



Waitākere District Courthouse – New Courthouse Project Notice of Requirement

14 Edmonton Road, Henderson

Assessment of Environmental Effects and Statutory Analysis

11 August 2025

B&A

Urban & Environmental

Prepared for:
Minister of Justice

B&A Reference:

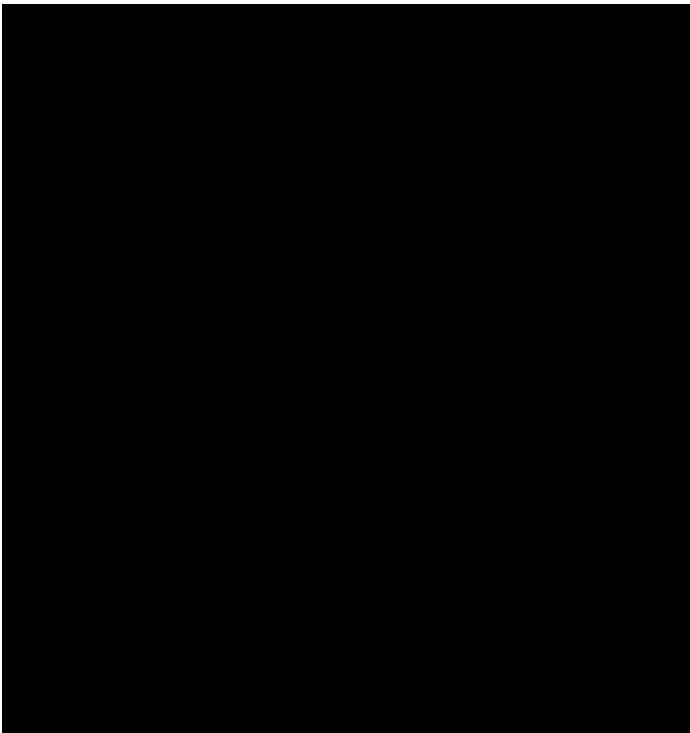
Waitākere District Courthouse – New Courthouse Project - Substantive Application

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1.0 Applicant and Property Details

To:	Environmental Protection Authority (EPA)
Site Address:	14 Edmonton Road, Henderson
Applicant Name:	Minister of Justice
Address for Service:	
Legal Description:	Lot 1 DP 564257 (refer to Record of Title and Interests as Appendix 1)
Site Area:	4,435m ²
Site Owner:	His Majesty the King
Unitary Plan:	Auckland Unitary Plan (Operative in Part)
AUP(OP) Zoning:	Business – Metropolitan Centre Zone Open Space – Informal Recreation Zone
AUP(OP) Precinct:	Notable Trees Overlay – 1842, Kauri Building Frontage Control – General Commercial Frontage Macroinvertebrate Community Index – Urban Stormwater Management Area Control – Oratia 4, Flow 2
AUP(OP) Overlays & Controls:	N/A
Designations:	N/A
Additional Limitations:	Flood hazards (overland flow path, floodplain and piped stream), Statutory Acknowledgement Area
Locality Diagram:	Refer to Figure 1
Brief Description of Proposal:	A Notice of Requirement to designate the site at 14 Edmonton Road for ‘judicial and court purposes’, known as the ‘Waitākere District Courthouse – New Courthouse Project’.

3.0 Executive Summary

This report is submitted in support of the Minister of Justice’s application to the Environmental Protection Authority (EPA) to designate an area of approximately 4,435m² located at 14 Edmonton Road site.

The project is known as the ‘Waitākere District Courthouse – New Courthouse Project and the site is proposed to be designated for the following purpose:

“Judicial, court, tribunal and related purposes including collection of fines and reparation, administration, support, custodial services, and ancillary activities. Works includes development and operation of land and buildings for the aforementioned purposes.”

The designation of the site would provide for the construction and ongoing operation of a new Justice facility known as the Waitākere District Courthouse, intended to replace the existing Waitākere District Courthouse at 9-11 Ratanui Street, Henderson.

This report has been prepared in accordance with the requirements of the Fast-track Approvals Act 2024 (FTAA). The FTAA is part of the Government’s response to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

The FTAA establishes an Expert Consulting Panel to determine applications for a Notice of Requirement to designate the site for a specific purpose. This replaces the role of local authorities as the decision-making authority under the Resource Management Act 1991 (RMA). Two categories of projects can use the FTAA and be considered by a panel: Listed Projects and Referred Projects. This proposal is a Referred Project, and the application is being made in accordance with Section 40 of the FTAA.

During the preparation of the Notice of Requirement application, robust engagement has been undertaken with key stakeholders and the relevant iwi authorities. This consultation meets the requirements of Section 29 and 11 of the FTAA.

This application and Assessment of Environmental Effects (AEE) has been prepared in accordance with Section 43 of the FTAA and provides a description of the proposal and explains how the project is consistent with the purpose of the FTAA. We also provide an assessment of actual and potential effects on the environment consistent with Schedule 5 of the FTAA. Finally, the application has also included a description of the mitigation measures including any relevant management plans and conditions proposed as part of the Notice of Requirement application that will be listed as part of the designation.

Overall, the proposal achieves the purpose of the FTAA to facilitate the delivery of infrastructure and development projects with significant regional and national benefits.

4.0 Introduction

This Substantive Application has been made by the Minister of Justice to the EPA in accordance with the requirements of the Fast Track Approval Acts 2024. The proposal is a Referred Project and this report has been prepared to support a Notice of Requirement Application to designate the site at 14 Edmonton Road, Henderson for 'Judicial and Court purposes'. The project is known as the ‘Waitākere District Courthouse - New Courthouse Project’. As a Referred Project, the

Application has been made in accordance with Section 42 of the FTAA and approval is sought for a Notice of Requirement under Section 42(4)(d) for a Notice of Requirement that would otherwise be sought under the RMA.

4.1 Structure of the Application in accordance with Section 43 of FTAA

Section 43 of the FTAA sets out the information to be included in a substantive application, which includes an assessment of adverse effects of the project on the environment. Under Section 42(4)(d), this substantive application is giving notice of the requirement to designate the site that would otherwise be applied for under the Resource Management Act 1991. This application addresses the Section 43 requirements as follows:

- Pursuant to Section 43(1)(a), the application has been lodged in the form and manner approved by the EPA. Refer to the completed application form in **Appendix 2**.
- Pursuant to Section 43(1)(b)(i), the application explains how the Project is consistent with the purpose of the Act. Refer to section 10.0 below for further details.
- Pursuant to Section 43 (1)(b)(ii)(A), the application must explain how the state to which the application relates and the while project are consistent with the purpose of the Act. Refer to section 10.0 for further details.
- Pursuant to Section 43 (1)(c), the application must demonstrate that the project does not involve any ineligible activities. Refer to section 11.0 for further details.
- Pursuant to Section 43 (1)(d), if the application is lodged by more than 1 authorised person, state the proposed approval to be held by each person. The application has been lodged by the Minister of Justice.
- Pursuant to Section 43 (1)(e)(i), the application must comply with the requirements specified by the Minister under Section 27(3)(b)(ii). Minister letter of referral approval dated 16 June 2025 stated that the substantive application must include the following information:

The following information must be submitted with the application lodged for the project (s27(3)(b(ii)):

a. a flood risk assessment which includes:

i) an assessment of the risk of flooding (including as an anticipated effect of climate change) on the activities involved in the project

ii) effects of the project on flood risk downstream of the project site

iii) a description of measures to mitigate the anticipated effect of any flooding

b. an assessment of the effects of the project on existing stormwater infrastructure, including measures to mitigate any anticipated effects and to ensure the ongoing operation and maintenance of infrastructure on the project site.

The flooding items in (a) above have been addressed in section 14.5 of this report and further information is provided in the Flood Risk Assessment prepared by ACH Consulting Limited (included as **Appendix 3**).

The stormwater items in (b) above have been addressed in sections 14.4 and 14.5 of this report and further information is provided in the Infrastructure Report prepared by Holmes Consulting Limited, (included as **Appendix 4**).

- Pursuant to Section 43 (1)(e)(ii), the application must comply with the requirements listed in Section 43 subsection (3) that apply to the approvals sought. Subsection 3(d) sets out the requirements for designations within clause 12 of Schedule 5, which is addressed in the following sections:
 - The requirements of section 12(1)(a) are addressed in section 6.0 below.
 - The requirements of section 12(1)(b) are addressed in section 14.0 below.
 - The requirements of section 12(1)(c) are addressed throughout this application.
 - The requirements of section 12(1)(d)(i) are addressed in section 16.0 below.
 - The requirements of section 12(1)(d)(ii) are addressed in section 15.0 below.
 - The requirements of section 12(1)(e) are addressed in section 18.0 below.
 - The requirements of section 12(1)(f) are addressed in section 13.0 below.
 - The requirements of section 12(1)(g) are addressed in section 19.0 below.
 - The requirements of section 12(1)(h) are addressed in section 20.0 below.
 - The requirements of section 12(1)(i) are addressed in section 9.0 below.
 - The requirements of section 12(1)(j) are addressed in section 13.0 below.
 - The requirements of section 12(1)(k) are addressed in section 8.0 below.
 - The requirements of section 12(2)(a)-(d) are addressed in section 15.0 below.
 - The requirements of section 12(2)(e) are addressed in section 18.0 below.
- Pursuant to Section 43 (1)(f), the application must include copy of the notice under section 39(4) if the authorised person has applied under section 39 for a determination under section 23 or 24. This section is not applicable to the application.
- Pursuant to Section 43 (1)(g), the application must set out the steps take to secure the agreement referred to in Section 5(1)(a) if the application seeks an approval for an activity that is subject of a determination under section 23. This section is not applicable to the application.
- Pursuant to Section 43 (1)(h), the application must state whether the application relates to a priority project and, if so, include confirmation that, to the best of the applicant's knowledge, there are no competing applications. Refer to section 6.0 for further details.
- Pursuant to Section 43 (1)(i), the application must be made by the deadline specified in the notice under Section 28(3)(d). The Minister letter of referral approval dated 16 June 2025 stated that the substantive application must be lodged within 2 years. This application is within the specified timeframe.
- Pursuant to Section 43 (1)(j), the application must not be lodged unless any fee, charge or levy payable under the regulations in respect of the application is paid. This application is submitted with the relevant fees.

An Assessment of the application against Clause 24 and 25 of Schedule 5 of the FTAA has been provided in Sections 21.0 and 22.0 of this Report. Further, it is noted that the Notice of Requirement application complies with section 46(2)(a), (b), (c) and (d) of the FTAA.

5.0 Project Background

5.1 Applicant Introduction

The Minister of Justice is giving notice to designate the site at 14 Edmonton Road, Henderson for 'Judicial and Court purposes' for the future development of a Justice Facility known as the 'Waitākere District Courthouse - New Courthouse Project'.

The designation of the site would provide for the construction and on-going operation of a new Justice Facility, intended to replace the existing Waitākere District Courthouse (located at 9-11 Ratanui Street, Henderson) which is no longer fit for purpose. Given the application is for a Notice of Requirement, the specific design detail regarding the proposal has an element of flexibility at this stage. An Outline Plan of Works is not sought as part of this Notice of Requirement and will be provided at a future date in parallel with the Building Consent process.

5.2 Background Context for the Project



Delivery of this new courthouse will enable the continued function of existing regionally significant infrastructure by:

- Improving local access to Justice
- Fulfilling current and future health, safety and security requirements;
- Improving the physical environment to uphold the integrity of courts and tribunals;
- Improving flexibility of infrastructure to accommodate different service delivery models and changing demand;
- Providing a physical environment that supports Court use throughout the court process.

The designation of this site would provide for construction of a courthouse (Justice Facility) which is proposed to be contained within one building with a total GFA of approximately 13,000m² over multiple levels, excluding vehicles and parking. This includes the 10 courtrooms, a registry, four mediation rooms, judge's chambers and facilities, public areas (including waiting rooms and customer service), circulation routes and custodial areas.

The designation of this site would also enable ancillary works, including bulk earthworks, removal of two Notable Trees, construction of an additional vehicle crossing onto Edmonton Road, connection to the reticulated stormwater, wastewater and water supply infrastructure network, landscaping and the construction of the vehicle crossing, parking areas and accessway within the project area. The ongoing operation, maintenance, development and potential upgrade or

replacement of the Courthouse would also be provided for, with the designation being generally consistent with designations for other District Courts in the Auckland Region.

A letter of support with additional Project details is provided as **Appendix 5**, which was provided with the Referral Application.

6.0 Site Context

This section of the application is provided in accordance with clause 12(1)(a) of Schedule 5 of the FTAA. A copy of the Record of Title and interests for the Fast Track application site has been included as **Appendix 1** and summarised in Section 6.3 below.

6.1 Site Description

The site for the proposed designation is located at 14 Edmonton Road, Henderson (legally described as Lot 1 DP 564257) and purchased by the Minister in 2023 for the specific purpose of accommodating a new courthouse for Waitākere.

The subject site is approximately 4,435m² in area and is located adjacent to the Alderman Drive and Edmonton Road roundabout, as shown in **Figure 1** below. The site has operated as a public car park (known as the 'Falls Carpark') for the past 30 years providing approximately 52 carparks. The site also currently accommodates temporary 'placemaking' activities including Ecomatters Bike Hub, Te Puna fresh food market and a pump track as well as carparking managed by Auckland Transport. Access to the site is currently achieved via existing vehicle crossings from Edmonton Road and Alderman Drive. There are two notable Kauri trees located in the north-west corner of the site (ID 1842). Further, there is an existing informal one-way access formed to/from the site at 22-24 Edmonton Road (which connects to the Korean Presbyterian Church site).

There is various street furniture within the road reserve, including lighting poles, street signs and street trees as well as a transformer in the south-east corner of the site. Further, it is noted that the site is located within a Statutory Acknowledgement Area.



Figure 1: Locality Plan. Source: Auckland Council GeoMaps Viewer)

6.2 Surrounding Locality

The immediately surrounding locality contains a mix of existing activities and uses, which is reflected in the diverse zoning pattern near the site. Directly adjoining the site to the north is Falls Bistro which is a scheduled heritage site, and further north is Falls Park. The existing Alderman Drive access is used to service both the subject site and some parking spaces used by visitors to the Falls Bistro. The land to the east and south of the site is residential zoned land, and the land to the west is primarily business zoned.

6.3 Record of Title and Interests

The site is a fee simple estate held in one allotment and is legally described as Lot 1 DP 564257. A copy of the Record of Title and Interests for the site is provided as **Appendix 1**. The Record of Title confirms there is a right of way easement marked 'A' on the Title Plan as shown in **Figure 2** below. This easement enables the benefitted land (Falls Park – legally described as Lot 2 DP 564257) access to use the Alderman Drive accessway. It is noted this easement only extends approximately 20m into the site and does not extend for the full length of the site boundary.



Figure 2: Record of Title Plan. Source: Title Documents included as Appendix 1.

The site is owned by His Majesty the King, therefore the Minister of Justice has the legal authority to undertake work without the need for any agreement from other parties. This application is lodged by the Minister of Justice who is an approved Requiring Authority to seek designations for land.

6.4 Site Zoning and Overlays

Under the Auckland Unitary Plan (Operative in Part), the site is zoned Business – Metropolitan Centre Zone (for most of the site) and there is a small portion of the site zoned Open Space – Informal Recreation Zone, as shown in **Figure 3** below.

The adjoining properties to the west and north east are similarly zoned Business - Metropolitan Centre, whereas the properties to the south and east are zoned Residential – Terraced Housing and Apartment Building and Residential - Mixed Housing Urban respectively. The site directly to the north is zoned a mixture of Business - Metropolitan Centre and Open Space – Informal Recreation as it relates to Falls Park and the Falls Bistro.

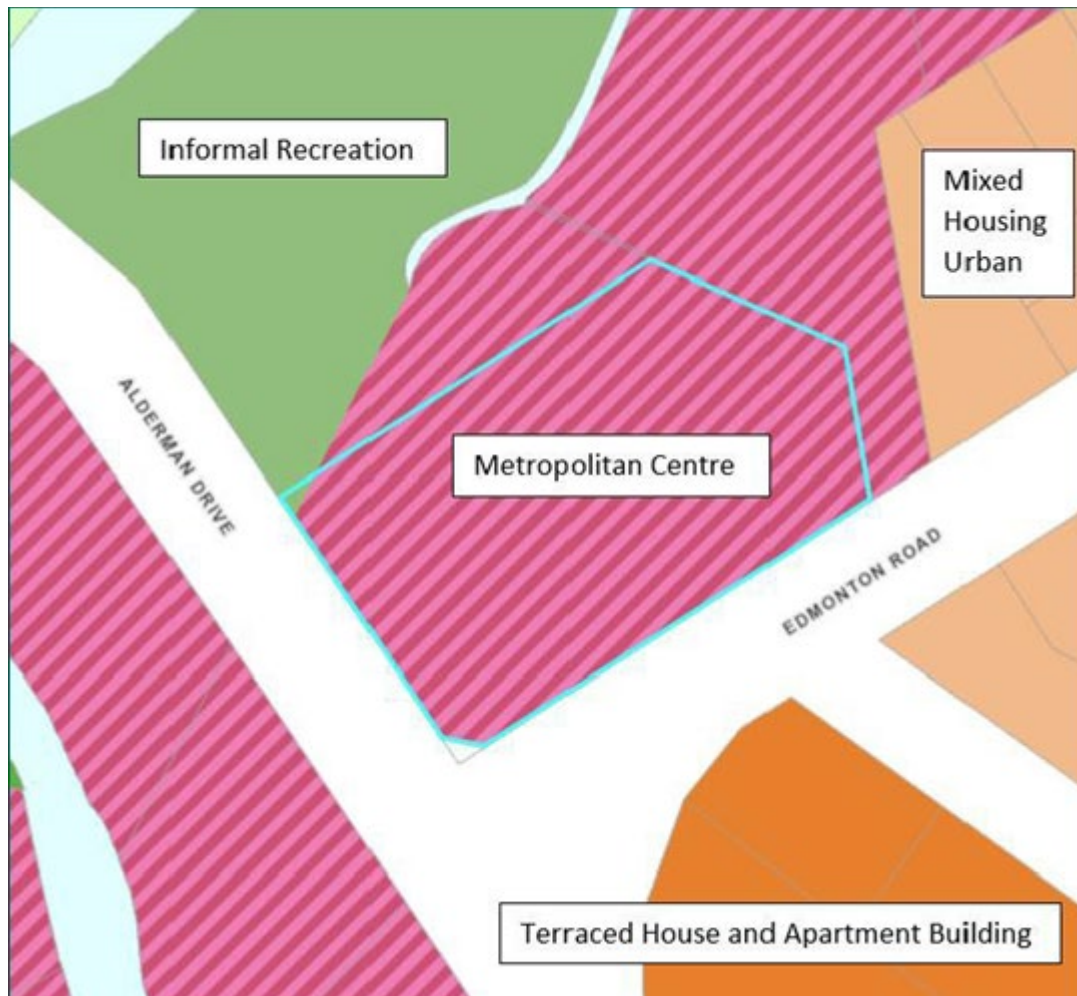


Figure 3: AUP(OP) Site Zoning at applies to the designation boundary. Source: Auckland Council Unitary Plan Viewer.

Land that is zoned as Metropolitan Centre is intended for development of commercial and civic activities in locations that are second only to the Auckland CBD. The zone therefore enables an array of commercial, residential, and civic activities in this zone. Development in this zone needs to contribute positively to the public realm, and avoid effects on more sensitive activities such as residential. Under the AUP(OP), the 'Justice Facility' falls under the community nesting table and could be established as a permitted activity in the Business – Metropolitan Zone, subject to compliance with the bulk and location standards.

As outlined in section 6.4 above, there are various overlays and controls that apply to the subject site. In particular, there are two notable Kauri trees located in the north eastern corner that are scheduled under the AUP(OP). An Arboricultural Assessment has been prepared by Greenscene (included as **Appendix 6**) to assess the health of the trees and effects of the proposal, which is further described in section 14.10 below. The site is identified within a Stormwater Management Area Control (Flow 2) and is subject to flood hazards, including floodplain and overland flow paths. The effects of the proposal with respect to stormwater and flooding have been assessed in the Infrastructure Report prepared by Holmes Consulting Ltd, which included as **Appendix 4** and the Flooding Report prepared by ACH Consulting which is included as **Appendix 3**. Refer to Section 14.5 below for further details.

6.5 Relevant AUP(OP) Plan Changes

A summary of the summary of the relevant Auckland Council Plan Changes is provided below:

Plan Change 78:

Auckland Council notified Plan Change 78 ('PC78') on 18 August 2022, which gives effect to the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021 and National Policy Statement on Urban Development ('NPS-UD'). The Medium Density Residential Standards ('MDRS') set out in Schedule 3A of the Resource Management Act 1991, and incorporated under PC 78, have immediate legal effect where up to three dwellings are proposed on sites which are not subject to a qualifying matter or proposed to be located within a new residential zone.

In this case, no dwellings are proposed and there are qualifying matters that apply to the site being a floodplain and notable trees overlay, such that this does not apply. Under PC78, changes are proposed to the Business – Metropolitan Centre zone height in relation to boundary standards that would enable more building bulk on the site. Given the PC78 Decision is not expected until March 2026, the indicative bulk and location study plans prepared to support the Notice of Requirement application are guided by the building envelope and parameters of the AUP(OP).

Plan Change 79:

Auckland Council notified its decision on Plan Change 79 ('PC 79 DV') on 9 August 2024, which seeks to respond to and reflect the mandatory residential intensification provisions under the NPS-UD and MDRS and addresses matters such as pedestrian safety, accessible car parking, loading and heavy vehicle management and catering for electric vehicle charging and cycle parking. While the Plan Change has been appealed to the Environment Court in its entirety, under section 86F of the Act, the PC 79 DV provisions still have legal effect.

Most of the provisions imposed under PC79 are only relevant to residential zones and residential activities, except for accessible parking standards which do apply to community facilities. Further discussion regarding parking provision and assessment of transportation effects associated with the Project is provided in section 14.6 below.

Natural Hazards Plan Change – PC 78

At the time of preparing the Notice of Requirement Application we understand that Auckland Council intends to notify a Natural Hazards plan change in March 2026. Given we have limited information on this at this time, our assessment of effects is based on the existing flooding constraints identified on the subject site. A robust summary of potential flooding risks and effects of proposed redevelopment of the site has been assessed in the Infrastructure Report prepared by Holmes Consulting Limited (refer to **Appendix 4**) and the Flood Risk Assessment prepared by ACH Consulting which is included as **Appendix 3**. Refer to section 14.5 below for further details.

7.0 Notice of Requirement Proposal

This of the application is a summary of the key elements of the proposal provided in accordance with clause 12(1)(a) and (b) of Schedule 5 of the FTAA.

7.1 Designation Purpose

The Minister of Justice is giving notice to designate an area of approximately 4,435m² located at 14 Edmonton Road, Henderson legally described as Lot 1 DP 24633 for the following purposes:

“Judicial, court, tribunal and related purposes including collection of fines and reparation, administration, support, custodial services, and ancillary activities. Works includes development and operation of land and buildings for the aforementioned purposes.”

The designation of the site would provide for the construction and ongoing operation of a new Justice facility known as the Waitākere District Courthouse, which is intended to replace the existing Waitākere District Courthouse (located at 9-11 Ratanui Street, Henderson) that is no longer fit for purpose. If the District Court is not urgently replaced, there is a risk of significant disruption within the Auckland court network which is already facing capacity issues.

7.2 Approach to the Designation

Given the application is for a Notice of Requirement, specific design detail regarding the proposal has an element of flexibility at this stage. Preliminary architectural bulk and location study plans detailing an indicative future building footprint for a future Justice Facility are provided in the Urban Design Assessment which is included as **Appendix 7**. These concept plans have informed the urban design guideline framework which has been developed to manage the effects of a future building on the site, and to assist the preparation of conditions that will sit on the designation.

An Outline Plan of Works (OPW) is not sought as part of the Notice of Requirement Application. Instead, an OPW will be sought once the detailed design of the Justice Facility has been finalised and will include the necessary information to satisfy the requirements of 176A(3) of the RMA. To ensure a consistent approach to designations sought by the Minister of Justice nationwide, the proposed designation purpose statement will be consistent with the ‘Tauranga Moana Innovative Courthouse’ designation that was approved under the COVID-19 (Fast Track Consenting) Act 2020.

The Minister requests a ten-year period after the date the designation is included in the AUP(OP) 2016 to give effect to this designation. Further, it is noted that any regional consent or consents required under any National Environmental Standards would be sought concurrent to the Outline Plan of Works process.

7.3 Project Timeline



8.0 Notice of Requirement Conditions

This section of the application is provided in accordance with clause 12(1)(k) and clause 25 of Schedule 5 of the FTAA, that an application provides any conditions that the Requiring Authority proposes for this designation.

To support this Notice of Requirement application, the Minister of Justice proposes a suite of designation conditions which are included as **Appendix 9**. The proposed condition set has been developed to outline the scope of the designation and mitigate any potential adverse effects of a future Justice Facility and associated works on the site. The condition set includes a general overarching condition that outlines the purpose statement and scope of the designation, as noted below. This condition is consistent with the general design and mitigation approach taken for other Justice Facilities across New Zealand, including the Tauranga Moana Courthouse development that was approved under the COVID-19 Recovery (Fast-track Consenting) Act 2020.

General Conditions:

Condition 1: Purpose Statement

'Waitākere District Courthouse - New Courthouse project' for the purposes of these designations shall, in the absence of specific conditions to the contrary, enable:

- (e) Site preparation works, including removal or demolition of buildings and earthworks;*
- (e) Construction of a judicial court and associated facilities and infrastructure (including three waters services, roading and parking);*
- (e) Site landscaping, including planting of vegetation and fencing;*
- (e) Operation of a judicial court and tribunal spaces, alongside other related land-uses and services including the collection of fines and reparation, administration, support, custodial services and ancillary activities;*
- (e) Any other activities that are –*
 - (ii) Associated with the activities described in (a) to (d) above;*
 - (ii) Within the scope of the designation*

In addition to the above, there are specific conditions proposed relating to geotechnical, urban design, acoustic, transportation, flooding and civil engineering matters that address the recommendations provided in the supporting technical assessments submitted with the Notice of Requirement Application. The rationale for these conditions is outlined in the supporting assessments and is further discussed in Section 14.0 below.

In recommending the proposed conditions for this Notice of Requirement application in accordance with Clause 12(1)(k), the conditions are proposed to:

- Appropriately manage adverse effects, including providing mitigation to prevent or reduce adverse effects during and after construction in accordance with Clause 6(1)(d) of Schedule 5;
- Give effect to those matters that the panel must consider under Section 81(2)(a) of the FTAA.

9.0 Other Approvals Required

9.1 Outline Plan of Works

In accordance with section 42(4)(d) of the FTA, the Requiring Authority (Minister of Justice) seeks a Notice of Requirement through this Substantive Application to designate the site that would otherwise be lodged under the RMA.

An Outline Plan of Works (OPW) approval will be sought outside of the Fast Track Approvals process prior to carrying out work within the designation in accordance with Section 176A(1) of the RMA. The future OPW approval will include the remaining necessary details of the proposed public work required by Section 176A(3) of the RMA.

No approvals are required under the following:

- Conservation Act 1987
- Reserves Act 1977
- Wildlife Act 1953
- National Parks Act 1980
- Heritage New Zealand Pouhere Taonga Act 2014
- Freshwater Fisheries Regulations 1983
- Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012
- Crown Minerals Act 1991
- Public Works Act 1981

9.2 Other Approvals (Clause 12(1)(i))

This section of the application is provided in accordance with clause 12(1)(i) of the FTAA, that an application must provide a list of the resource consents needed for the project or work and whether they have been applied for.

In this case, the application is for a Notice of Requirement and no formal resource consent applications have been applied for. Notwithstanding, keeping in mind that detailed design is yet to be finalised and progressed through an Outline Plan of Works under Section 176(A) of the RMA once the designation sought under this substantive application is in place, we confirm that the following resource consents will be needed:

Auckland Unitary Plan (Operative in Part)

- Regional take and use of groundwater under Rule E7.4.1(A26) – discretionary activity.
- Regional diversion of groundwater under Rule E7.4.1(A28) – restricted discretionary activity.
- Regional diversion and discharge from stormwater runoff under Rule E8.4.1(A10) – discretionary activity.
- Redevelopment of existing impervious areas within the Stormwater Management Area Overlay under Rule E10.4.1(A4) – discretionary activity.
- Regional earthworks under Rule E11.4.1(A9) – restricted discretionary activity.
- Regional earthworks that do not comply with the E11.6.2 General Standards – restricted discretionary activity pursuant to Rule C1.9(2).

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011

- Disturbance and remediation of contaminated land – discretionary activity pursuant to Section 11.

Resource consent under the district-wide and zone standards of the Auckland Unitary Plan (Operative in Part) will not be needed once the designation is in place noting all works associated with this Project will be authorised by the designation, within scope of the designation and will be sought through an Outline Plan of Works or Outline Plan Waiver under Section 176(A).

We confirm that no other resource consents have been applied for, this has been confirmed by Auckland Council in the Letter from Council included in **Appendix 11**.

10.0 Consistency with the Purpose of the FTAA

Section 43(1)(b)(i) of the FTAA requires the substantive application to explain how the project to which the application relates is consistent with the purpose of the FTAA.

The purpose of the FTAA is set out in Section 3 as follows:

*“The purpose of this Act is to facilitate the delivery of **infrastructure** and **development projects** with significant regional or national benefits”*

“Significant regional or national benefits” is not specifically defined in the FTAA, however, Section 22(2)(a) provides guidance on the matter and provides the following criteria (emphasis added):

(a) *whether the project—*

- (i) (has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list:*
- (ii) will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure:*
- (iii) will increase the supply of housing, address housing needs, or contribute to a well-functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020):*
- (iv) will deliver significant economic benefits:*
- (v) will support primary industries, including aquaculture:*
- (vi) will support development of natural resources, including minerals and petroleum:*
- (vii) will support climate change mitigation, including the reduction or removal of greenhouse gas emissions:*
- (viii) will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards:*
- (ix) will address significant environmental issues:*
- (x) is consistent with local or regional planning documents, including spatial strategies:*

The economic impacts of the application have been comprehensively assessed in the Economic Impact Assessment prepared by Property Economics included as **Appendix 10**. We rely on this assessment to evaluate the economic benefits of the proposal.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- The requirement will enable the delivery of new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure.
- The project will deliver significant economic benefits.
- The requirement and proposed conditions will support climate change mitigation, including the reduction or removal of greenhouse gas emissions, and will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards.
- The requirement and proposed conditions are consistent with local or regional planning documents, including spatial strategies.

11.0 Ineligible Activities

Section 43(1)(c) of the FTAA states that a substantive application must demonstrate that the project does not involve any ineligible activities.

Section 5 of the FTAA sets out the meaning of ineligible activity. We make the following comments to confirm that the proposal does not involve any ineligible activities.

- The Project site subject to this application does not occur on:
 - Identified Māori land;
 - A customary marine title area;
 - Māori customary land;
 - Land set apart as a Māori reservation as defined in Section 4 of the Te Ture Whenua Māori Act 1993;
- The proposal is not for an aquaculture activity;
- The proposal is not for an activity that would require an access arrangement under section 61 or 61B of the Crown Minerals Act 1991;
- The proposal is not for an activity that would be prevented under section 165J, 165M, 165Q, 165ZC, or 165ZDB of the Resource Management Act 1991 as the proposal does not involve a coastal permit or relate to the common marine and coastal area;
- The proposal does not involve land that is listed in Schedule 4 and is unrelated to Section 24 of the FTAA;
- The proposal does not involve land on a national reserve held under the Reserves Act 1977 or a reserve held under the Reserves Act 1977 that is vested to someone other than the Crown, the local authority or Department of Conservation;

- The proposal does not involve a prohibited activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 or regulations made under that Act;
- The proposal does not involve an activity that is described in section 15B of the Resource Management Act 1991 and is a prohibited activity under that Act or regulations made under it;
- The proposal does not involve an activity that is prohibited by section 15C of the Resource Management Act 1991;
- The proposal does not involve a decommissioning-related activity (which is an activity described in section 38(3) of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012); and
- The proposal is not for an offshore renewable energy project.

12.0 Section 30 FTAA

Section of the FTAA sets out the preliminary steps for substantive applications. This requires the Council to advise the Applicant in writing whether there are any existing resource consents to which section 124C(1)(c) or 165ZI of the Resource Management Act 1991 would apply if the approval were to be applied for as a resource consent under that Act. Or alternatively, that there are no existing resource consents of that kind.

In this case, the applicant has not lodged or obtained approval for any resource consent applications for a Justice Facility or associated works at the site at 14 Edmonton Road, Henderson. A letter from Auckland Council is provided as **Appendix 11** which confirms that Council has reviewed their records and do not hold any existing resource consents related to the proposed activity.

This letter from Council satisfies the requirements of Section 47 of the FTAA relating to obligations of the Environmental Protection Authority (EPA) following lodgement of the substantive application.

13.0 Consultation

Section 29 of the FTAA requires that the applicant consult with the persons and groups referred to in s11 of the FTAA prior to lodging the substantive application. Section 11 requires the applicant to consult with:

(a) *the relevant local authorities; and*

(b) *any relevant iwi authorities, hapū, and Treaty settlement entities, including—*

(xi) *iwi authorities and groups that represent hapū that are parties to relevant Mana Whakahoā ā Rohe or joint management agreements; and*

(xii) *the tangata whenua of any area within the project area that is a taiāpure-local fishery, a mātaihai reserve, or an area that is subject to bylaws made under Part 9 of the Fisheries Act 1996; and*

- (c) *any relevant applicant groups with applications for customary marine title under the Marine and Coastal Area (Takutai Moana Act) 2011; and*
- (d) *ngā hapū o Ngāti Porou, if the project area is within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou; and*
- (e) *the relevant administering agencies; and*
- (f) *if the proposed approvals for the project are to include an approval described in section 42(4)(f) (land exchange), the holder of an interest in the land that is to be exchanged by the Crown*

Details of consultation undertaken with the relevant local authorities, mana whenua and the relevant stakeholders are covered in the Engagement and Consultation Summary Report, see **Appendix 12**.

13.1 Auckland Council

In meeting the requirement of section 11(a), the applicant has had several meetings with Auckland Council since early 2025, as well as the Council controlled organisations including Healthy Waters and Auckland Transport. The purpose of these meetings was to introduce the project and seek feedback on the proposal. An overview of the consultation undertaken with Auckland Council, Healthy Waters and Auckland Transport is included in the Consultation Document.

The Applicant is committed to working constructively with Auckland Council and representatives of the relevant authorities and will continue to meet with its representatives to discuss the lodged application and recommended conditions.

13.2 Mana Whenua

[REDACTED]

-
- | Age Group | Percentage |
|-----------|------------|
| 18-29 | 85% |
| 30-49 | 85% |
| 50-69 | 85% |
| 70+ | 85% |
| Total | 85% |

[REDACTED]

[REDACTED]

[REDACTED]

- 1 [REDACTED]
- 1 [REDACTED]
- 1 [REDACTED]
- 1 [REDACTED]
- 1 [REDACTED]
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- 1 [REDACTED]
- 1 [REDACTED]
- 1 [REDACTED]
- 1 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

13.3 Potentially Affected Land Owner and Occupiers

Under clause 6(1)(e) of Schedule 5 of the FTAA, persons who may be affected by the proposal must be identified and any response to the views of any such person must be provided. Potentially affected landowners have been identified and consulted in the preparation of this application.

In accordance with clause 12(1)(f) of Schedule 5 of the FTAA, the full name and addresses of owners and occupiers of the site and land adjacent to the site are provided within **Appendix 14**. A summary of the engagement undertaken with adjacent land owners and occupiers is included as **Appendix 12**.

13.4 Ministry for the Environment

Pre-lodgement consultation for the Waitākere District Courthouse – New Courthouse Project has been undertaken with Ministry for the Environment. Initial feedback was received via email on 11th August 2025, confirming the Substantive Application must provide an assessment of the Project against any relevant national policy statement and national environmental standards. A copy of this letter is included as **Appendix 12** for reference (refer to Attachment 12.20).

14.0 Assessment of Effects

This section of the application is provided in accordance with clause 12(1)(b) of Schedule 5 of the FTAA. This requires the application to include an assessment of the activity's effects on the environment that includes the information required by clause 6 and clause 7 of the FTAA.

The relevant effects of the Project to designate the site for a future Justice Facility is considered in sections 14.1 to 14.12 below. A key component of this assessment is the management measures proposed to be included in the conditions to avoid, remedy and mitigate any adverse effects of a future Justice Facility. Those conditions are discussed in Section 9.0 above and the full suite of proposed designation conditions are included as **Appendix 9**.

14.1 Positive Effects

The need for the Waitākere District Courthouse – New Courthouse Project has been described in sections 5.0 and 7.0 above. The designation of the site for its purpose would:

- Provide the certainty required for the construction and operation of Justice Facility in the future to ensure the functional and efficient operation of Courthouse operations in the Auckland Region.
- The designation of the site will enable the construction of a purpose built Justice Facility that can cater to the operational and functional requirements of the Waitākere District Courthouse, which is unable to be achieved through redevelopment of the existing Justice Facility.
- The designation of the site enables certainty for the longevity of the Project and contains a robust set of conditions to appropriately mitigate the effects of activities and development enabled by the designation.

14.2 Built Form and Character

The proposed notice of requirement will enable future works within the designated area, specifically the construction of the proposed Waitākere District Courthouse. As noted in section 6.4, most of the project site is zoned Business – Metropolitan Centre Zone, with a small portion of the site located within the Open Space – Informal Recreation Zone. Under the Business – Metropolitan Centre Zone, Justice Facilities are provided for as a permitted activity. To support the Notice of Requirement, an Urban Design Assessment has been prepared by Architectus included as **Appendix 7**, which provides an overview of the subject site, key urban design opportunities and design response, potential urban design effects and design recommendations to guide the future design of a Justice Facility on the site.

The Urban Design Assessment recommends a comprehensive ‘Urban Design Guideline Framework’ that will manage the built form, character and amenity of a future building on the site. This framework intends to mitigate any potential urban design effects of a Justice Facility and will ensure the scale of the future development/building is in keeping with the planned urban character and amenity within the locality whilst also providing for the specific operational and functional requirements for the Waitākere District Courthouse - New Courthouse project. The specific operational and functional needs of the project include the provision for five circulation routes to and from the building to ensure the separation between public, staff and custodial areas, as well as a separate entrance/exit for jury members and secure witnesses. Given the nature of the facility, particular consideration is required for the circulation and safety of judges at the site.

Additional functional considerations include the restrictions on the type of landscaping provided within public areas (including the requirement for low level landscaping) to avoid opportunities for the concealment of weapons, as well as provision for outdoor gathering spaces for visitors that are

appropriately sized and close to the main building entrance. These functional requirements are key drivers for the overall bulk, scale and building layout, which has informed the concept bulk and location plans that are provided as **Appendix 7**. These bulk and location plans provide an indicative building footprint which takes into consideration the functional and operational requirements outlined above, as well as the wider constraints identified on the subject site, including the location of existing servicing infrastructure, identified flood hazards, street furniture and the relationship to adjacent sites.

Whilst the specific design and layout for the Justice Facility is not known at this stage (noting this will be delivered by a separate entity as part of the Outline Plan of Works, the overall building bulk, scale and massing will be guided by the urban design outcomes and matters for discretion/assessment criteria for new buildings in the Business – Metropolitan Zone under the Auckland Unitary Plan. These specific urban design outcomes have been captured in the proposed ‘Urban Design Guideline Framework’ to inform the built form, materiality, signage, wayfinding and general building bulk outcomes that are considered appropriate in the context of the site, surrounding environment and development anticipated within the underlying zone.

The Urban Design Guideline Framework is categorised under six key outcomes, including site layout, building massing/form, building façades, landscape and outdoor spaces, navigation and wayfinding and crime prevention through environmental design (‘CPTED’). A summary of these key guidelines is provided below:

- Site Layout: Key considerations include provision of clear, legible and safe building entrances that are well integrated with the building form, separation of private/secure and public spaces and a carefully considered design that achieves a high-quality streetscape interface with space for landscaping around the building.
- Building Massing/Form: The Justice Facility is a significant and important civic building for the wider area. Key considerations include creating a sense of civic presence that positively responds to the public realm, adjacent sites and defines the Alderman Drive/ Edmonton Road intersection corner as an important focal area of the site.
- Building Façades: Key considerations include delivering a façade design that exhibits the importance of the civic building with an open and welcoming presentation to both Edmonton Road and Alderman Drive. Access points to the building, articulated features and other features (such as signage) should be well integrated with the overall façade design, with use of diverse materials that are appropriate for the Justice Facility.
- Landscape: Key considerations include principles guiding the provision for permeable and non-permeable spaces, including plant selection, lighting, fencing, in general accordance with the Landscape Plan, prepared by Architectus dated June 2025 (refer to **Appendix 7**). The Landscape Plan has been designed to respond to the surrounding context and achieve a well-considered street interface, that enhances landscape amenity and assists in softening-built form.
- Navigation and Wayfinding: The site layout, entrance and public circulation should be legible, clear and convenient for future users of the Justice Facility. Signage and building access are key principles that will achieve the desired outcomes sought by these guidelines.
- Crime Prevention Through Environmental Design (‘CPTED’): These guidelines contain a suite of design principles relating to access control, surveillance of public and private spaces and circulation routes.

Overall, the Urban Design Guideline Framework is considered an appropriate mechanism to demonstrate how the urban design effects of a future Justice Facility on the site will be managed. It is proposed to include an urban design condition (proposed condition 6 in **Appendix 9**) as part of the Notice of Requirement application, that is triggered at Outline Plan of Works stage, requiring a design statement by a suitably qualified person to be provided that demonstrates how the Urban Design Guideline Framework has been addressed in the final design. The proposed condition wording includes a clear breakdown of the key considerations to be addressed in the design statement, as noted below.

Condition 6: Urban Design Guideline Framework

At Outline Plan of Works stage, a design statement prepared by a suitably qualified person shall be submitted to Council that demonstrates how the design of the Justice Facility has addressed the Urban Design Guidelines Framework (UDGF) outlined in the Urban Design Assessment prepared by Architectus (dated June 2025), including:

- (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.*

For completeness, it is noted that the proposed condition wording (specifically the inclusion of the sub-bullet points) is consistent with the approach for the Tauranga Moana Innovative Courthouse' designation that was approved under the COVID-19 (Fast Track Consenting) Act 2020.

In addition, a second urban design condition (referred to as Condition 7 in **Appendix 9**) is proposed as part of the Notice of Requirement that addresses a scenario where the final building design for the Justice Facility is not in general accordance with the bulk and location study plans prepared by Architectus (dated June 2025). Where the design is not in general accordance, the building would need to demonstrate compliance with the underlying zone building height and height in relation to boundary standards contained within the Chapter H9 Business – Metropolitan Centre Zone. Whilst these standards, particularly building height is greater than the built and location study, these standards provide for a building envelope that reflects the anticipated built form and scale of development within the zone, and therefore, a building within these parameters is considered appropriate. A future building is still subject to the requirements of condition 6 above, and importantly, these guidelines have been informed and guided by the relevant matters of discretion and assessment criteria in the Chapter H9 Business – Metropolitan Centre Zone, such that effects built development are captured through this framework.

The proposed condition wording is provided below:

Condition 7: Building Envelope

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 should be in general

accordance with the bulk and location study prepared by Architectus, dated June 2025. Where not in accordance, the Justice Facility should not exceed the following:

- *A maximum building height of 72.5m;*
- *The upper floors of a building above 32.5m in height, must be setback at least 6m from the site frontage;*
- *A building must not exceed the 16.5m + 45° height in relation to boundary recession plane for a length of 10m at the 22 Alderman Drive site boundary when measured from the road.*

Having regard to the assessment above, proposed urban design guideline framework and the detailed set of urban design and landscape conditions proposed to manage the effects of a future building on the site, it not considered that the proposed designation will give rise to any adverse effects with respect to built form and character.

14.3 Land Disturbance and Construction Activities

Consideration of effects associated with land disturbance and construction activities are considered in the following sections below.

14.3.1 Erosion and Sediment Control

The required earthworks for the project will be carried out in accordance with best practice erosion and sediment control measures to ensure that dust and sediment runoff effects are avoided and minimised. All works will be appropriately managed via conditions that form part of the Notice of Requirement, as outlined in **Appendix 9**. In particular, this includes the requirement for all land disturbance works to be in accordance with Auckland Council's best practice GD05 Erosion and Sediment Control Guidelines (refer to Condition 9), and the requirement for a finalised erosion and sediment control plan to be submitted to Council as part of the Outline Plan of Works for certification prior to the commencement of works. It is considered these measures are appropriate to manage the effects of earthworks activities on the site, such that any adverse effects will be less than minor.

14.3.2 Construction Noise and Traffic

To mitigate and minimise construction noise effects that could be experienced by closest receivers, the proposed Notice of Requirement contains specific construction conditions that will be implemented for the duration of the construction period. This includes the requirement for a Construction Management Plan 'CMP' (Condition 11) and a Construction Noise and Vibration Management Plan 'CNVMP' (Condition 4), as noted in **Appendix 9**.

The CMP and CTMP will be submitted at least ten working days prior to the commencement of works and will cover measures and procedures to manage construction noise and vibration and construction traffic to and from the site. Each condition has a clear objective statement which clarifies the intent of the condition and the effect that is being managed.

In our view, the proposed management framework is considered to represent the best practicable option for enabling construction of the project while avoiding adverse traffic effects and protecting people from the unreasonable emission of noise.

14.3.3 Contamination

Soil disturbance associated with construction works for the Project at the site triggers consideration under the National Environmental Standard for Assessing and Managing Contaminants in Soil (NES-CS). The relevant consents will be obtained at the time of future construction works and development on the site. It is noted that appropriate measures will be in place prior to any sites works or future development, including the preparation of a Site Management Plan (SMP). In this regard, it is considered that any will any potential adverse effects on human health and the environment will be avoided, remediated or mitigated during the earthworks and construction phase of the project.

14.3.4 Geotechnical

To support the Notice of Requirement application, a Geotechnical Report has been prepared by Wentz-Pacific Geotechnical Engineers which is included as **Appendix 15**. This report provides a comprehensive overview of existing site conditions, constraints and confirms there are different methods available that could be implemented to adequately mitigate and avoid adverse effects with respect to geotechnical hazards associated with a future development on the site. In particular, the report confirms groundwater will not be encountered for any future redevelopment of the site, and the site conditions are suitable for a future Justice Facility.

Several recommendations are outlined in this report, with respect to site stability and suitability, and geotechnical hazards, which will ensure that any potential effects associated with a future building on the site will be appropriately managed. Condition 17 is proposed as part of the Notice of Requirement application to ensure a future building design takes into account the recommendations of the Geotechnical Report and that appropriate certification measures are in place at the time of building consent. It is reiterated that all future works undertaken once the designation is established, including design development, monitoring and certification will be undertaken by a suitably qualified Chartered Professional Engineers.

Having regard to the above and assessment provided by Wentz-Pacific Limited, it is considered that any potential adverse effects in regard to geotechnical hazards will be less than minor overall and will be appropriately managed.

14.3.5 Archaeological

An Archaeological Assessment has been undertaken by Plan.Heritage which is included as **Appendix 16**. Their report confirms that there are no known archaeological sites or features identified within the project area or nearby. Notwithstanding, accidental discovery protocols will be followed in the event that any unrecorded archaeological features are uncovered or identified during construction works for the Justice Facility and ancillary activities enabled by the designation. In this regard, it is considered that appropriate methods are in place to manage cultural and heritage effects of future development on the site.

14.3.6 Conclusion

Based on the above, it is considered that any potential adverse effects associated with land disturbance and construction activities will be appropriately managed through consent conditions and best practice to ensure that any effects will be less than minor and appropriate for the scale of the activity.

14.4 Infrastructure and Servicing Effects

A summary of infrastructure and servicing effects of the proposed Justice Facility is included in the Infrastructure Report prepared by Holmes NZ LP, included as **Appendix 4**. The assessment, calculations and recommendations outlined in this report has been informed by the concept bulk and location study that was undertaken by Architectus (dated June 2025) to demonstrate how an indicative building footprint for a future Justice Facility could be adequately serviced in the future. Overall, the Infrastructure Report confirms that a future building on the site can be appropriately serviced with respect to three waters infrastructure (stormwater, wastewater and water supply) as well as power and telecommunications, as summarised below.

- **Stormwater:** A comprehensive overview of the existing stormwater connections and network within the site and immediate vicinity is outlined in section 4.1 of the Infrastructure Report (refer to **Appendix 4**). In particular, there are several existing public stormwater lines that traverse the site, including a 1500mmØ concrete line that runs through the centre of the site and discharges into the Waikumete Stream via a concrete outfall. As part of future development on the site, this 1500mm stormwater line would be retained and some stormwater lines in other areas of the site may require removal or relocation to accommodate the excavations required for the building footprint. It is noted there is available space to accommodate the relocation of this infrastructure within the immediate vicinity, and the costs associated with this work would be borne by the Requiring Authority.

Any foundation for a future building on the site will be designed in accordance with the requirements of proposed Condition 14, which requires a minimum 5m horizontal setback from the edge of the existing 1500 diameter stormwater pipe. This condition will ensure the existing stormwater infrastructure is not damaged or impacted by construction works and development on the site. A future building design would ensure appropriate consideration of any maintenance requirements for the existing pipe. This mitigation approach is considered appropriate to ensure to manage the effects of future development of the site with respect to existing stormwater infrastructure and will ensure that on-going operation and maintenance of infrastructure is provided for, whilst enabling the efficient and effective operation of the Justice Facility.

- In regard to stormwater management, the existing Project site area is largely impervious area, such that stormwater runoff from the redevelopment of the site will be largely unchanged post-development. Notwithstanding and to manage the effects of stormwater runoff resulting from future redevelopment on the site, stormwater mitigation measures such as detention tanks is viable options for this site. The Landscape Plan prepared by Architectus in **Appendix 7** provides indicative locations for above ground stormwater detention tanks on the site which demonstrates there is sufficient space for stormwater mitigation devices (of an appropriate size) to be accommodated on the site (in an appropriate and secure location) at the time of future development. It is noted that underground stormwater solutions such as underground detention tanks is not a viable solution for a future development on this site, as further outlined in the Civils Assessment. This mitigation measure is captured by proposed Condition 13 in **Appendix 9** which requires details of future stormwater management associated with the final building design to be submitted for certification at Outline Plan of Works stage.

- **Wastewater:** There are existing reticulated wastewater lines that within the site as well as connections within Alderman Drive and Edmonton Road. At the time of future development on the site, the existing public wastewater lines can be feasibly re-routed around the future building footprint and new connections/manholes can be provided which provides appropriate capacity to service the Justice Facility. Consultation with Watercare has been undertaken to support the proposed Substantive application, and support in principle for the proposed servicing strategy has been provided.
- **Water Supply:** Existing reticulated services are available within the road reserve on Edmonton Road and Alderman Drive which will be utilised to service the future Justice Facility development. The site is located within 135m of four existing hydrants and therefore, it can be demonstrated that future development will be appropriately serviced with respect to fire-fighting supply.
- **Power and Telecommunications:** A future Justice Facility can be appropriately serviced by existing utility services in the immediate vicinity of the site.

Conditions are proposed on the designation to ensure adequate provision for infrastructure and servicing to support a future Justice Facility development on the site. This includes a future servicing strategy condition (noted as Condition 12 in **Appendix 9**), as well as two stormwater servicing conditions relating to stormwater mitigation (Condition 13) and stormwater pipe clearance (Condition 14) to be submitted at the time of Outline Plan of Works stage.

14.5 Stormwater and Flooding Effects

An assessment of effects in relation to flooding and stormwater is included in the Infrastructure Report prepared by Holmes NZ LP, included as **Appendix 4**. In summary, their report demonstrates that the effects of stormwater runoff from a future Justice Facility can be appropriately managed through a range of mitigation measures, including detention tanks to ensure stormwater flow volumes post-development do not exceed pre-development levels. The modelling and investigation undertaken by Holmes to date confirmed that below ground tanks is not a feasible stormwater solution for the site, and therefore indicative locations for above ground detention tanks have been demonstrated on the Landscape Plan included within the Urban Design Assessment in **Appendix 7**. It is noted that the proposed stormwater management approach has been guided by the parameters of Chapter E10 of the AUP(OP) which relates to sites identified within stormwater management flow areas.

To support the Notice of Requirement application, a Flood Risk Assessment has been prepared by Holmes NZ to assess the potential flooding effects of the Proposal (refer to **Appendix 3**). This assessment provides an overview of the approach and is supported by site-specific hydraulic modelling undertaken by ACH Consulting (included as **Appendix 3**) to determine the effects of future redevelopment of the Project site. Importantly, this modelling exercise has incorporated climate change factor (including 3.8-degree climate change factor) to account for climate change mitigation in the design for a future development proposal. Further details of the climate change considerations and anticipated effects are detailed in section 5.3.4 of the Infrastructure Report included as **Appendix 4**.

Robust consultation has been undertaken with Healthy Waters since the early stages of the project to define the modelling parameters and inform the design recommendations, which is detailed in the Engagement and Consultation Summary Report (included as **Appendix 12**). Details of these

considerations is provided in section 5.0 of the Infrastructure Report included as **Appendix 4** and section 3.1 of the ACH Consulting Report included as **Appendix 3**.

Risks of Adverse Effects to Property

Under the Chapter J AUP(OP) definitions, the proposed activity (i.e. Justice Facility) is defined as a 'community facility'. In accordance with the Auckland Council Stormwater Code of Practice, the proposed activity is considered a 'less vulnerable activity' which requires a minimum 300mm freeboard above highest flood level of 8.02mRL. This minimum FFL requirement of 8.32m RL will form a condition on the designation (noted as Condition 15 in **Appendix 9**), and a future building design for the Justice Facility would need to comply with this requirement when submitted at Outline Plan of Works stage. Further details of the freeboard requirements are contained within section 4.2 of the ACH Consulting Report included as **Appendix 3**.

The proposed flood response and mitigation measures put forward in this Notice of Requirement application include structural solutions on site coupled with a robust flood emergency management plan to ensure risks to people and property are appropriately managed. The structural solutions include solid foundation design at a minimum freeboard of 300mm above peak 1% AEP flood event, flood gate mechanisms at the undercroft of the building (with permeable treatment to enable water to pass through), and restrictions on the location of service equipment to ensure this infrastructure is not located on the ground floor. Importantly, it is noted that the proposed Justice Facility is a critical asset for the Minister of Justice and therefore, comprehensive building design, material selection and on-going maintenance and protection of this infrastructure will occur for the duration of the activity on the site.

Whilst the exact design, location and details of the future building are not confirmed at this stage, the assessment undertaken to date confirms that a future building designed with a suspended foundation achieving the minimum finished floor level requirements achieves an appropriate clearance to mitigate potential flooding risk and avoid inundation of building, which avoids significant adverse effects to people and property.

Risk of Adverse Effects to People

To manage risks to people, a draft Flood Emergency Management Plan (FEMP) has been prepared which provides a framework to understand the roles and responsibilities of persons at the Justice Facility and procedures for pre, during and post event (including identification of safe evacuation routes). A critical aspect of the FEMP is the trigger points/site-specific warning system that would activate the implementation of the FEMP, which is based on a robust set of measures including weather monitoring, notification, alerts and a threshold matrix system to ensure all building users at the facility have a safe and secure exit (particularly vulnerable persons). The draft FEMP identifies clear evacuation routes for persons at the facility pre and during event to demonstrate how clear and safe egress routes for persons at the facility is provided for to manage risk to persons. Whilst these evacuation routes are based on the indicative building footprint included in the bulk and location study, the requirement for these evacuation routes and protocols to be captured in the FEMP, demonstrates that appropriate measures are in place to safeguard persons and ensure flood risk is managed on site. A copy of the FEMP is included as **Appendix 19**.



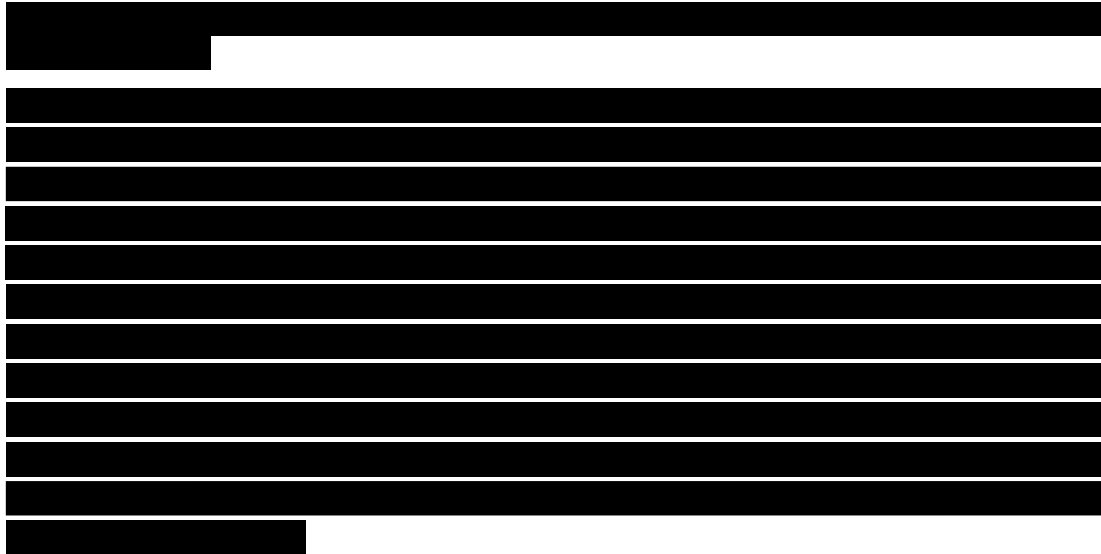
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A detailed assessment of effects to other adjacent properties is provided in section 4.4.2 to 4.4.9 of the ACH Report (included as **Appendix 3**), and overall, it is concluded that the redevelopment of the site will not result in adverse flooding effects. For these reasons, it is considered that any potential flooding risks associated with the proposal will be less than minor overall and the Justice Facility enabled by the designation will not result in adverse flood risk to people and the environment.

Overall, based on the assessment provided by Holmes Limited and implementation of the conditions proposed as part of the designation, it is considered that any potential adverse effects will respect to stormwater and flooding will be appropriately managed and will be less than minor overall.

14.6 Transport Effects

To support the Notice of Requirement application, a Transport Assessment has been prepared by Don McKenzie & Carriageway Consulting to assess traffic, parking and access effects associated with a future Justice Facility on the site (refer to **Appendix 17**). Whilst the specific design and layout of the Waitākere District Courthouse is not known at this stage, the access and parking arrangements indicated in the bulk and location study prepared by Architectus (included as **Appendix 7**) have informed this assessment and consideration of transport effects resulting from future redevelopment of the site. Overall, the report confirms that appropriate vehicle and pedestrian access can be provided to the future building on the site that will ensure the safety and efficiency of the existing road network is maintained.

The Project site is located at the corner of the Alderman Drive and Edmonton Road intersection that is serviced by a well-established pedestrian network and is located in close proximity to public transport and the Henderson Town Centre. At the time of future development, some existing street furniture (such as existing vehicle access on Edmonton Road) will need to be removed to accommodate the required vehicle access locations to service the Justice Facility to meet operational and functional requirements. Any works required would be appropriately managed through the implementation of CTMP plans (noted as Condition 4 in **Appendix 9**) which will ensure the continued function of adjacent activities and the road network in vicinity to the site.

Given the nature of the Justice Facility, a future building design and site layout must accommodate separated vehicle and building access points to provide for the various circulation routes required. Any future design would ensure appropriate space for pedestrian refuge is provided either side of a new vehicle crossing, and will not compromise the safety and function of the existing pedestrian network. Provision for pedestrian safety is further managed by the Urban Design Guideline Framework discussed in section 14.2 above, which requires appropriate consideration of the built form, site layout and interface with adjacent sites and the wider public realm.

The bulk and location study plans prepared by Architectus (included as **Appendix 7**), indicate a future building footprint is likely to occupy most the site area, and is required to be built up to the eastern boundary to provide an appropriate design response to the identified site constraints. In the indicative scheme provided, the location of the building footprint will sever the existing access arrangement between the Project site and the 22-24 Edmonton Road site which is occupied by the Korean Church. Whilst this connection will be severed at the time of future development on the site, this through connection is currently operating via an informal access arrangement, and the legal and physical access to this site via Edmonton Road will remain operational and accessible for this site. Further, any future development of the site will retain the existing vehicle access on Alderman Drive (in the north-west corner of the site), to ensure continued legal and physical access to the Alderman Cafe in accordance with the right of way requirements. To ensure operational and functional requirements of the Justice Facility are achieved, secure boundary fencing is required along the northern boundary. As a result, access to the parking spaces beyond the right of way easement would not be accessible, however, this is currently an informal arrangement on the site and the designation boundary is aligned with the legal title boundaries.

A robust assessment of effects associated with the activities and development enabled by the designation is provided in Section 7.0 of the Transport Assessment. In particular, it is noted that the traffic generated from a Justice Facility can be accommodated within the existing transport network, and the construction of any new vehicle crossings to service the activities would maintain the safe and efficient operation of the wider transport network. Conditions are proposed on the designation to manage access and manoeuvring associated with Justice Facility, relating to vehicle crossing widths, separation distances from adjacent crossings, queuing space requirements, which are considered appropriate measures to maintain safe sightlines and manage effects of future redevelopment of the site. Primary operational access for vehicles is via Edmonton Road as this is considered the most appropriate and functional location to achieve the separation and circulation routes required to enable the efficient and effective operation of the Justice Facility in accordance with MoJ requirements.

14.7 Lighting Effects

Lighting associated with the Justice Facility would be managed through the proposed 'Urban Design Guideline Framework' discussed in section 14.2 above, which is contained within the Urban Design Assessment included as **Appendix 7**. This approach will ensure that adequate lighting provision for the future Justice facility, such that there will not light spill or glare effects resulting from a future development on the site. In addition, a lighting condition is proposed as Condition 8 (contained within **Appendix 9**) which requires all lighting to demonstrate compliance of AS/NZS1158.3.1 which is a universally best practice guideline used across Auckland and will ensure effects with respect to lighting are appropriate.

14.8 Ecological Effects

There are no significant ecological features within the project area, including streams or natural wetlands that would be adversely affected by the proposed Notice of Requirement that enables that future construction of a Justice Facility on the site.

14.9 Operational Noise Effects

An Acoustic Report has been prepared by SLR Consulting Ltd to assess the operational noise effects of future Justice Facility on the site which is included as **Appendix 18**. The potential operation noise effects of the proposed Justice Facility will be managed through the restricted hours of operation for the facility (noting this is limited to day time hours only) and the overall layout/design of the building will be cognisant to the surrounding receivers and will be guided by the noise limits set out in Chapter E25 of the AUP(OP).

A future Justice Facility is considered a ‘community facility’ under the Auckland Unitary Plan (Operative in Part), which is an activity provided for and anticipated within the zone and surrounding area, and therefore, the operational noise associated with such activity is anticipated, and mitigates any potential reverse sensitivity effects. An operational noise condition is proposed as part of this application (refer to Condition 5 in **Appendix 9**) to ensure the Justice Facility achieves on-going compliance with the operational noise standards and outlines an appropriate process to manage effects if compliance is not achieved. Having regard to the above, it is considered that noise effects will be managed by the parameters of the activity and mitigation measures, such that effects are considered to be less than minor overall.

14.10 Arboricultural Effects

As noted in section 6.1 above, there are two notable Kauri trees located in the north-east corner of the site. An Arborist Memorandum has been prepared by Greenscene NZ to assess the condition of the trees and arboricultural effects of the proposal, which is included as **Appendix 6**. Their report confirms that the western-most tree is declining in health. The initial concept designs for the Project sought to avoid the removal the two Kauri trees in the north-eastern corner of the site as far as practicable when considering the operational and functional requirements of the Justice Facility and site constraints (including the existing stormwater pipe that runs through the site as well as the identified flooding hazards). An overview of the design rationale and key considerations are summarised in the Arborist Memorandum included as **Appendix 6**. In particular, it is noted that the concept schemes that retained the trees, would not ensure the long-term health and protection of these trees noting one is declining in health and the proximity of a future building would undermine future growth.

Following comprehensive concept analysis, it was determined that it was not possible to retain the two Kauri trees in their current location and removal would be required, due to the fact the building would extend to the edge of the north-eastern boundary to address the site constraints and operational requirements identified above. Given the scheduled heritage status afforded to these trees, replacement or mitigation planting is not considered appropriate as this value could not be replaced. However, the arboricultural assessment notes that the retention of existing mature trees within the road reserve and vegetated area in the northern corner of the site will assist in softening the built form and maintain a landscaped street interface. Further, there is an existing young Kauri tree located to the north of the notable Kauri trees which has been identified

as a key landscaping opportunity to provide increased soft landscaping within this area to enhance landscape amenity values. This opportunity has been captured within the landscape guidelines contained within the Urban Design Guideline Framework, which is included as proposed Condition 6 in **Appendix 9**.

Whilst the removal of the Kauri trees will have an impact on ecology values of the site, overall, this will be less than minor particularly when considering the street interface, existing landscape environment and comprehensive landscape strategy proposed. Having regard to the above, it is considered that any potential adverse arboricultural effects will be less than minor.

14.11 Effects on Cultural Values

There are no known identified sites of significance to Mana Whenua within the Site subject to the designation. The site is located within a Statutory Acknowledgement Area and consultation has been undertaken with the relevant iwi authorities that are understood to have interest in the Project and any future redevelopment of the site, as outlined in the Engagement and Consultation Summary Report included as **Appendix 12**. Te Kawerau ā Maki have expressed particular interest in the project and further engagement regarding various aspects of the Justice Facility, including but not limited to aspects of the proposal in relation to stormwater management, planting and landscaping and earthworks, which will continue as the project progresses. In particular, the engagement to date has identified opportunities for incorporation of cultural design elements into the Project and re-use of the Kauri trees proposed to be removed. Further, Te Kawerau ā Maki have provided a letter of support for the Project which is included as **Appendix 13**.

14.12 Effects on Neighbouring Sites

The following comments are made with respect to potential effects on neighbouring sites (affected land owners and occupiers):

- Any potential adverse effects arising from the activities that would occur at the Site under the proposed designation, are intended to be mitigated through conditions to be imposed on the designation. In particular, the conditions require the preparation of management plans prior to construction works, and submission of technical statements for certification to ensure all works are carried out as per the intended purpose, and the recommendations outlined in the respective technical reports submitted with this application. A copy of the full set of conditions is provided as **Appendix 9**.
- Future works that would occur under the designation purpose and scope would be restricted to the constraints of the property boundary and the designated area, and the proposed conditions to be applied to the designation. The assessment provided within sections 14.1 to 14.11 above concluded that any potential adverse effects of a future Justice Facility will be less than minor overall.
- The scale and operation of a future Justice Facility and ancillary works within the designated Site (which is enabled through the conditions) would remain consistent with the scale and nature of development and activities anticipated by the underlying AUP(OP) zoning. Effects of future development are further managed through the proposed 'Urban Design Guideline Framework' which contains principles to manage the interface with adjacent properties and the public realm, to ensure any potential visual dominance and shading effects are managed to be less than minor.

- All future construction works will be managed to ensure no adverse effects on adjacent buildings during the construction period. This includes the preparation of a Construction Management Plan and Construction Traffic Management Plan, which would outline how works will be managed to minimise disturbance to existing activities on adjacent sites. These management plans would include a construction methodology to manage works at site boundaries, particularly where works are proposed within close proximity to the adjacent boundaries (to the north and east, noting all other boundaries are well setback on the opposite side of Alderman Drive and Edmonton Road respectively). Further, all earthworks activities will be managed through the implementation of robust erosion and sediment control measures that maintain silt and sediment runoff within the site boundaries.
- Any potential geotechnical hazard risks will be appropriately managed through the proposed conditions, and implementation of the recommendations outlined in the Geotechnical Report submitted with this application (included as **Appendix 15**). In particular, the report confirms feasible solutions are in place to support the construction of a future building, and that any excavation works would be managed in a way that maintains site stability at the adjacent properties.
- In regards to potential traffic effects, the assessment provided in section 14.6 above, confirms the construction and operation of a future Justice Facility on the site maintain the safe and efficient operation of the existing transportation network and will not result in any adverse effects with respect to pedestrian and vehicle safety. In particular, any future vehicle crossings on Edmonton Road which is the primary operational access will be designed to achieve appropriate sightlines and queuing space, whilst ensuring sufficient space for safe pedestrian refuge and appropriate separation from the adjacent site at 22-24 Edmonton Road. All required parking for the facility will be contained wholly within the site boundaries and will not compromise or restrict vehicle access or manoeuvring for adjacent sites. Further, any traffic related effects will be appropriately managed through the suite of traffic related conditions proposed on the designation.
- Any potential noise effects will be appropriately managed through conditions proposed on the designation, as per the recommendations of the Acoustic Report included as **Appendix 18**. In particular, this includes specific noise limits during construction and the requirement for a Construction Noise and Vibration Management Plan to be prepared to manage noise arising from construction related activities. Further, operational noise effects will be managed through the appropriate certification of building services and mechanical equipment, to ensure an appropriate level of noise is maintained for the duration of the activity.

14.13 Conclusion

The designation at the Site for this purpose enables positive effects to be realised in that it would provide the certainty required to ensure a new Waitākere District Courthouse can be established on the site that is fit for purpose and maintains the efficient and effective functioning of the Auckland Court network.

The potential adverse effects of the proposed designation will be mitigated through conditions to be imposed on the designation, which include the requirement for a future building design to be informed by urban design guideline framework and appropriate certification and management processes to be undertaken at time of future redevelopment on the site.

Overall, considering the nature of the Site, the nature of the receiving environment, above assessment and conditions proposed to mitigate potential adverse effects of activities at the site, both during construction and ongoing operation, the potential adverse environmental effects resulting from the proposal are considered to be less than minor.

15.0 Strategic Assessment of Relevant Statutory Documents

This section of the application is provided in accordance with clauses 12(1)(d)(ii), and 12(2) of Schedule 5 of the FTAA. This requires that applications include an assessment of the activity against the relevant provisions and requirements of the following statutory documents:

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

As required by clause 12(3) of Schedule 5, this includes an assessment of the relevant objectives, policies and rules and any requirements, conditions or permissions in any rules of those documents.

The evaluation below is at a strategic level and assesses the application as a whole against the relevant statutory documents.

15.1 National Environmental Standards

15.1.1 National Environmental Standards for Air Quality

The National Environment Standards for Air Quality prohibit discharges from certain activities and set a guaranteed minimum standard for air quality for people living in New Zealand. In this case, the proposed Notice of Requirement seeks to designate the site for 'Judicial and Court Purposes', which will be subject to a future Outline Plan of Works to establish a Justice Facility on the site. In this regard, this NES is not considered relevant for the assessment of the substantive application.

15.1.2 National Environmental Standards for Commercial Forestry

The National Environmental Standards for Commercial Forestry provides nationally consistent regulations to manage the environmental effects of forestry. In this case, the proposed Notice of Requirement seeks to designate the site for 'Judicial and Court Purposes', which will be subject to a future Outline Plan of Works to establish a Justice Facility on the site. No commercial forestry activities will be proposed or enable as part of the Notice of Requirement, and therefore, this NES is not directly relevant to the assessment of the substantive application.

15.1.3 National Environmental Standards for Electricity Transmission Activities

The National Environmental Standards for Electricity Transmission Activities sets out which electricity transmission activities are permitted, subject to conditions to control environmental effects. In this case, the proposed Notice of Requirement seeks to designate the site for 'Judicial and Court Purposes', which will be subject to a future Outline Plan of Works to establish a Justice Facility on the site. The project site is not located within close proximity to any significant electricity infrastructure, and as such, this NES is not directly relevant to the consideration of the substantive application.

15.1.4 National Environmental Standards for Freshwater 2020 (NESF)

The NESF sets out requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems. The NESF includes standards which manage works affecting rivers and streams and works in and around natural wetlands. In this case, there are no natural wetlands within, or in close proximity to the requirement area, and therefore no consents will be required under the NESF.

15.1.5 National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat

This National Environmental Standard sets out nationally consistent rules for certain greenhouse gas emitting activities from industrial process heat. As noted in section 1.5 above, the proposed Notice of Requirement seeks to designate the site for 'Judicial and Court Purposes' and no industrial activities are proposed. As such, this NES is not directly relevant to the assessment of the substantive application.

15.1.6 National Environmental Standards for Marine Aquaculture

The National Environmental Standards for Marine Aquaculture replaces regional council rules for existing marine farms and provides a more certain and efficient process for replacing consents, realigning farms and changing farmed species. In this case, the subject site is not located within a marine environment, and therefore, this NES is not relevant to the consideration of the substantive application.

15.1.7 National Environmental Standards for Sources of Human Drinking Water

This National Environmental Standard sets requirements to protect sources of human drinking water from becoming contaminated. In this case, the Notice of Requirement seeks to designate the site for 'Judicial and Court Purposes', and any future development enabled through the NoR, will be appropriately managed to ensure to adverse effects on drinking water.

15.1.8 National Environmental Standards for Storing Outdoor Tyres

This National Environmental Standard provides nationally consistent rules for the responsible storage of tyres. In this case, the proposed Notice of Requirement seeks to designate the site for 'Judicial and Court Purposes' and no outdoor tyre storage is proposed or enable through this Notice of Requirement. As such, this NES is not directly relevant to the consideration of the substantive application.

15.1.9 National Environmental Standards for Telecommunication Facilities

This National Environment Standard sets national rules regarding the deployment of telecommunications infrastructure across New Zealand. The project area is not located within a National Grid Overlay and there is no electricity transmission infrastructure located within the site. As such, this NES is not directly relevant to the consideration of the substantive application.

15.1.10 National Environmental Standards for National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011

The intent of the NESCS is to provide a nationally consistent set of planning controls and soil contaminant values. It seeks to ensure that land affected by contaminants in soil is appropriately identified and assessed before it is developed and, if necessary, the land is remediated or contaminants contained to ensure the land is safe for human use.

Given this application is for a Notice of Requirement, the relevant consents under the NESCS will be obtained at the time of future construction works. Any future development on the site will be appropriately managed in accordance with the NESCS to ensure the proposal will not create significant adverse effects on the environment or human health.

15.1.11 Other National Environmental Standards

Other National Environmental Statements which have not been listed above are not considered to be relevant to the scope of the proposal and no further assessment regarding the NES is provided.

15.2 National Policy Statements

15.2.1 National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023

The National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat provides nationally consistent policies and requirements for reducing greenhouse gas emissions from industries using process heat. This NPS works alongside the National Environmental Standards for Greenhouse Gases from Industrial Process. In this case, the proposed Notice of Requirement seeks to designate the site for 'Judicial and Court Purposes' and no industrial activities are proposed on the site. As such, this NPS is not relevant to the substantive application.

15.2.2 National Policy Statement for Highly Productive Land 2022

The NPS provides national direction to improve the way highly productive land is managed under the RMA. The objective is to ensure the availability of New Zealand's most favourable soils for food and fibre production. In this case, the project area is not identified as an LUC class soil and does not meet the definition of 'highly productive land'. As such, this NPS is not relevant to the consideration of the substantive application.

15.2.3 National Policy Statement for Freshwater Management 2020

The National Policy Statement on Freshwater Management 2020 (NPS-FM) requirements include:

- Managing freshwater in a way that 'gives effect' to Te Mana o te Wai;
- Improving degraded water bodies, and maintaining or improving all others; and

- Avoiding any further loss or degradation of wetlands and streams, map existing wetlands and encourage their restoration.

Policies of the NPS-FM focus upon the management of freshwater in an integrated way to ensure that the health and well-being of water bodies and freshwater ecosystems is maintained and improved. Policies apply largely to the protection of habitats and values of waterbodies. The requirement area does not contain any wetlands or freshwater bodies, the nearest waterbody is the Lower Oratia Stream, located approximately 50m to the west of the subject site. Policies 3 and 5 are relevant to the proposed Notice of Requirement, these seek to ensure that freshwater is managed in an integrated way, whole of catchment basis, including effects on receiving waters to improve health and well-being of water bodies and freshwater systems. The potential effect on the wider freshwater catchment from allowing this requirement has been considered particularly with regard to:

- Sediment and erosion control, proposed condition 9 will ensure best practice erosion and sediment control measures are adopted for the duration of earthworks activities in accordance with Auckland Council GD 05 Erosion and Sediment Control Guidelines document.
- Stormwater management has been comprehensively designed to ensure stormwater runoff is directed to a suitable stormwater system. Proposed conditions 13 and 14 outline parameters to inform a future building design that considers site constraints and mitigation requirements.
- Development in accordance with the requirement will avoid increase in flood risk, and proposed condition 15 will ensure future buildings will achieve a minimum floor level of 8.32mRL taking into account climate change.

For these reasons, it is considered that the proposed requirement is consistent with the relevant NPS-FM policies and achieves objective 1.

15.2.4 National Policy Statement for Indigenous Biodiversity 2023

The National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB) aims to protect, maintain, and restore indigenous biodiversity in Aotearoa New Zealand. It seeks to:

- Identify and protect Significant Natural Areas (SNAs);
- Promote active restoration and enhancement of indigenous ecosystems;
- Recognise and provide for Te Rito o te Harakeke – the role of tangata whenua as kaitiaki;
- Manage adverse effects on indigenous biodiversity from subdivision, use, and development; and
- Support biodiversity within both urban and rural environments.

In this case, there are no significant ecological features within the requirement area, including streams or natural wetlands that would be adversely affected by the proposed requirement. Policy 8 recognises the importance of maintaining and recognising indigenous biodiversity outside SNA's and policy 14 seeks to promote increased indigenous vegetation cover. Future development will require the removal of the two notable trees within the site in order to facilitate the construction of a future building on the site that meets the operational and functional requirements of the Justice Facility. It is considered that the proposed requirement will be consistent with these policies given the limited ecological value and cover provided by the existing trees. The Arboricultural

Memorandum prepared by Greenscene NZ (refer **Appendix 6**) confirms that one of the trees is declining in health and has identified opportunities where landscaping can be provided elsewhere on the site (specifically around the young Kauri tree in the northern portion of the site) to enhance ecological and landscape amenity values. Overall, the Proposal requirement will give effect to the NPS-IB.

15.2.5 National Policy Statement for Renewable Electricity Generation 2011

The National Policy Statement for Renewable Electricity Generation 2011 (NPS-REG) supports the development of renewable energy in New Zealand. It seeks to:

- Recognise the national significance of renewable electricity generation;
- Enable the development, operation, maintenance, and upgrading of renewable energy infrastructure;
- Provide for a consistent approach to planning and decision-making on renewable electricity across regions; and
- Increase the proportion of energy from renewable sources, in line with climate and energy targets.

The proposal does not seek to establish renewable electricity generation; therefore, the NPS-REG is not relevant to the consideration of this requirement.

15.2.6 National Policy Statement for Urban Development 2020

The National Policy Statement on Urban Development 2020 (NPS-UD) recognises the national significance of:

- Having well-functioning urban environments that enable all people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety, now and into the future;
- Planning decisions improve housing affordability by supporting competitive land and development markets;
- Providing sufficient development capacity to meet the different needs of people and communities; and
- Improving how cities reposed to growth to enable improved housing affordability and community wellbeing.

Policy 1 establishes the definition of ‘well-functioning’ urban environment, which seeks that urban environments amongst other outcomes, have good accessibility for all people between housing, jobs, community services, natural spaces and open spaces, including by way of active and public transport. The policy seeks that this is provided for in a way that supports reductions in greenhouse gas emissions and is resilient to the likely current and future effects of climate change. The proposed requirement is considered to be in keeping with the relevant objectives and policies for the following reasons:

- In accordance with Objective 1 and Policy 1, the project is part of a comprehensively planned development, which will contribute to achieving a well-functioning urban environment. The project will enable important Justice Facility services to be located within an area that is highly

accessible for the district that it serves, which will in turn contribute to meeting the needs of the growing community within the surrounding residential areas;

- In accordance with Objective 6, the development of land will be integrated with the funding and provision of infrastructure upgrades, including transport, stormwater, water and wastewater infrastructure; and
- In accordance with Objective 8, the project will support a reduction in greenhouse gas emissions by locating employment opportunities and other amenities in close proximity to surrounding residential land uses and public transport, including the existing bus stop located within 500m of the site. Further, the project will be resilient to the current and future effects of climate change through the conditional requirements addressing stormwater management and flood risk which will ensure that stormwater or flooding constraints to development will be avoided, remedied, or mitigated as necessary.

15.2.7 New Zealand Coastal Policy Statement 2010

The NZCPS provides guidance for local authorities in their day-to-day management of the coastal environment. The NZCPS is the only compulsory NPS under the RMA. In this case, the New Zealand Coastal Policy Statement is not relevant to the consideration of the proposed Notice of Requirement as the project area is not located within or near the coastal environment.

15.2.8 Other National Policy Statements

Other National Policy Statements which have not been listed above are not considered to be relevant to the proposal and therefore do not require an assessment.

15.3 Regional Policy Statement and Plans - Auckland Unitary Plan (Operative in Part)

15.3.1 Chapter B - Regional Policy Statement (RPS)

The RPS sets out the overall strategic statutory framework to achieve integrated management of the natural and physical resources of the Auckland Region. The RPS broadly gives effect to the strategic direction set out in the Auckland Plan. Of particular relevance to the proposed requirement is Chapter B2 of the RPS which contains provisions directing urban growth and form in the Auckland Region. Sections B2.2 and B2.3 set out the provisions relating to urban growth and form and a quality built environment.

Chapter B6 applies to Mana Whenua, Chapter B10 applies to Environmental Risk, section B10.2 Natural hazards and climate change is particularly relevant to the proposed requirement.

15.3.2 B2 – Urban Growth and Form

The RPS seeks to:

- ensure a quality urban form that enables a higher quality urban environment, greater productivity and economic growth and better use of existing infrastructure, improved and more efficient provision of transport (Objective B2.2.1(1));
- ensure urban growth is primarily accommodated within the urban area 2016 (Objective B2.2.1(2));

- ensure sufficient development capacity and land supply is provided to accommodate residential, commercial, industrial growth and social facilities to support growth (Objective B2.2.1(3)); and
- ensure development is integrated with the provision of appropriate infrastructure (Objective B2.2.1(5)).

The proposed requirement is consistent with objective B2.2.1(1) as it will achieve a quality compact urban form with a high-quality urban environment by the development of the new Justice Facility which includes a high-quality designed community facility surrounded by quality landscaped open spaces. The proposed requirement will enable future development stimulating greater productivity and economic growth in this part of the Auckland region and support the effectiveness and success of public transport in this location with respect to the bus network that is within walking distance to the site.

The RPS seeks to:

- achieve a quality built environment, including by responding to the intrinsic qualities and physical characteristics of the site and area, reinforcing the hierarchy of centres, contribute to a diverse mix of choice and opportunity for people and communities, and respond and adapt to the effects of climate change (Objective B2.3.1(1));
- encourage innovative design to address environmental effects (Objective B2.3.1(2); and
- promote the health and safety of people and communities (Objective B2.3.1(3)).

The proposed requirement is supported by a comprehensive set of Urban Design Guidelines, which are to be enforced via proposed Condition 6. This will ensure that future built development is innovative and responds to the intrinsic qualities and physical characteristics of the site and area, including its setting. The proposed requirement will enable a Justice Facility to be established within the Business - Metropolitan Centre, consistent with the intent of the zone and hierarchy of centres. The land use will enable social vitality through the improvement in the wellbeing of court staff and overall experience of all persons participating in or accessing justice services at the Waitākere District Courthouse.

Overall, the proposed requirement will give effect to the relevant Urban Growth and Form objectives and policies.

15.3.3 B3 – Infrastructure, Transport and Energy

The RPS seeks to ensure that the importance of infrastructure is recognised and there is appropriate provision of infrastructure. With reference to objective B3.2.1(1), the development and upgrading of infrastructure (as necessary) is specifically enabled. Provision of infrastructure is proposed for any future development in accordance with the proposed condition 12 of the requirement, which will achieve the necessary connections to existing bulk infrastructure. It is considered that the proposed requirement will give effect to the relevant objectives and policies.

The RPS seeks to ensure efficient, effect and safe transport, supporting the movement of people, Integrated with quality and compact urban form, enabled growth and facilitates choices (B3.3.1(1)). Development of the Justice Facility at the requirement area location is within walking distance to existing bus network infrastructure would also mean that the Facility is efficiently served by a key public transport service and private vehicle trips will inherently reduce. The proposed requirement condition 10 establishes the requirement to prepare a Construction Traffic Management Plan, to

manage potential adverse traffic effects at time of development. It is considered that this condition will ensure future development will give effect to objective B3.3.1(1). Policies seek to establish the integration of land use and transport,

The Integrated Transport Assessment (**Appendix 17**) has assessed the specific operational and functional requirements of a future Justice Facility identifying potential adverse transport effects and potential options to mitigate these. Conditions 19 – 27 of the proposed requirement will ensure that future land use and transportation network is integrated to the extent that the necessary transport infrastructure is planned, funded and staged to integrate with urban growth of this proposal giving effect to policy B3.3.2(5). The proposed requirement will give effect to the relevant Infrastructure and Transport objectives and policies.

15.3.4 B6 – Mana Whenua

The RPS seeks a range of policy outcomes with respect to Mana Whenua including:

- Recognise and provide for the principles of the Treaty of Waitangi/Te Tiriti o Waitangi in the sustainable management of natural and physical resources;
- Mana Whenua values, mātauranga and tikanga are properly reflected and afforded sufficient weight;
- The relationship of Mana Whenua and their customs and traditions with natural and physical resources that have been scheduled in the Unitary Plan are recognised and provided for;
- Māori economic, social, cultural well-being is supported and Mana Whenua occupy, develop and use their land within their ancestral rohe;
- The tangible and intangible values of Mana Whenua cultural heritage are identified, protected and enhanced; and
- The relationship of Mana Whenua with their cultural heritage is provided for.

The AUP(OP) does not identify recorded sites of significance to Māori within the requirement area. The proposed requirement has been prepared recognising and providing for the Treaty of Waitangi, and is consistent with objectives B6.2.1(1) and (2) and policy B6.2.2(1) due to the consultation and engagement with Mana Whenua groups that has occurred (refer to **Appendix 12** for further details). The Minister of Justice is committed to consult with the relevant iwi representatives and engage with the interested iwi groups on an ongoing basis for all stages of the project. A Cultural Investigation Report has been prepared by Te Kawerau ā Maki (and was submitted as part of the Referral Application) which outlined a number of recommendations that have informed proposed conditions. Further to this, a letter of support for the Project from Te Kawerau ā Maki has been provided which is captured in **Appendix 13**.

This process is consistent with policy B6.2.2(1), providing the opportunity for Mana Whenua to actively participate in the sustainable management of natural and physical resources and building and maintaining partnerships and relationships with iwi authorities.

15.3.5 B7 – Natural Resources

The RPS seeks to protect areas of significant indigenous biodiversity value from the adverse effects of subdivision, use and development and to maintain indigenous biodiversity through protection, restoration and enhancement in areas where ecological values are degraded or development is occurring (objectives B7.2.1.1 and .2). There are no areas of significant indigenous biodiversity

value within the requirement area, and the existing vegetation has limited ecological value. In particular, the Arborist Memorandum prepared by Greenscene NZ (refer **Appendix 6**) confirms that one of the trees is declining in health. As such, it is considered that the proposed requirement will give effect to these objectives and the relevant policies.

The relevant objectives and policies of B7.3 seek to ensure that degraded freshwater systems are enhanced, and the loss of freshwater systems is minimised. There is an emphasis to integrate the management of subdivision, use and development and freshwater systems, identify degraded freshwater systems and to avoid the permanent loss and significant modification of lakes, rivers, streams and wetlands unless no practicable alternatives exist or mitigation measures are implemented to address the adverse effects arising from the loss in freshwater system functions and values. The requirement area does not contain any wetlands or freshwater bodies, the nearest waterbody is the Lower Oratia Stream, located approximately 50m to the west of the subject site. The proposed requirement will not result in any loss or significant modification of waterbodies, giving effect to these objectives and policies.

15.3.6 B10 Environmental Risk - Natural Hazards and Climate Change

The RPS (including changes under PC80) seeks to:

- ensure that communities are more resilient to natural hazards and the effects of climate change (Objective B10.2(1));
- ensure risks to people, property, infrastructure, and the environment from natural hazards are not increased in existing developed areas (Objective B10.2(2)); and
- recognise and provide for the effects of climate change on natural hazards, including effects on sea level rise over at least 100 years and on the frequency and severity of storm events (Objective B10.2(4)).

In terms of the identification and assessment of risk, RPS Policy B10.2.2 directs:

- the potential effects of climate change to be taken into account (Policy B10.2.2(4));
- that risks are assessed using the best and up to-date information, including, at least, across a 100 year timeframe (Policy B10.2.2(4);
- that development is managed based on the types and severity of the event, vulnerability and cumulative effects Policy B10.2.2(5); and
- that a precautionary approach is adopted where effects are uncertain or the risk information is uncertain Policy B10.2.2(6).

The methods available to development to ensure the risks from natural hazards are not increased are set out in Policy B10.2.2(10), which seeks to encourage redevelopment on land subject to natural hazards to reduce existing risks and ensure no new risks are created by using a range of measures such as any of the following:

- the design and placement of buildings and structures;
- managing activities to increase their resilience to hazard events; or
- change of use to a less vulnerable activity.

The Infrastructure Report (included as **Appendix 4**) prepared by Holmes NZ includes a Flooding and Overland Flow Path Assessment which confirms the extent of potential flood risk within the requirement area and proposes mitigation measures that can be implemented to ensure there is no increase to potential risk for flooding thereby giving effect to objective B10.2.1(2) and (3). Proposed condition 15 will avoid an increase in flood risk, ensuring future buildings will achieve a minimum floor level of 8.32mRL (300mm freeboard) which is consistent with the minimum freeboard requirements for less vulnerable activities in accordance with the Auckland Council Stormwater Code of Practice. The proposal is also consistent with objective B10.2.1(4) because the minimum floor level for the future development and flood modelling assessment prepared to support the Notice of Requirement application has taken into account future climate change temperature rises.

The conveyance and function of overland flow paths will be maintained by managing the entry and exit points at the site boundaries as part of the earthworks and stormwater design, and flood and natural hazard risk will be managed by mitigation measures and proposed conditions 14-17 will ensure effects are less than minor, and thereby achieving objective B10.2.1(6).

For these reasons the proposed requirement is considered to be consistent with the relevant RPS direction.

15.4 Auckland Unitary Plan

15.4.1 Chapter D Overlays

Chapter D applies objectives and policies to all Overlays, ranging from natural resources, natural heritage, historic heritage and special character, mana whenua, built environment and infrastructure overlays.

The requirement area is subject to the Notable Trees Overlay – 1842, Kauri and D13 Notable Trees Overlay is relevant to the proposed requirement. Objective D13.2.1 seeks to retain and protect notable trees from inappropriate subdivision, use and development. Policy 13.3.2 provides specific consideration when requiring retention and protection of notable trees including:

- (a) *the specific attributes of the tree or trees including the values for which the tree or trees have been identified as notable;*
- (b) *the likelihood of significant adverse effects to people and property from the tree or trees;*
- (c) *the degree to which the subdivision, use or development can accommodate the protection of the tree or groups of trees; 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;*
- (d) *alternative methods that could result in retaining the tree or trees on the site, road or reserve; 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;*
- (e) *whether the values that would be lost if the tree or trees are removed can be adequately mitigated;*
- (f) *whether the proposal is consistent with best arboricultural practice;*

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

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

Schedule 10 confirms that Notable Tree 1842, is two Kauri Trees. The bulk and location concept plans prepared by Architectus has confirmed that an indicative building footprint established as fit for purpose and to meet the Justice Facility operational needs will require the removal of these trees. The Arborist Memorandum prepared by Greenscene NZ (refer **Appendix 6**) confirms that one of the trees is declining in health and the trees are of low value. Proposed condition 6 will require compliance with urban design guidelines, including landscape design requirements to provide planting across the site, with particular focus on the young Kauri tree located within the northern portion of the site. For these reasons the proposed requirement is considered all matters within policy 13.3.2 and is generally consistent with these objectives and policies.

15.5 Chapter E – Auckland-Wide

The objectives and policies in the following AUP chapters that are considered to be relevant to the proposed requirement are:

- E1 – Water Quality and Integrated Management
- E3 – Lakes, rivers, streams and wetlands
- E10 – Stormwater Management Area Flow 1 and 2
- E11 and E12 – Land Disturbance Regional and District
- E23 – Signs
- E25 – Noise and Vibration
- E27 – Transport
- E30 – Contaminated Land
- E36 – Natural Hazards and Flooding

15.5.1 E1 – Water Quality and Integrated Management and E3 – Lakes, Rivers, Streams and Wetlands

Chapters E1 and E3 give effect to the NPS-FM. The objectives seek to progressively improve the quality of freshwater in areas where this is degraded; and the mauri of freshwater is maintained or progressively improved over time to enable traditional and cultural use of this resource by Mana Whenua. Objectives seek to protect lakes, rivers, streams and wetlands with high natural values and restore, maintain or enhance lakes, rivers, streams and wetlands.

The requirement area does not contain any wetlands or freshwater bodies, the nearest waterbody is the Lower Oratia Stream, located approximately 50m to the west of the subject site. The potential effect on the wider freshwater catchment from allowing this requirement has been considered particularly with regard to sediment and erosion control measures during earthworks (refer to Condition 9), comprehensive designed stormwater management systems that will ensure stormwater runoff is directed into a suitable stormwater system (refer to conditions 12 and 13) and development in accordance with the minimum finished floor level will avoid increase in flood risk (refer to condition 15).

For these reasons it is considered that the proposed requirement will give effect to the relevant water quality and integrated management objectives and policies.

15.5.2 E10 – Stormwater Management Area Flow 1 and 2

The Stormwater management area control – Flow 1 and Flow 2 identifies rivers and streams (and their contributing catchments) that are particularly susceptible to the effects of development or have relatively high values. The requirement area is located Stormwater Management Area Control – Oratia 4, Flow 2. Objectives and policies seek to ensure that high value rivers, streams and aquatic biodiversity are protected from further adverse effects of stormwater runoff associated with urban development and where possible enhanced.

The Infrastructure Report prepared by Holmes NZ LP, included as **Appendix 4** assessed the potential effects of future development within the requirement area in relation to flooding and stormwater. Their report concluded that the effects of stormwater runoff from a future Justice Facility can be appropriately managed through a range of mitigation measures, including detention tanks to ensure stormwater flow volumes post-development do not exceed pre-development levels. Proposed conditions 12 and 13 provide for stormwater management measures in accordance with the recommendations of the Flooding and Infrastructure Report. It is considered that the proposed requirement will give effect to the objective and policies of Chapter E10.

15.5.3 E11 and E12 – Land Disturbance Regional and District

Objectives and policies of E11 and E12 seek to ensure that effects of land disturbance are avoided, remedied or mitigated, sediment generation is minimised and soil conservation is achieved, requiring the management of land disturbance to avoid, remedy or mitigate construction noise, vibration, odour, dust, lighting and traffic effects, and to avoid, remedy or mitigate adverse effects on accidentally discovered sensitive material.

Future development enabled by the proposed requirement will include associated earthworks to facilitate the construction of the building and hardscaped areas. The proposed requirement includes conditions to ensure that works will be carried out in accordance with best practice erosion and sediment control measures to ensure that dust and sediment runoff effects are avoided and minimised. In particular, this includes the requirement for all land disturbance works to be in accordance with Auckland Council's best practice GD05 Erosion and Sediment Control Guidelines. It is noted that any regional consents required under Chapter E11 would be sought prior to future development on the site. Having regard to the above, it is considered these measures will give effect to the relevant objectives and policies of E11 and E12.

15.5.4 E23 – Signs

The signage objectives and policies are contained within section E23.2 and E23.3 and seek to ensure that billboards and comprehensive development signage contributes to the social and economic well-being of communities through identifying places providing information, and advertising goods and services. The AUP manages signage to ensure signs maintain traffic and pedestrian safety, historic heritage values and the visual amenity values of buildings and the surrounding environment. The corresponding policies require that signage does not significantly detract from the profile or appearance of the building or cover any significant architectural features of a building and avoid signage clutter.

In this case, the proposal is considered to accord with these objectives and policies, as the new signage will identify the proposed courthouse on the site in an appropriate manner that is proportionate to the scale of the building, and will not result in any traffic safety effects within the surrounding road network. Signage has been addressed through the proposed Urban Design Guideline Framework (discussed in section 14.2 above), which will ensure any future branding and way finding signage is clear and legible, consistent with the intended purpose.

15.5.5 E25 – Noise and Vibration

The objectives and policies for transport are contained in sections E27.2 and E27.3, and aim to integrate land use and transport modes to enable benefits to be realised and adverse effects to be managed; provide for parking and loading that supports urban growth and quality compact urban form and is also safe, efficiency and commensurate with the character, scale and intensity of the zone; and to prioritise pedestrian safety and amenity.

In this case, the proposal is considered to be consistent with the objectives and policies outlined above. In particular, the proposed recommendations and mitigation measures outlined in the Acoustics Assessment prepared by SLR included as **Appendix 18**, including the implementation of a Construction Noise and Vibration Management Plan, have been proposed as conditions on the designation that will manage the construction noise, construction vibration and operational noise effects of the Proposal.

15.5.6 E27 – Transport

The relevant transport objectives and policies seek to encourage that land use and transport (including public transport, walking and cycling) is integrated in a manner that enables adverse effects of traffic generation on the transport network to be managed. In addition, the objectives and policies ensure that parking and access is designed, located and accessed safely and efficiently for pedestrians and vehicles within and outside the site.

The Integrated Transport Assessment (**Appendix 17**) has assessed the specific operational and functional requirements of a future Justice Facility, identifying potential adverse transport effects and potential options to mitigate these. Conditions 19-27 of the proposed notice of requirement will ensure that future land use and transportation network is integrated to the extent that the necessary transport infrastructure is planned, funded and staged to integrate giving effect to the relevant transport objectives and policies.

The requirement area is located within walking distance to the existing public bus network infrastructure reducing the need for private vehicle trips. Future pedestrian access and safety, parking and access needs have also been evaluated by the Integrated Transport Assessment. Proposed conditions 19 – 27 will ensure that future development will implement the ITA recommendations giving effect to the relevant transport objectives and policies with respect to parking, access and pedestrian safety.

15.5.7 E36 – Natural Hazards and Flooding

The objectives and policies for the management of natural hazards and flooding are contained in chapters E36.2 and E36.3 of the AUP (OP). The objectives seek to ensure that subdivision, use and development is managed to safely maintain the conveyance function of floodplains and overland flow paths. The policies support the objectives while also seeking to control use and development

of land that is subject to natural hazards, so that the proposed activity does not increase, and where practicable reduces risks.

The following objectives and policies are particularly relevant to the assessment of this application:

Objective E36.2(2): *Subdivision, use and development, including redevelopment in urban areas, only occurs where the risks of adverse effects from natural hazards to people, buildings, infrastructure and the environment are not increased overall and where practicable are reduced, taking into account the likely long-term effects of climate change.*

Comment:

The proposed application seeks a Notice of Requirement to designate the site at 14 Edmonton Road to enable the construction of a new Justice Facility known as the Waitākere District Courthouse. To support the application, comprehensive site-specific hydraulic modelling has been undertaken to understand the effects of a future building on the site with respect to flooding risk. In this case, the Flood Risk Assessment provided by ACH Consulting Ltd (refer to **Appendix 3**) recommends a number of mitigation measures with respect to building design (i.e. proposed void under the building) and finished floor level heights, that will ensure that future redevelopment of the site does not increase the risk of adverse effects from natural hazards to people, buildings, infrastructure and the environment. Natural hazard risk is further managed by the proposed conditions on the designation that require certification of final building design at Outline Plan of Works Stage and on-going requirements to manage flood risk to persons via the implementation and annual review of the FEMP.

Objective E36.2(5) Subdivision, use and development including redevelopment, is managed to safely maintain the conveyance function of floodplains and overland flow paths.

Comment:

In this case, the flood assessment provided to support this application confirms that the future redevelopment of the site to construct a Justice Facility can be designed to safely maintain the conveyance function of the identified flood hazards on the site. This commitment to manage flooding risk and effects is reinforced through the proposed flooding conditions (specifically conditions 15 and 17) that require a future building to achieve a minimum 300mm freeboard above 1% AEP flood level, and for fences and walls to allow the free passage of floodwaters. In this regard, the proposal is considered to be consistent with this objective.

Policy E36.3(3) *Consider all of the following, as part of a risk assessment of proposals to subdivide, use or develop land that is subject to natural hazards.*

- (a) *The type, frequency and scale of the natural hazard and whether adverse effects on the development will be temporary or permanent;*
- (b) *The type of activity being undertaken and its vulnerability to natural hazard events;*
- (c) *The consequences of a natural hazard event in relation to the proposed activity;*
- (d) *The potential effects on public safety and other property;*
- (e) *Any exacerbation of an existing natural hazard risk or the emergence of natural hazard risks that previously were not present at the location;*
- (f) *Whether any building, structure or activity located on land subject to natural hazards near the coast can be relocated in the event of severe coastal erosion, inundation or shoreline retreat;*

- (g) *The ability to use non-structural solutions, such as planting or the retention or enhancement of natural landform buffers to avoid, remedy or mitigate hazards, rather than hard protection structures;*
- (h) *The design and construction of buildings and structures to mitigate the effects of natural hazards;*
- (i) *The effect of structures used to mitigate hazards on landscape values and public access;*
- (j) *Site layout and management to avoid or mitigate the adverse effects of natural hazards, including access and exit during a natural hazard event; and*
- (k) *The duration of consent and how this may limit the exposure for more or less vulnerable activities to the effects of natural hazards including the likely effects of climate change.*

Comment:

A robust flood risk assessment has been undertaken to support this Notice of Requirement Application as per the requirements outlined in E36.9(2), which is provided in section 5.4 of the Holmes Infrastructure Report included as **Appendix 4**. In particular, this assessment has been informed by the site-specific hydraulic modelling undertaken by ACH Consulting which has incorporated 3.8-degree climate change factor and the flooding investigation concludes that the future redevelopment of the site will not exacerbate flood risk adjacent properties, and will not result in any significant adverse flooding effects to the people and property.

Policy E36.3.(4) Control subdivision, use and development of land that is subject to natural hazards so that the proposed activity does not increase, and where practicable reduces, risk associated with all of the following adverse effects:

- (a) *Accelerating or exacerbating the natural hazard and/or it's potential impacts;*
- (b) *Exposing vulnerable activities to the adverse effects of natural hazards;*
- (c) *Creating a risk to human life;*
- (d) *Increasing the natural hazard risk to neighbouring properties or infrastructure.*

Policy E36.3(15) Floodplains in Urban Areas - 'Within existing urban areas, enable buildings containing less vulnerable activities to locate in the 1% AEP floodplains where the activity avoids, remedies effects from flood hazards on other properties.

Policy E36.3(27) Enable the construction and maintenance of flood mitigation works to reduce flood risks to people, property, infrastructure and the environment.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Under the Auckland Council Stormwater Code of Practice, the proposed Justice Facility is considered a 'less-vulnerable activity' which requires a minimum 300mm freeboard above the 1%

AEP flood level. A minimum FFL condition is proposed as part of the Notice of Requirement application (refer to Condition 15 in **Appendix 9**) which will ensure any future building design achieves this minimum freeboard requirements.

Risks to human life has been an important consideration in the preparation of this application, and a robust set of conditions are proposed to avoid significant flood risk to persons resulting from the proposed re-development of this site. In particular, this includes the requirement for a robust Flood Emergency Management Plan to be provided for certification at the time of Outline Plan of Works which contains comprehensive information relating to flood response protocols, evacuation protocols, communication plans, processes for annual inspections of infrastructure, review processes and post-flood event recovery protocols. Whilst the FEMP anticipates evacuation of the building prior to flood waters entering the site, the flood modelling undertaken to date (which has been reviewed by Healthy Waters) demonstrates that safe evacuation and egress routes are provided for all building users (including vulnerable persons). The certification process for the FEMP at Outline Plan of Works Stage and proposed condition that requires the FEMP to be reviewed on an annual basis will ensure that significant adverse flooding risk with respect to persons is avoided.

In addition, proposed condition 16 outlines the design requirements for a future building and fencing on the site within flood hazard areas and requires this information to be submitted as part of the Outline Plan of Works application. These considerations include buildings that maintain structural integrity during flood events and use of water-resistant materials in construction and are subject to certification.

Policy E36.3(21) Ensure all development in the 1 per cent annual exceedance probability (AEP) floodplain does not increase adverse effects from flood hazards or increased flood depths and velocities, to other properties upstream or downstream of the site.

Comment:

The assessment undertaken in section 14.5 above and flood modelling undertaken by ACH Consulting Ltd (refer to **Appendix 3**) confirms that subject to the recommended conditions, the redevelopment of the site for a new Justice Facility will not increase adverse effects from flood hazards or increased flood depths and velocities, to other properties upstream or downstream of the site.

Policy E36.3(25) When considering mitigation of flood hazards where buildings are located in floodplains, promote measures such as use of water-resistant materials and flood-proof utility connections to increase resilience to flood damage.

Comment:

Condition 17 of the proposed designation conditions outlines specific design requirements for a future Justice Facility that will increase resilience to potential flood damage. This includes the requirement for a building to be designed to maintain structural integrity and use of water-resistant materials.

Policy E36.3(26) Construct accessways, including private roads, so that flood hazard risks are not increased.

Comment:

In this case, the indicative site layout shown on the NoR Plans prepared by Architectus show proposed operational vehicle access via Edmonton Road, and the retention of the existing vehicle crossing on Alderman Drive. The proposed vehicle crossing and accessway area will be designed to ensure there are no temporary or permanent structures that would obstruct access, and increase flood hazard risk during evacuation.

Having regard to the assessment provided above, the project has been assessed to be in keeping with the objectives and policies of Chapter E36 through the proposed conditions of the Notice of Requirement. For these reasons, it is considered that the proposal will be consistent with the policy direction contained under chapter E36 of the AUP(OP).

15.5.8 Chapter H Zones

The requirement area is predominantly located within the Business – Metropolitan Centre Zone under the AUP (OP) with a small portion of the site in the north-west corner zoned Open Space – Informal Recreation Zone.

- H9 –Business – Metropolitan Centre Zone
- H7 - Open Space – Informal Recreation Zone

15.5.8.1 H9 Business – Metropolitan Centre Zone

The Business – Metropolitan Centre Zone is described as providing for a wide range of activities including civic services. The specific objectives relevant to the proposal seek to ensure that development is of a form and scale that positively contributes to the character of the area and creates a sense of place, and provides for a range of commercial, community and civic activities to support surrounding residential intensification.

The relevant policies seek to ensure design is of quality, specifically policy H.9.3(3) which require development design to be of a quality and design that positively contribute to:

- planning and design outcomes identified in this Plan for the relevant zone;
- the visual quality and interest of streets and other public open spaces; and
- pedestrian amenity, movement, safety and convenience for people of all ages and abilities.

Policy H.9.3(12) however requires the recognition of the functional and operational requirements of activities. The proposed requirement is considered to be consistent with these relevant objectives for the reasons below:

- The proposed requirement will enable the delivery of a civic community facility for the Waitākere District that is anticipated within the zone as Justice Facilities are permitted.
- Proposed condition 7 establishes a building envelope to ensure bulk and scale future-built form is consistent with the building envelope permitted within the Zone, ensuring it will contribute positively to the area and to any existing sense of place.
- Future courthouse design will reflect the key functional and operational requirements of the Justice Facility which focus strongly on the health and safety of employees as well and the community through implementation of CPTED principles. The urban design guidelines and proposed conditions will ensure landscaping, the general layout of future development and location and design of access points into the building, and the internal configuration and

design of the building are developed to achieve consistency with the Minister’s internal design requirements.

15.5.8.2 H7 Open Space – Informal Recreation Zone

A small portion of open space zoning is located within the requirement area and this area relates to the existing vehicle crossing and service lane accessed via Alderman Drive, which will remain unchanged by the proposal. As such, the Notice of Requirement to enable a Justice Facility will not restrict or change the existing use of this area on the site.

16.0 Assessments of Section 5, 6, and 7 of the RMA

This section of the application provides an overall assessment of the activity against sections 5, 6 and 7 of the RMA, as required by clause 12(1)(d) of Schedule 5 of the FTAA.

Part 2 contains the purpose and principles of the RMA. Section 5 sets out the purpose of the RMA and requires a broad judgement as to whether a proposal would promote the sustainable management of natural and physical resources. This exercise of this judgment is informed by the principles in sections 6 to 7 and considered in light of the particular circumstances of each application.

16.1 Section 5 – Purpose of the RMA

Section 5 of Part 2 identifies the purpose of the RMA as being the sustainable management of natural and physical resources. This means managing the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their social, cultural and economic well-being and health and safety while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

In this case, the proposed Notice of Requirement will provide for the construction and on-going operation a Justice Facility known as the Waitākere District Courthouse. As outlined section 14.0 above, adverse effects on the environment are able to be adequately avoided, remedied or mitigated through the suite of designation conditions proposed under this application which is informed by the recommendations of the technical reports. Given this, the proposal is considered to be consistent with the sustainable management purpose of the RMA as articulated in Section 5 of the Act.

16.2 Section 6 – Matters of National Importance

Section 6 identifies matters that are of national importance. The Section 6 matters are not relevant to this application.

16.3 Section 7 – Other Matters

Section 7 of the RMA identifies a number of “other matters” to be given particular regard by Council and includes (but is not limited to) Kaitiakitanga, the efficient use of natural and physical resources, the maintenance and enhancement of amenity values, and maintenance and enhancement of the quality of the environment.

The proposal is considered to be consistent with the matters in section 7, in particular, it enables and facilitates the efficient use and development of land, will not compromise the visual amenity of the environment and will protect natural water resources. Given the proposed mitigation measures offered and for the reasons outlined above, it is not considered that the proposal will undermine existing amenity values, nor compromise the quality of the environment. In addition, designating the proposed site for ‘Judicial and Court purposes’ as outlined in section 7.0 above, represents an efficient use of existing resources (in a location that is within close proximity to the existing Waitākere District Courthouse that is no longer fit for purpose), and as such satisfies the requirements of Section 7.

Overall, as the effects of the proposal are considered to be consistent with all of the above sections of the RMA.

17.0 Parts 3, 6, 8-10 of the RMA

This section of the application provides an overall assessment of the activity against Parts 3, 6, 8 – 10 of the RMA, as required by Clause 25(1)(a) of Schedule 5 of the FTAA.

17.1 Part 3 – Duties and Restrictions under the RMA

Part 3 of the RMA relates to the duties and restrictions under the RMA, with particular regard to use of land, subdivision, discharge of contaminants, uses of beds of rivers, and contravention of designations. It is considered that the proposal meets Part 3 of the RMA. In particular, a robust assessment of adverse effects has been provided in section 14.0 above which confirms how any potential adverse effects will be appropriately managed through to conditions. As a result, section 17 of the RMA has been complied with.

17.2 Part 6 – Resource Consents, Proposals of National Significance and Aquaculture Moratorium

Part 6 of the RMA relates to resource consents, proposals of national significance and aquaculture moratorium. No resource consents are proposed under this application.

17.3 Part 8 – Designations and Heritage Orders

Part 8 of the RMA relates to designations and heritage orders. In this case, this application gives notice of a requirement to designate the site for ‘judicial and court purposes’. Part 8 of the RMA is not relevant to this proposal.

17.4 Part 9 – Water Conservation Orders, Freshwater Farm Plans, and Freshwater Ecosystems

Part 9 of the RMA relates to water conservation orders, freshwater farm plans and use of nitrogenous fertiliser. Part 9 of the RMA is not relevant to this proposal.

17.5 Part 10 – Subdivision and Reclamations

Part 10 of the RMA relates to subdivision and reclamations. No subdivision or reclamation is proposed under this application.

18.0 Statutory Requirements relating to Iwi Authorities

18.1 Planning Document Recognised by a Relevant Iwi Authority

Clause 12(1)(d)(ii) of the FTAA requires an application to provide an assessment of the project or work against the relevant provisions of any documents listed in sub-clause (2).

The relevant documents referred to in subclause (2) include:

(e) A planning document recognised by a relevant iwi authority and lodged with a local authority.

18.2 Iwi Management Plans

The following comments are made with respect to the Iwi Management Plans that are identified on Auckland Council's recognised list:

Te Kawerau ā Maki - Kawerau a Maki Trust Resource Management Statement (1995)

The Kawerau a Maki Trust Resource Management Statement (1995) outlines the concerns and goals that the Kawerau a Maki Trust have with regard to the sustainable management of the taonga within the tribal area of Te Kawerau. The resource management matters discussed in the statement seek to achieve a balance between social and economic development, environmental and heritage protection and enhancement, and maintenance of spiritual and cultural values. To address the objectives and policies, the following comments are made:

- There are no known archaeological sites within the site boundaries, however, accidental discovery protocols will be in place during earthworks activities should any discovery be made, at which point appropriate action would be taken.
- Whilst the proposal involves the removal of two Kauri trees on site, opportunities have been identified by Te Kawerau ā Maki to re-purpose the wood from the Kauri trees which supports social and cultural well-being. Opportunities for new landscaping across the site is provided for through the proposed Urban Design Guideline Framework which enhances flora and fauna
- The significance of the sites location in proximity to the Oratia Stream is recognised and acknowledged. Conditions are proposed on the designation that will ensure appropriate erosion and sediment control measures are in place during earthworks and construction to ensure all sediment runoff is appropriately contained within the site boundaries.
- The site is not located within proximity to the coastal environment, and as such, there will be no effects on coastal marine values.
- Cultural design opportunities will be explored as part of the Project which aligns with the objectives and policies relating to design.

Ngāti Whātua Ōrākei - Te Pou o te Kahu Pokere Iwi Management Plan for Ngāti Whātua

The Te Pou o te Kahu Pokere Iwi Management Plan is the resource management plan for Ngāti Whātua Ōrākei. A core aspect of this plan is the Kaitiakitanga framework which relates to the sustainable management of resources. This framework contains a suite of desired outcomes relevant to different resource management matters, including water quality, stormwater and cultural landscapes. In this instance, the Project will ensure water quality of the Oratia Street is maintained and protected by ensuring all sediment runoff from earthworks activities will be

contained within the site boundaries, and stormwater runoff from the site is appropriately treated. Further, accidental discovery protocols will be in place for earthworks activities which manages the effects of future redevelopment on the Site.

Ngāti Te Ata Waiohū - Ngāa Tikanga o Ngāti Te Ata Tribal Policy Statement. Awaroa ki Manuka (1991)

The Ngāti Te Ata Tribal Policy Statement outlines the social, cultural, environmental and political aspirations for Ngāti Te Ata Waiohū. The purpose statement outlines key objectives, including the protection of sensitive features in the environment and resources to provide for existing and future generations. In this instance, the proposed conditions will ensure that measures (such as robust erosion and sediment control measures) are in place to protect nearby waterbodies to ensure water quality is maintained.

Ngaati Whanaunga Incorporated Society - Ngaati Whanaunga Environmental Management Plan 2020

The purpose of the Ngaati Whanaunga Environmental Management Plan 2020 is to provide a robust management framework to promote effective, integrated and sustainable management of resources, relating to land, freshwater, biodiversity, culture and heritage, and coastal and marine areas. The strategic priorities of most relevance to the Project are the implementation of erosion and sediment control measures during construction to protect water quality and the implementation of green infrastructure where practicable. In this case, conditions are proposed as part of the application to ensure best practice erosion and sediment control measures are implemented for the duration of earthworks. Water quality will be protected through the mitigation measures proposed to avoid runoff to the stream, and landscaping is provided for through the proposed conditions to enhance landscape amenity and biodiversity.

Ngāti Tamaterā Environmental Management Plan 2019

The Ngāti Tamaterā Environmental Management Plan 2019 sets out the key objectives for the management of land and contains specific policies relating to water, natural hazards and land. The Project is considered to be consistent with the objectives and policies as natural hazard risk will be managed through the comprehensive suite of flooding conditions that will mitigate flood risk to persons and property, and water quality will be protected from sediment runoff from the site.

18.3 Cultural Investigation Report

Te Kawerau ā Maki previously provided a Cultural Investigation Report for the Project that was submitted as part of the Referral Application. A letter of support for the Substantive Application is provided in **Appendix 13**.

18.4 Treaty Settlement Provisions and Redress

Clause 12(1)(e) of Schedule 5 of the FTAA requires an application to provide:

Information about any Treaty settlements that apply in the area to which the substantive application relates including –

- (i) Identification of the relevant provisions in those Treaty settlements; and

- (ii) A summary of any redress provided by those settlements that affects natural and physical resources relevant to the area to which the substantive application relates.

In this instance, the Project site is identified within a Statutory Acknowledgement Area and the relevant Treaty Settlement that applies is the Te Kawerau ā Maki Claims Settlement Act 2015. The Treaty settlement legislation for Te Kawerau ā Maki is relevant to the Waitākere District Courthouse – New Courthouse Project in so far as they affirm the cultural and historical interests in the area and establishes statutory obligations for engagement and recognition of values.

With regards to Treaty settlement redress received from the Crown, it is confirmed that Te Kawerau ā Maki has received Treaty settlement redress relevant to natural and physical resources. A Deed of Settlement was signed on 22 February 2014 and the Te Kawerau ā Maki Claims Settlement Act 2015 legislation was enacted in and assented on 14th September 2015. In terms of how this settlement effects natural and physical resources relevant to the area to which this substantive application relates, in summary:

- The Settlement included the return of culturally significant sites which are rich in natural resources and value, however, the subject site that this application relates to does not form part of this land return.
- Under Part 2, Subpart 2 of the Te Kawerau ā Maki Claims Settlement Act 2015, the Crown formally acknowledges Te Kawerau ā Maki's relationship with specific natural areas. These acknowledgements require consent authorities and the Environment Court to consider iwi interests when making decisions about resource consents and environmental planning. These interests have been considered through the engagement and mitigation response outlined in this application.
- A protocol was issued under the settlement requiring the Ministry of Business, Innovation and Employment to consult Te Kawerau ā Maki on matters relating to Crown-owned minerals within their rohe. This is not applicable to this application.
- A deed of acknowledgement under the Waitākere Ranges Heritage Area Act 2008 supports Te Kawerau ā Maki's involvement in the management of public lands was established. This is not relevant to this application.

19.0 Reason why Designation is Necessary

This section of the application is provided in accordance with clause 12(1)(g) of Schedule 5 of the FTAA, which requires an assessment of whether the project or work and the designation sought are reasonably necessary for achieving the objectives of the requiring authority.

The Ministry Strategy 2023-2027 sets out the key direction and focus to achieve the overall purpose statement being “to strengthen people’s trust in the law of Aotearoa New Zealand”. This includes seven priorities, as noted below:

- Bring the strength of communities into courts and tribunals
- Reduce the harm experienced by victims and their whanau
- Steward our policy and regulatory systems

- Improve access and experiences for participants in courts and tribunals
- Play a leading role to deliver an integrated sector-wide response
- Improve justice outcomes for Māori
- Build a Ministry where all our people thrive

With regards to the Waitākere District Courthouse, in order to achieve these principal objectives, the Minister will provide a new fit for purpose Justice Facility on a site that is capable of accommodating a building of an appropriate size and shape that meets the Courthouse Design Guidelines, to ensure the operational and functional requirements of a Justice Facility can be met. In particular, this includes provision for various circulation routes (custodial access, public, staff, judges, jury, secure/vulnerable witness).

The designation is necessary to achieve these guiding principles and objectives as it will:

- Provide a new a new Justice Facility (Waitākere District Courthouse) to serve the current and future needs of the growing community;
- It will identify the site in the Auckland Unitary Plan (Operative in Part), for its purpose as a *“Judicial, court, tribunal and related purposes including collection of fines and reparation, administration, support, custodial services, and ancillary activities. Works include development and operation of land and buildings for the aforementioned purposes”*;
- Provide the Minister of Justice with greater flexibility and allow for a wider variety and scale of activities associated with the construction, operation, maintenance, development and potential upgrade of the Justice Facility at the Site;
- Provide the Minister of Justice with certainty to plan for the short, medium and long-term operation, maintenance, development and potential upgrade of the Site, in accordance with the designation;
- Allow the Minister of Justice to effectively and efficiently carry out all necessary works at the Justice Facility, to maintain a reliable and secure facility that meets the demands of the community; and
- Be generally consistent with other designated Justice Facilities owned and operated by the Minister of Justice in the Auckland Region.

Overall, for the reasons outlined above, it is considered that the designation of the site achieves the objectives of the Minister of Justice (Requiring Authority).

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21.0 Clause 24 Assessment – Criteria for Assessment of Notice of Requirement

Clause 24 of Schedule 5 of the FTAA sets out the criteria and other matters for assessment of notice of requirement. This relates to Section 81 of the FTAA which sets out the process for making decisions on approvals sought in a substantive application.

Clause 24 states that when considering a consent application, including conditions, the Panel must:

- (a) take into account the following, giving the greatest weight to paragraph (a)(i):
- (i) the purpose of this Act; and
 - (ii) the provisions of Part 8 of the Resource Management Act 1991 that direct decision making on an application for a designation (except section 170); and
 - (iii) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991; and
- (b) consider any Mana Whakahono ā Rohe or joint management agreement that is relevant to the approval.

Section 81(4) states that when taking the purpose of the FTAA into account, the panel must consider the extent of the project's regional or national benefits.

The purpose of the FTAA is simply to facilitate the delivery of infrastructure and development projects with significant regional or national benefits. As described in section 10 of the report above, the proposal has significant regional or national benefits, as assessed in this AEE. The Panel

would give effect to the purpose of the FTAA by granting consent as this would facilitate, or enable, the project to occur.

The criteria at clause 24 also states that the various provisions of the RMA must also be taken into account, excluding Section 8 of Part 2. The assessment included in this AEE demonstrates that the proposal is entirely consistent with the relevant provisions of the RMA. The proposal is considered to be consistent with the purpose of the RMA (see section 16.1 and 16.2 above).

To the extent that the project generates adverse effects, taking into account proposed conditions, any adverse impacts are not sufficiently significant to be out of proportion to the project's regional or national benefits.

With respect to the relevant statutory documents, the proposal is consistent with the full suites of plans and policies. This concludes that the proposal is consistent with the relevant statutory documents.

22.0 Clause 25 Assessment – Criteria for Conditions on Designation

Clause 25 of Schedule 5 of the FTAA specifies that provisions of Part 8 of the RMA as relevant to setting conditions on designations apply to the panel.

To support this Notice of Requirement application, the Minister of Justice proposes a suite of designation conditions which are included as **Appendix 9**. The proposed condition set has been developed to outline the scope of the designation and seeks to mitigate any potential adverse effects of a future Justice Facility and associated works on the site. In recommending the proposed conditions for this Notice of Requirement application in accordance with Clause 12(1)(k), the conditions are proposed to:

- Appropriately manage adverse effects, including providing mitigation to prevent or reduce adverse effects during and after construction in accordance with Clause 6(1)(d) of Schedule 5;
- Give effect to those matters that the panel must consider under Section 81(2)(a) of the FTAA.

23.0 Conclusion

This application is made by the Minister of Justice for a Notice of Requirement to designate the site at 14 Edmonton Road, for 'judicial and court purposes'. Based on the above report and supporting documentation, it is considered that:

- Appropriate consultation and engagement have been undertaken with Auckland Council, Mana Whenua and the Administering Agencies.
- Having considered the effects of the Proposal discussed in section 14.0 above and subject to the proposed Notice of Requirement conditions (detailed in section 8.0 above), any adverse effects of the proposal will be mitigated;
- The proposal accords with the relevant Auckland Unitary Plan objectives, policies and assessment criteria.

- The proposal is consistent with the higher order documents, including the NES, NPS and Regional Policy Statement.
- The proposal achieves the purpose of the FTAA to facilitate delivery of an infrastructure and development project that has regional and national significance;
- The application has provided all necessary information requirements in accordance with Section 43 and Clause 12 of Schedule 5 under the FTAA.

It is therefore concluded, that the proposal satisfies all matters the EPA is required to assess, and that the designation can be approved under the FTAA subject to the proposed conditions.