be quantified. In an economic sense, this is a cost of congestion in the infrastructure. For example, a Treasury study<sup>7</sup> valued the cost of crimes on society by broad category, which are also published in the Treasury's CBAX Spreadsheet Model<sup>8</sup>.
22. It is worth noting that the value of the added capacity to handle additional hearings is moderated by the demand for additional hearings e.g., a new Courthouse might be able to handle twice as many hearings but if society only has demand for 20% more hearings, there will be unused capacity. Importantly it may not be additionality that is being measured but avoided time delays in hearings.
23. I have not undertaken a formal cost-benefit analysis but presented a high-level framework for how the trade-offs arising from the Proposed Development might be assessed to evaluate whether the Proposed Development will be net beneficial to society in an effort to fill gaps I see in the economic evidence submitted. The framework I have outlined is not a substitute for a formal cost-benefit analysis which, in my opinion, should be undertaken to demonstrate whether the Proposed Development will be net welfare enhancing or not.

**Evidence of constraints in District Courts (infrastructure constraints in the legal system)**

24. There is some evidence to suggest that Court services are in growing demand. The following figure shows the new cases undertaken by Courts (all of New Zealand) over the course of each Calendar year. The total number of new cases each year has been increasing in recent years.

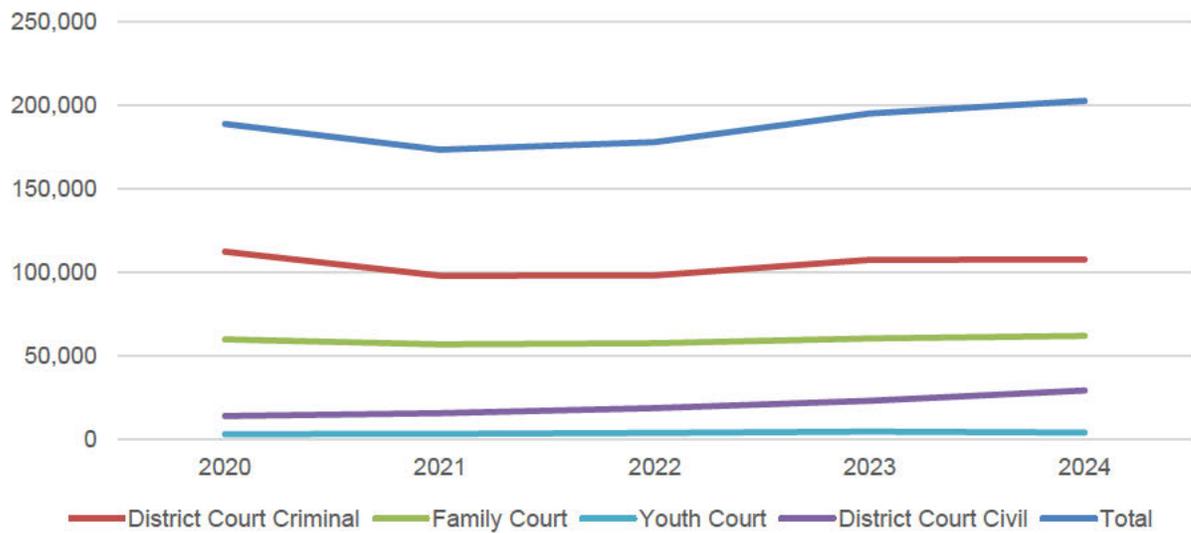
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<sup>6</sup> Ministry of Justice [website](#) lists other services offered at Waitākere District Court as: Youth Court, Rangatahi Court, Pasifika Court, Family Court, Disputes Tribunal, Tenancy Tribunal and paying fines.

<sup>7</sup> Tim Roper and Andrew Thompson, Estimating the Costs of Crime in New Zealand in 2003/04, New Zealand Treasury Working Paper 06/04 (Wellington: New Zealand Treasury, July 2006).

<sup>8</sup> <https://www.treasury.govt.nz/publications/guide/cbax-spreadsheet-model>

Figure 1: New cases by year and venue, all New Zealand<sup>9</sup>



25. It is probable that there is a causal relationship between population and the demand for Courthouse services i.e., the number of people in a jurisdiction of a Courthouse likely has strong explanatory power of the demand for that Courthouses services – both in civil and criminal proceedings. Other factors have an influence too, including demographic characteristics, macroeconomic conditions and legislative settings, all of which will change overtime.
26. The population of Auckland is anticipated to grow from an estimated 1.8 million (2025)<sup>10</sup> to 2.4 million in 2053<sup>11</sup>. Auckland is anticipated to grow by approximately a third. This suggests that demand for Court services will also increase substantially over this period.
27. Data also shows that the proportion of, “Disposal of District Court criminal cases within timely justice thresholds” has been materially lower within the Auckland metro area. The thresholds indicate that three out of four cases are disposed of in a timely fashion in Auckland metropolitan area compared to four out of five cases across New Zealand.
28. The corollary is that Auckland is having worse outcomes, on average, in terms of the timeliness of criminal cases being disposed of and indicates that there may be some systematic differences between the Auckland metropolitan area District Courts and District Courts across New Zealand. A plausible explanation could be a lack of capacity in the Courts (in relation to the demand for court services).

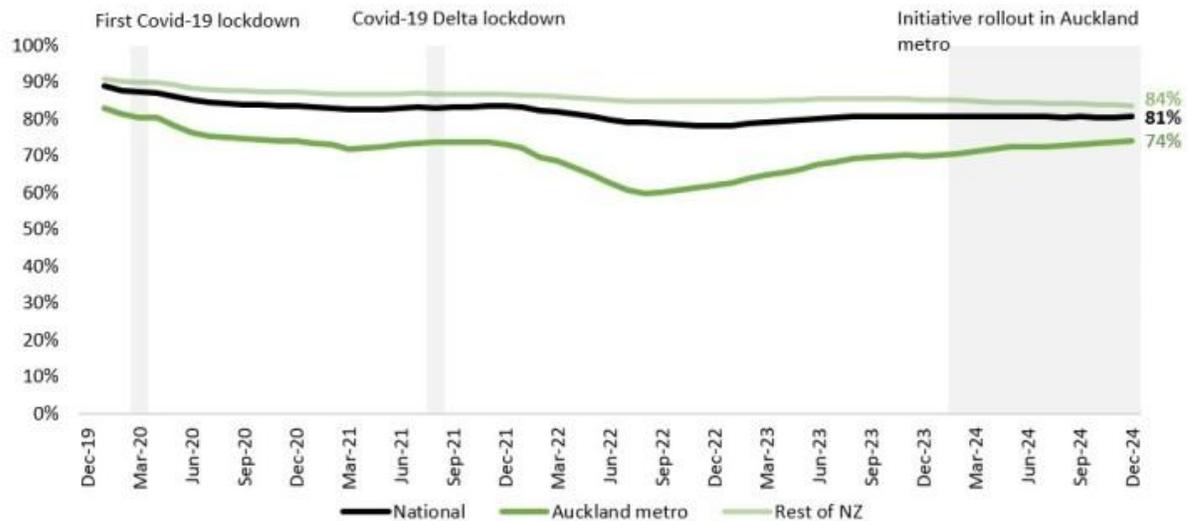
Figure 2: “Disposal of District Court criminal cases within timely justice thresholds”<sup>12</sup>

<sup>9</sup> District Court [website](#). Chart produced by me.

<sup>10</sup> Stats NZ Subnational population estimates.

<sup>11</sup> Stats NZ Subnational population projections 2023(base) Medium projection series.

<sup>12</sup> District Court [website](#).



29. There is additional anecdotal evidence that suggests that court resourcing, "...has not kept up with population grown [sic] and increasing case volumes."<sup>13</sup> In particular, the cited report points to a lack of judges relative to caseloads. Although I am not an expert in the process of judge appointments to the bench, it seems plausible that additional capacity at a District Court may provide the opportunity to appoint more judges and / or keep judges on as acting-warranted judges.
30. I think it is reasonable to infer that there is considerable demand for District Court services which form an integral part of New Zealand's legal infrastructure. I also think it is also reasonable to assume that demand is likely to continue to grow in the future with the population. I take it at face-value, from the law society's annual report 2024 (at page 28), that there is growing complexity in proceedings which may contribute to further resourcing needs for the judiciary.
31. It is plausible that the Proposed Development is net welfare enhancing but the economic evidence presented by the applicant is not convincing. A formal cost-benefit analysis "should be conducted.
32. For the avoidance of doubt, while I understand from what is stated in the application that the current courthouse is not fit for purpose, the economic assessment includes no assessment of net effect the Proposed Development will have relative to the status quo.
33. It is not clear that the Proposed Development is particularly significant in economic terms at a regional or national level. An understanding of the net present value of the project would assist in evaluating whether the project represents a significant infrastructure development, in an economic sense, for the region or nation.

<sup>13</sup> New Zealand Law Society Te Kāhui Ture o Aotearoa, Annual Report 2023/2024 (Wellington: New Zealand Law Society, 2024). At page 28.

## 5.0 Section 67 Information Gap

At the time of writing this Memo I have identified the following information gaps:

### Description of Missing Information

A systematic weighing up of the incremental benefits and costs of the Proposed Development. A formal Cost-Benefit Analysis would be the appropriate methodology to address this gap.

### Why is this Information Essential?

It is not clear from the economic evidence provided that the Proposed Development represents a net welfare improving development (benefits exceeding costs). The economic evidence submitted to-date is merely descriptive of estimated gross activity generated from construction rather than demonstrating the value of the project and allocation for societal resources to support the Proposed Development.

CBA is an appropriate framework to assist the Panel in determining whether the Proposed Development is net welfare enhancing (benefits > costs) or not. An understanding of the net present value of the Proposed Development can also assist in understanding the significance of the project.

## 6.0 Recommendation

In my view, the Panel should seek a formal CBA of Proposed Development conducted by an independent expert economist.

## 7.0 Comments/Additional Proposed Designation Conditions

None

## 8.0 Supporting Documents

None

## Heritage Arborist - West Fynn (**Annexure 11**)

## Technical Specialist Memo – Notable Trees

To: Jo Hart – Lead Planner & Joe Wilson - PPL

From: West Fynn – Senior Heritage Arborist, Heritage Department, Auckland Council

Qualifications  
& Relevant  
Experience:

I hold the qualifications of: HND Forest Management and BSc Forest Management and have 30 years of industry experience in Forestry and Arboriculture and 19 years' experience working in the regulatory field. I am a full member of International Society of Arboriculture and New Zealand Arboricultural Association. I have prepared expert evidence and technical assessments for resource consent applications, plan changes, policy and planning, notices of requirement for designation and fast-track applications, and have appeared as an expert witness before consent authorities and the Environment Court on multiple occasions.

Preparation in  
Accordance  
with the Code  
of Conduct:

I confirm that I have read the Environment Court Practice Note 2023 – Code of Conduct for Expert Witnesses and have complied with it in the preparation of this memorandum. I also agree to follow the Code when participating in any subsequent processes, such as expert conferencing, directed by the Panel. I confirm that the opinions I have expressed are within my area of expertise and are my own, except where I have stated that I am relying on the work or evidence of others, which I have specified.

Date: 1<sup>st</sup> December 2025

## 1.0 APPLICATION DESCRIPTION

### Application and property details

Fast-Track project name: Waitākere District Court – New Courthouse Project

Fast-Track application number: FTAA-2508-1096 (Council Reference PRR00042765)

Site address: 14 Edmonton Road, Henderson (Lot 1 Deposited Plan 564257)

## 2.0 Executive Summary / Principal Issues

Proposed development of the site includes the removal of two notable Kauri trees.

## 3.0 Documents Reviewed

- Schedule 10 of the Auckland Unitary Plan
- Site pack information held within Auckland Council's Heritage Department
- D13 Appendix - Notable Trees - Auckland Unitary Plan

## 4.0 Specialist Assessment

### Existing Site

The existing site is currently a car park area largely, with a planter area in the northeastern corner of the site, that has two notable Kauri trees growing, as a pair. These trees I estimate to be in excess of 80 years old and less than 100. The eastern of these trees is of good form and health. The western tree has an older open cavity, possibly from damage to the stem, which has increased in size and severity over the years. In addition, there is a dead top/leading stem which in the supporting arborist report is described as being 2m long and I would say is nearer to 4.5m. The dead top could be removed as part of regular pruning and the cavity does not make the tree unstable or compromise its overall longevity at this stage and with this species, in my experience. This condition does not form adequate grounds for the removal of this tree, on its own.

The other tree growing adjacent is somewhat taller at around 15m in height and of good form and health.

### Proposed Changes to the Site and Development

Under the proposed designation change and development there it has been deemed that a combination of the intensity of the development and use of the site, combined with the truck movements and security concerns that the retention of these two notable trees is not feasible and therefore, their complete removal is proposed. This was discussed thoroughly when I was engaged in a pre-application meeting. At that stage I did suggest that this should be assessed on a notified basis although I understand that the context is different as a designation.

### Statutory Framework

The subject notable trees are listed in schedule 10 - Notable Trees as follows:

1842	<i>Agathis australis</i>	Kauri	2	Edmonton Road 20	Henderson	Lot 4 DP 24633
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There is an error here though, given that the trees are actually within 14 Edmonton Road, Lot 1 Dp 564257. There is no confusion over the listed trees and their locations, however, this error is noted and subject to correction as of late January 2026.

Below is a review against criteria in D13 of the Auckland Unitary Plan.

## D13.2 Objective

(1) Notable trees and notable groups of trees are retained and protected from inappropriate subdivision, use and development.

(2) Require notable trees and notable groups of trees to be retained and protected from inappropriate subdivision, use and development, by considering:

(a) the specific attributes of the tree or trees including the values for which the tree or trees have been identified as notable;

Notable trees are valued, protected and retained for a large variety of reasons, but there is no question that, on the whole, amenity is one of the largest components of the assessment that triggers qualification and allows for capturing a tree as a notable tree under the assessment criteria, in the first instance. So whilst that allows them to get through the gate, so to speak, to become a notable tree, once that status is achieved then merits or otherwise of a tree does not constitute grounds in itself for removal. Instead this factor is designed to give extra recognition where there is additional factors relating to the importance of that tree. This point is to acknowledge where there are other significant reasons such as heritage, cultural or ecological, none of which are recognised in this instance. Therefore, as well as the fact the trees are native, the greatest factor is the prominence of these trees on an amenity level when viewed in the wider area. That amenity will be lost if they are removed and is not readily mitigated in the short to medium term given the decades of growth required for them to reach equal dimensions, and should that removal be supported, then the proposed development will be of some significant visual dominance and therefore any landscaping and tree planting should be of appropriate scale to both soften the building and mitigate the ultimate possible size achievable of the species of the notable trees that are existing.

(b) the likelihood of significant adverse effects to people and property from the tree or trees;

This is not really relevant in this instance as the existing use of this area of the site is that of a car park and the trees are not significantly impacting on people or property, other than some minor debris. Only under the proposed development would the trees significantly impact the usability of the site, as it is apparently not possible to undertake the development with the retention of these trees and address truck movements and address necessary security concerns.

(c) the degree to which the subdivision, use or development can accommodate the protection of the tree or groups of trees;

As stated above, it is suggested that the proposed development is not possible/viable with the retention of the two notable trees given the flood zoning and the security and prisoner movement issues associated with the proposed usage of the site.

(d) the extent to which any trimming, alteration or removal of a tree is necessary to accommodate efficient operation of the road network, network utilities or permitted development on the site;

As above, it is suggested that the proposed development is not possible with the retention of the notable trees although the description of permitted development of the site is more typically designed to refer to the establishment of a dwelling on an indicative scale within a residential lot than for a development such as this which essentially occupies the entirety of the site. Under the proposed development it is stated that it is not possible to develop the tree as stated with the retention of either of the notable trees.

(e) alternative methods that could result in retaining the tree or trees on the site, road or reserve;

The only alternative, that would allow for the retention of these trees, would be a complete alternative design, and this has been explored extensively, in both a pre-application meeting with myself and throughout the design process.

(f) whether minor infringements of the standards that apply to the underlying zone would encourage the retention and enhancement of the tree or trees on the site;

This is for areas such as height in relation to boundary and in this instance is not highly relevant and there is no such factor, that I am aware of, that would allow for the retention of these trees under the proposed design or that could form a viable alternative design other than leaving the site with the existing use and avoiding the development altogether.

(g) whether the values that would be lost if the tree or trees are removed can be adequately mitigated;

There is a very small set of circumstances where the removal of a notable tree can be mitigated because any replacement planting will not be in of itself a notable tree, and with notable trees, the values are in those individual trees and therefore not readily mitigated. However, there are some ways that the removal of the notable trees could be better mitigated in a more appropriately representative manner, and these are explained in greater detail below.

(h) whether the proposal is consistent with best arboricultural practice;

This is generally for works within the protected root zone, the only relevant best arboricultural practice when it comes to removal would be in terms of the removals being undertaken in a controlled manner, and even that, is only really particularly relevant, where trying to avoid damage to other protected vegetation that is to be retained.

(i) methods to contain and control plant pathogens and diseases including measures for preventing the spread of soil and the safe disposal of plant material;

This point is relevant in terms of controlling the spread of PTA / Kauri Dieback Disease, which is expected under biosecurity for removals such as this, but the removals are not necessary, or justified, purely as a means of avoiding biosecurity contamination issues.

(j) and the provision of a tree management or landscape plan.

This point is for the management and control of matters that may generate adverse effects to notable trees where they are being retained and not relevant in the instance where they are proposed for removal.

Basically, the replanting to mitigate the notable trees would need to include some of the same species – Kauri - and trees of some significant ultimate potential size, given both the potential size the Kauri can grow to and the scale of the development proposed, and for that I would suggest Tulip trees at the front and I would like both those species written into the conditions should it proceed.

The arborist report contradicted themselves, by saying that along Edmonton Road the building would shade trees (Kauri trees like shade near the base at establishment stage) and saying that they don't want trees that will shade the building even though they would be on the southern side of the building. A deciduous tree on this side such as a Tulip would provide shade in summer reducing air conditioning

needs and allow more sun through in winter and are a tree capable of growing to significant dimensions, particularly vertically although relatively columnar, rather than spreading, especially in the earlier years.

In my opinion there are spaces, along road frontages, that could accommodate four trees that could grow to significant dimensions in time, both in height and allowing for spread of the canopy.

## 5.0 Section 67 Information Gap

I have identified that there are no section 67 information gaps.

## 6.0 Recommendation

There are no significant arboricultural factors that would justify the removal of these two trees in terms of their structural integrity or location alone and I am reluctant to support the removal of notable trees where there are viable alternatives that would allow for their retention. Similarly,

However, in this instance, with all other planning matters satisfied and the design of the development of the area being inflexible, it is my professional opinion that in this instance the removal of the two notable trees could be supported given the constraints of the flood prone risk, the scale of the development necessary, the truck movement and security concerns of the proposed facility and the lack of viable alternative design options.

However, this is subject to appropriate and adequate replanting to appropriately mitigate the loss of these two early-mature specimen trees. That replanting should be with four trees including two Kauri trees and two Tulip trees.

## 7.0 Comments/Additional Proposed Designation Conditions

Under the designation I would recommend two conditions as follows:

1. The two notable Kauri trees shall be removed in a controlled manner in accordance with best arboricultural practices.
2. In the next planting season (May – September) immediately after the removal of the two notable Kauri trees, the property owner shall have four specimen trees planted in appropriate permeable areas adjacent to the road boundaries to include two Kauri (*Agathis australis*) and two Tulip trees (*Liriodendron tulipifera*). These trees shall be size pb95 and a minimum height of 1.8m at the time of planting and shall be retained and replaced as necessary, should they fail to establish.

## 8.0 Supporting Documents



Edmonton Rd, 20,  
Henderson\_schedule 1



20120412 Edmonton  
Rd 20 Images - 01842

