

MEMORANDUM – Auckland Council response to Minute 1 of the Panel Convenor regarding a substantive application: The Downtown Carpark Redevelopment – Te Pūmanawa o Tāmaki [FTAA-2512-1158]

To:	Helen Atkins, Associate Panel Convenor, via [REDACTED], Application Lead, Environmental Protection Authority
From:	Adonica Giborees, Principal Project Lead – Premium Unit, Planning & Resource Consents Department, Auckland Council.
Subject:	Fast-Track Approvals Act 2024 (FTAA) – FTAA-2512-1158 – The Downtown Carpark Redevelopment – Te Pūmanawa o Tāmaki, Fast track Proposal – Response to the matters set out in Schedules 1 and 2 attached to the Minute issued by the Panel Convenor (24 February 2026)
Date:	6 March 2026

Minute #1 from the panel convenor outlined that a conference will be held on 9 March 2026 to inform decisions regarding the appointment of panel members and the timing of the panel decision.

The minute also requested persons, including Auckland Council, to provide information in a written response to the matters set out in Schedule 1 and 2 prior to the conference. This memorandum is in response to that request.

Schedule 1

Schedule 1 outlines a number of matters to consider when preparing for the conference, and includes a number of questions and prompts. The below table provides a response to these matters.

Participants' estimated timeframe

Task	Working days	Date
Panel commencement	N/A	23/03/2026
Invite comment from relevant parties	10 W/D later	07/04/2026 <i>We consider this date running from the commencement date to be a useful and optimal start date for all parties, including Council invited to comment, acknowledging the Easter</i>

		<i>period and school holidays are around this time.</i>
Comments close (ss 53 & 54)	20 W/D later	05/05/2026
Comments close for applicants (s 55)	5 W/D later	11/05/2026
Any other procedural steps, evaluation and decision writing	XXX W/D (say)	N/A
<i>Draft decision is to approve</i>		
Draft decision and conditions to Ministers (s 72)	XXX W/D (say)	Panel Lead timeframe
Response from Ministers. (s 72)	10 W/D later	Informed by Above.
Applicant response to Ministers comments (if any)	XXX W/D later	
Draft conditions and decision to participants (s 70(1))	XXX W/D later	
Participant comments on draft conditions (s70(2))	XXX W/D later	
Applicant response to participants on conditions (s70(4))	5 W/D later	
If not agreed, procedural step in relation to draft conditions.	XXX W/D (say)	
Evaluate and finalise decision	W/D later (say)	
Decision release	W/D later (say)	

Schedule 2

<i>Schedule 2 – Matters of Consideration</i>	<i>Auckland Council Response</i>
Approvals	Overall Council Reference: BUN60460864
[1] The number and range of approvals sought.	Overall Activity Status of the application agreed as Non-Complying.

	<ul style="list-style-type: none"> • <i>LUC60460865</i> – comprising the following: <ul style="list-style-type: none"> ○ Modifications and demolition of buildings in the Historic Heritage Overlay ○ Regional earthworks ○ District earthworks (and infringement to standards under PC120) ○ Comprehensive development signage ○ Infringements to noise and vibration standards ○ Infringements to transport standards ○ Storage of hazardous substances ○ Buildings, surface and basement parking and access, flood mitigation works in a flood plain, flood prone area, flood hazard area, and overland flow paths. Activities sensitive to and potentially sensitive to natural hazards within flood hazard areas (relating to the AUP(OP) and Proposed Plan Change 120). ○ Activities sensitive to and potentially sensitive to natural hazards, new buildings, accessways, coastal flood protection, parking and hazardous substances in coastal hazard area (3) PC120. ○ Temporary construction activities ○ Business – City Centre Zone – AUP H8 triggers ○ Downtown West Precinct – AUP I205 triggers ○ NES:CS (National Environmental Standard for Assessing and Managing Contaminants in Soil to
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	<p>Protect Human Health) Regulation 2011) – land disturbance</p> <ul style="list-style-type: none"> • <i>DIS60460866</i> – Discharge of contaminated land • <i>WAT60460867</i> – Groundwater diversion • Archaeological Authority under the Heritage New Zealand Pouhere Taonga Act 2014 as the proposed development will affect the recorded archaeological site R11/3458 Auckland Graving Dock and a small area of 19th century reclamation.
<p>Complexity</p> <p>[2] The level of complexity will have a bearing on the appropriate frame for decision making and may include:</p> <p>(a) Legal Complexity: novel or difficult legal issues -</p> <ul style="list-style-type: none"> (i) involve untested law or interpretation of statute; (ii) involve application for multiple approvals; (iii) interface with two or more statutes; and (iv) engage constitutional law and public law. <p>(b) Evidentiary Complexity: stemming from the volume, type, or technical nature of evidence -</p> <ul style="list-style-type: none"> (i) includes challenges like managing expert reports or dealing with conflicting factual or opinion evidence; and (ii) often involve technical or scientific analysis. <p>(c) Factual Complexity: arises from the volume and nature of evidence -</p>	<p>Based on the nature and type of the proposals, the issues of consideration and the preliminary further information and feedback shared with the applicant we would categorise the application as having a moderate-high classification/level of complexity.</p> <p>Some of the evidence lodged in support of the application is complex. To this end, the following is noted:</p> <ul style="list-style-type: none"> • Initial reviews of some of the application documents have been undertaken for some of those matters / disciplines identified as key issues – refer to comments on <i>Issues</i> below.

<p>(i) requires careful management of extensive information or reports, including expert opinion in specialised fields; and</p> <p>(ii) necessitates analysis of technical, scientific, or highly specialised subject matter are involved.</p>	
<p>Issues</p> <p>[3] In addition to the matters noted in the Minute, describe:</p> <p>(a) the issues that have arisen during pre-lodgement and post-lodgement consultation and engagement.</p> <p>(b) if the application concerns an activity the same or similar to one previously lodged with a consent authority, state how requests for information pursuant to section 92 of the RMA have been addressed in this application.</p> <p>(c) any statutory process that coincides with the 30-working day period (if proposed).</p>	<p><u><i>Pre-lodgement consultation</i></u></p> <p>Prior to the lodgement of the substantive application the applicant undertook engagement directly with Auckland Council on proposals developed into the substantive lodgement.</p> <p>Pre-lodgement meetings were held between the applicant team and Auckland Council including the following specialists:</p> <ul style="list-style-type: none"> - Auckland Transport (two meetings) - Noise and Vibration (one briefing) - Urban Design (one briefing) <p>The pre-lodgement engagement involved discussion around a number of matters that were raised via an application that was previously lodged with Auckland Council under the Resource Management Act 1991 (the RMA), and that were not fully resolved in that process (now withdrawn).</p> <p>Post-lodgement, the Council received confirmation from the applicant team on 2 February 2026 of their acceptance that certain specialists (Auckland Transport, Urban Design, Noise and Vibration, Development Engineering, Geotechnical, Wind, Groundwater and Planning) could review (subject to clearly defined scope) certain documents in advance of the 20 working day consultation period.</p> <p>Requests for further information made under that RMA application are in some respects now out of date owing to: PC78 being made operative with respect of the Business - City Centre Zone, changes to the proposal including to the construction</p>

methodology, revised Wind Report and changes to the presentation of noise and vibration information. In this regard, it is considered more helpful to focus on key issues (these are a combination of issues raised by Council through the previous application and pre-/post- lodgement discussions).

Primary issues at this point helpful to signpost/for discussion at the Convener Meeting include:

- The applicant's Urban Design Assessment and Landscape Assessment do not consider the infringement to Standard H8.6.2 *General building height*. The purpose of this standard is wider ranging than others and therefore the above assessments are considered incomplete.
- **Landscape effects.** The council's Landscape Architect Specialist, considers that the proposal's built form and scale, and particularly the exceedance to the harbour edge height control plane (HEHCP) will result in a tower scale which will create adverse landscape effects that are inappropriate to its wider context in terms of its contribution to the cityscape, relationship to Te Waitematā and the existing and planned character of the waterfront precincts.
- The above also reflects and relates to the extent of conflict / differences of opinion between the applicant team and the Council regarding compliance with the objectives and policies of the AUP(OP) H8: Business – City Centre Zone provisions.
- The Landscape Architect specialist was also of the opinion that the

NZCPS ([Policy 13 - Preservation of Natural Character](#)) is not met.

- **Shading effects** are considered to be extensive, in particular to public open spaces and public realm. Shading diagrams lack detail to fully apply the relevant assessment criteria.
- **Wind effects** have not been assessed under this proposal however identified levels of infringement are of concern. Reliance on mitigation for wind purposes (i.e. tree planting and canopy in road reserve) is not in the control of the applicant, and is subject to Auckland Transport approvals in respect of encroachment licenses and tree maintenance.
- **Expected change to the receiving environment** during processing of this FTAA. This relates to an Auckland Transport Fanshawe Street retaining wall consent. This will affect the road design and layout to Customs Street West, bus operations and movement, and will have implications for Auckland Transport's assessment of effects on the current application. This may also affect (for example) flood context / groundwater and geotechnical considerations for the site.
- **Demolition and construction effects** on the transport network. Auckland Transport advise of a lack of detailed evidence that the site and proposal as described can accommodate and manage the heavy vehicles as stated. Therefore the effects on the operation of the road and public transport network cannot yet be concluded with

	<p>potential construction duration implications. This includes evidence that forecast truck numbers can be accommodated in Lower Hobson Street so as not to queue back and affect bus services at peak times.</p> <ul style="list-style-type: none">- Safety zones around vehicles and crane operations have not been provided, and greater detail of sheet piling and tower crane construction methodology is required as this may identify the need for greater road space for construction work zones, requiring road closures, and unidentified network effects implicating bus operations.- Safety assessment is required to consider crane operations distracting road users on the flyover.- The proposed traffic management plans (construction and operational) lack detail in terms of the key objectives of the plans, outcomes sought by the plans and the measures that will be implemented;- Auckland Transport cannot conclude on the extent or scale of effects on the surrounding road network based on the missing information summarised above.- Operational traffic effects. There are safety concerns with respect of the design of the hotel pick up and drop off (PUDO) access from Customs Street West.- Further information relating to the capacity and tracking for vehicles using the PUDO have been requested.- Trip rates for the residential component are based on hotel servicing which does not reflect the use. This is needed to understand the operational demands on the
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service lane and the two vehicle crossings subject to a vehicle access restriction (VAR) (Customs Street West and Quay Street).

- **Traffic modelling:** further information is requested to inform effects assessments noted above.
- **Wastewater:** During the processing of the previous RMA scheme, Watercare advised the public wastewater line is unable to accommodate the flows from the site and that insufficient capacity exists for the proposed development. Three mitigation options are proposed. The Council has not sought further comment from Watercare at this stage.
- **Noise and Vibration.** Noise assessment and predicted noise levels are not provided for the demolition of the carpark building, Customs Street vehicle bridge and Lower Hobson Street pedestrian bridge. The proposal does not identify the duration of noise exceedances applied for. Within the consent matters it is not clear what concrete works infringe noise standards. Noise conditions are not supported with respect of the use of Schedules to the CNVMP, which as currently drafted provide for no certification process by the Council and no involvement by Community Liaison Group (CLG) members. Further information requested from the applicant.
- **Proposed Plan Change 120 –** There is a lack of assessment of the proposal against the objectives and policies of Chapter E36 Natural hazards. No 'Flood and Coastal Hazard Management Plan' is provided to manage natural hazard

	<p>risk within the 100-year timeframe, as recommended in the risk assessments accompanying the application. A conclusion on risk levels cannot be reached without this.</p> <ul style="list-style-type: none"> - No assessment against NPS-Natural Hazards (2025) <p><u>Post-lodgement consultation</u></p> <p>The applicant has continued to engage with Auckland Council on some of the above key issues following the lodgement of the substantive Fast Track application.</p>
<p>Panel membership</p> <p>[4] Consider:</p> <p>(a) the knowledge, skills and expertise required to decide the application under clause 7(1) of Schedule 3.</p> <p>(b) whether there are factors that warrant the appointment of more than four panel members, such as:</p> <ul style="list-style-type: none"> (i) the circumstances unique to a particular district or region; or (ii) the number of applications that have to be considered in that particular district or region; or (iii) the nature and scale of the application under consideration; or (iv) matters unique to any relevant iwi participation legislation. 	<p>Council have responded to the request for nomination from Auckland Council in relation to the Downtown Carpark Redevelopment Fast Track expert panel on the 26 February 2026.</p> <p>Auckland Council do not consider at this point that there are factors that warrant the appointment of more than four panel members.</p>
<p>Mātauranga and tikanga</p> <p>[5] Iwi authorities and Treaty settlement entities are invited to discuss:</p> <p>(a) advise whether tikanga is relevant to the application, how the panel might receive assistance on those matters, and the time required for this to occur;</p>	<p>This section is not applicable to Auckland Council.</p>

(b) seek guidance on any requirement to protect sensitive information.	
<p>Procedural requirements</p> <p>[6] Consider and prepare to indicate:</p> <p>(a) willingness to engage directly with the panel as necessary to advance progress of the application efficiently (briefings, meetings, conferencing).</p> <p>(b) the timing of expert conferencing or wānanga;</p> <p>(c) the referral of two or more participants or topics to mediation;</p> <p>(d) the requirement for any form of hearing process including:</p> <p>(i) disputed facts or opinions;</p> <p>(ii) proposed conditions; or</p> <p>(iii) legal issues.</p>	<p>Council Subject Matter Experts and Asset Owners have indicated they are willing to engage directly with both the applicant and panel.</p> <p>In a number of areas there are matters where a site visit with specialists and the applicant team will be required and helpful to the progress of the application and discussion of these key issues.</p> <p>There may be other procedural requirements with reference to the issues identified above, and that may arise as a result of consultation with Council and other parties.</p> <p>We would consider it advantageous to discuss at the convenor session the following:</p> <p>Draft s67 matters. We have noted that in instances awaiting the Panels confirmation of S67 matters where post-Council comments provided in response to s53 can create a delay and efficiency issues where this information is requested post the above stages and requires review.</p> <p>In our experience early briefing to Council specialists improves the efficiency of the process, and may allow Council to identify information that it would suggest be requested under s67 by the Panel earlier in the process.</p> <p>Agree that post s55 stage, a meeting with the Panel and participants should be provided for to identify any key matters of contention and for this to inform next procedural steps.</p>
<p>Anything else?</p> <p>Is there any other information needed to decide time frames or panel composition?</p>	<p>No.</p>

If you have any queries, please contact me on [REDACTED]
or by phone on: [REDACTED] and quote the application number above.

Yours sincerely,



Adonica Giborees
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