

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

FTAA-2512-1158

UNDER

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

AND

IN THE MATTER

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

**JOINT STATEMENT OF PRECINCT, AUCKLAND TRANSPORT, MILLENNIUM &
COPTHORNE HOTELS NEW ZEALAND LIMITED, AND BODY CORPORATE
199380**

29 JUNE 2026

Introduction

1. On 12 June 2026, the Expert Panel provided Request for Information 3 ("**RFI 3**") in relation to the Downtown Carpark Site Development project ("**Project**"). The RFI is addressed to Millennium & Copthorne Hotels New Zealand Limited ("**MCK**"), Body Corporate 199380 ("**Sebel**"), Auckland Transport ("**AT**"), and Precinct Properties New Zealand Limited ("**Precinct**") (together, the "**Parties**"), and asks the Parties' experts to provide further information on construction noise and vibration management, land stability at the boundary of the application site with the M Social Hotel, and construction traffic management.
2. The purpose of this statement is to outline any areas where the Parties' experts have not been able to reach agreement on the noise and vibration management, construction traffic, and land stability conditions. Appendix One contains a table setting out the conditions where the Parties have not reached agreement for each of these issues alongside an explanation as to why with any alternative wording proposed. Precinct has also provided a response to each outstanding issue to explain why the request has not been incorporated into its updated condition set.
3. In the interests of full transparency, Appendix Two contains a table setting out conditions in addition to the three issues set out in RFI 3 where the parties have not reached agreement.
4. This statement has been prepared jointly by Precinct and the Parties to reflect the outstanding issues between Precinct and each of the Parties individually, and has had input from their respective experts.

Text in blue reflects changes previously proposed by Precinct – Precinct amendments are not all shown

Appendix One – Outstanding Issues as Requested by the Panel

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
<u>Construction Traffic</u>			
9A	The Sebel: Seeks amendments to Condition 9A to ensure the condition covers both physical and operational elements.	(a) The right-turn lane from Quay Street into Princes Wharf and the left-turn from Princes Wharf to be closed during the demolition and construction phases of the Project, both in a physical and / or operational capacity; and/or (b) The access to and from Princes Wharf via the lower Hobson Street flyover to be closed during the demolition and construction phases of the Project, both in a physical and / or operational capacity.	This is not accepted as addressed in the s55 response. The inclusion of 'operational' capacity is not necessary as operational capacity is often affected by the traffic light phasing which AT is responsible for and not an effect of the Project. Nonetheless, Precinct has committed to not closing any of the lanes entirely which is what 'physical' capacity refers to.
9C	The Sebel: Seeks amendments to Condition 9C to ensure condition covers both physical and operational elements, i.e. for loading and access.	The consent holder must not close the left-turn access from Sturdee Street into Customs Street West throughout the demolition and construction phases of the Project, both in a physical and operational capacity.	This is not accepted for the reasons provided above.
New Condition 9D	The Sebel: Heavy vehicle access is a fundamental concern for the Sebel. Notwithstanding that this matter is raised as a requirement of the CTMP in Condition 28, the Sebel considers it	Heavy vehicle access Heavy vehicle access associated with all phases of the Project must not utilise Quay Street or the Viaduct Streets (as identified in Attachment 3) as haulage routes or for loading or layover, except as needed to facilitate the	This is not accepted. A specific condition is not considered necessary given that management of heavy vehicle access is already specifically provided for in

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	should be an explicit requirement of the conditions of consent. As a matter within a Management Plan, there is the chance it will be eroded or overlooked through the certification and / or 'minor changes' processes set out at Conditions 16, 16A and 17. It needs to be a clear, up-front obligation	demolition of the Lower Hobson Street pedestrian overbridge.	the CTMP condition (refer to Condition 27g.)
New Condition 9E	The Sebel: Pedestrian access is also a fundamental concern for the Sebel. Notwithstanding that this matter is raised as a requirement of the CTMP in Condition 28, it should be an explicit requirement of the conditions of consent. As a matter within a Management Plan, there is the chance it will be eroded or overlooked through the certification and / or 'minor changes' processes set out at Conditions 16, 16A and 17. It needs to be a clear, up-front obligation.	Pedestrian Access A dedicated and formalised pedestrian route that maintains continuous safe and effective east-west connectivity along Customs Street West must be established and maintained throughout the demolition and construction phases of the Project, including through the use of a gantry system. Small exceptions to this requirement are anticipated to ensure public safety during the removal of the Downtown Carpark ramp onto Fanshawe Street.	This is not accepted. A specific condition is not considered necessary given that pedestrian access along Customs Street West is already specifically provided for in the CTMP condition (refer to Condition 28jj).
20A	AT: When AT previously provided their updated conditions set following a review of the Applicant's s55 response, an equivalent s128 Review condition was not included within the Applicant's suggested conditions. However, in response to Council's collated conditions set the Applicant has since	Amendments to now proposed Condition (20A), which is generally accepted by Precinct and includes specific references to the need to alter works following a change in the receiving environment following commencement of works alongside any variability in adverse impacts over the course of the activity that may arise at a later stage. In AT's opinion, the current wording within the s128 condition is not overly specific as to what actions may need to be undertaken	This is not accepted as Condition 20A as proposed by Precinct is considered to address concerns raised by AT with regards to review of maximum number of hourly Construction Vehicles and restriction to Construction

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	accepted an overarching s128 condition that deals with a number of matters, which includes construction traffic. A s128 condition pertaining to construction effects is supported in principle. It is understood that the area of disagreement in this instance relates to the specific provisions included within the previously recommended s128 condition that was proposed by AT formerly identified as Condition 28A. The Applicant identified that they previously did not accept AT's wording, noting that there was already a s128 condition in place and drawing on the extent of assessment provided in characterising the impacts upon the receiving environment. The area of disagreement appears to principally lie within the level of specificity that should be included within the s128 condition and the types of measure(s) that the Applicant could reasonably implement in response to the s128 review being triggered by Council.	following the implementation of a review under s128. It is considered that the previously identified wording is flexible enough to allow for a broader consideration of any impact(s) that may occur pending the trigger of a review, but more directive towards what should be considered as part of the review process, and principally where it comes to the management of adverse construction impacts upon the traffic network this relates to the reasonableness of the CTMP, including its associated objectives, principles, and details. The types of measures that have been recommended are not intended to be exclusive or all encompassing, but are suggestions that could be considered as part of the review process that is within the Applicant's direct control and could reasonably be implemented should the level of adverse construction impact be greater than what the Applicant has established as part of their supporting adverse effects assessment. <u>"(1) This includes a review of the suitability of the objectives, principles, and specific details required in the final CTMP required in Conditions (26), (27), & (28) of these consents to appropriately avoid, remedy, or mitigate adverse effects upon the transport network directly associated with any construction activity(ies) exercised through these consents. This may include, but not limited to, the following measures:</u> <u>(a) Reduction of the maximum number of hourly Construction Vehicles below the maximum of 24 Construction Vehicles required by Condition (28)(k) of these consents; and</u>	Vehicles. Precinct also refers the Panel to its s55 response, noting the extremely thorough expert assessment made of construction traffic effects, the overall conservative approach taken and the high levels of confidence in the proposed measures included in the conditions. Specifying in a review mechanism within the conditions that the already low levels of construction vehicle movements and hours within which these can operate might be changed places unnecessary and unreasonable uncertainty on the construction programme and could have unintended consequences on overall duration and associated impacts on surrounding properties.

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		<u>(b) Restrictions to Construction Vehicles during the AM peak period between the hours of 7am – 10am and/or PM peak period between 4pm – 7pm.”</u>	
24(d)(i):	AT: The Applicant does not consider that the infrastructure required to service the development forms part of the proposal and should effectively be unbundled from consideration under this application. Having had regard to the position reached by Council, which AT supports, we do not agree with this position and otherwise consider that any resulting impacts arising from the delivery of the required extensions to either Stormwater or Wastewater network should specifically be assessed as part of the scope of this application. In lieu of having this assessment at this point in time, notwithstanding that separate resource consent(s) may be required for the installation of either infrastructure, AT had previously recommended the inclusion of Condition (24)(d)(i) as a stopgap to ensure that information was available at the time of certifying both the CMP and CTMP to establish any resulting construction impacts upon the transport network. Failure to properly consider any resulting impacts of the	Reject the deletion and reintroduce the amendment to Condition 24(d)(i) as detailed below: <u>This should include consideration of the finalized options for the extensions of the public Wastewater and Stormwater networks, which are subject to Engineering Plan Approval and agreement by other network utility operators:</u>	This is not accepted. The delivery and construction of the wastewater infrastructure is separate to this project. As noted in the application and as discussed with Council, the application confirms that there are feasible options to service the project from a wastewater perspective. Section 84A of the FTAA relates to infrastructure provision as a condition and this project is consistent with this in reference to proposed Condition 77 requiring the consent holder to ensure that connections to the public wastewater reticulation network are in place prior to the occupation of the building.

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	required wastewater / stormwater options may have material impacts upon the transport network leading to adverse cumulative impacts, noting the extent of road closure(s) will likely be greater than what has already been assessed for the construction of the project. It also raises questions around the practicality of ensuring that the objectives, principles, and details included within the various CTMP related conditions are fit for purpose. Specifically, AT have recommended measures that reflect the extent of assessments provided to date, principally where it relates to the extent of any road closure(s) required to facilitate the intended works.		
26	AT: Does not support the inclusion of the “<i>and minimise</i>” in this condition. The concern is that this inclusion potentially suggests the dilution of the strength of wording included within Conditions (27) and (28) for some of the more directive principles and details included within the CTMP, which are intended to achieve a very clear outcome that reflects the nature of the management measures that have been assessed to date and what is essential for ensuring that the adjacent transport network.	Deletion of the inclusion of “and minimise” from Condition (26). Amended wording included below: <i>“The objective of the CTMP is to manage and minimise the effects of demolition and construction traffic impacts on the surrounding road network, including effects on”</i>	The inclusion of ‘and minimise’ were sought by MCK and Precinct accepts this change. Precinct’s planning and traffic experts do not consider that the addition of “and minimise” weakens the objective of the CTMP.

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	This includes the likes of “Avoid” language where it relates to any additional road closure(s) other than those that have been specifically identified, and assessed, as part of the Applicant’s assessment.		
27(aa)	AT: This principle does raise some concerns because of the fact that there is a suggestion that an alternative management approach might be required to factor in the needs of party(ies) to the CLG, which might result in materially different adverse effects upon the network. AT understands that consultation has occurred with some parties, particularly extensive engagement with M Social to understand how the scope of construction impacts might affect the use of their loading space, however a similar degree of visibility for any other party(ies) has not been provided to Council to understand if alternative management measures are required or not and whether they could be traded off against other fundamental principles of the CTMP, notably maintaining the function and effectiveness of the network more generally. At the meeting held on 9th June 2026, this difficulty was acknowledged by the applicant and the	Deletion of Condition 27(aa), recommend amendments to Condition 27(f) to capture the intent of Condition 27(aa) whilst ensuring that it is clearly within the frame of maintaining adverse impacts upon the transport network, which are detailed in the commentary on Condition 27(f) below.	This is not accepted. Ensuring an understanding of the sensitivities and requirements of those residents and businesses operating in the vicinity of the Project is considered reasonable in addressing any amenity effects that may arise from the construction traffic management of the Project. It is among a suite of matters informing the approach to managing construction traffic and is not worded in a way that is determinative in the manner suggested by AT’s experts.

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	applicant has confirmed that they intended to meet with these parties after the 9 th June meeting to confirm the extent to which their operational requirements need to be met.		
27 (c) and (d)	AT: Prior to this latest recommendation, the key area of disagreements related to the use of the language “Avoid” rather than “Minimise”. The Applicant appears to accept the use of “Avoid” in this instance, solely on the basis of the adoption of the inclusion of “<i>unless closure is required for health and safety reasons and</i>” in both instances. AT do not have any clarity around what circumstances would apply that would necessitate any additional road closure(s) and in the absence of any greater clarity it is considered that this provision may be relied upon in more instances than intended. An example of this is the need to maintain a suitable pedestrian footpath width along the site’s frontage to maintain pedestrian connectivity during construction. One of the issues raised during the processing of the application was the ability to achieve a footpath width consistent with the existing situation whilst working within a constrained environment. The effects of any other closures have not	Deletion of “unless closure is required for health and safety reasons and” to both Conditions 27(c) and 27(d) as amended below: (c) Avoid pedestrian-closures along Customs Street West unless closure is required for health and safety reasons and except for in the period during demolition required to remove the existing vehicle ramp from the Downtown Car Park to Fanshawe Street; (d) Avoid road and bus lane closures unless closure is required for health and safety reasons and, except in the following instances:	Flexibility is needed to manage a complex road environment and the construction process. A detailed construction programme and plan has not yet been developed and further circumstances may arise during works that are currently unknown. In response to AT’s preference to “avoid” pedestrian and bus lane closures (from minimise, as originally proposed) the proposed wording is considered necessary and appropriate to enable that flexibility. It is noted that Council and AT certify the CTMP, and further that AT administers a separate road corridor access regime, and accordingly exercise a degree of discretion in implementing any closures.

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	been assessed including what those closures would be, their duration and the effects on the operation of the traffic network, including pedestrians and buses. If any additional road closure(s) are required, it would be fundamental for additional assessment to be undertaken to establish how the network will be impacted.		
27(g)	The Sebel: This change is suggested simply to avoid any confusion. The intent is that heavy vehicles avoid these streets for the duration of the Project.	The CTMP must be prepared to achieve the following principles: ... (g) Avoid using Quay Street and the Viaduct Streets as Heavy Construction Vehicle routes for all phases of the Project.	This is accepted with the exception that it is referred to as “all <u>construction</u> phases” for clarity.
28(c)	AT: The nature of this disagreement is fundamentally the same as Condition 24(d)(i) in that the Applicant is of the view that any impacts, including any necessary resource consent(s) required, for any infrastructure extension does not form part of the scope of this proposal and should be unbundled. As such, a similar deletion has been recommended to Condition 28(c) of Council's conditions. The same rationale outlined above equally applies to Condition 28(c) as it does Condition 24(d)(i) as stated above.	Reject the deletion and reintroduce the amendment to Condition 28(c) as detailed below: <u>“Detailed consideration of the extent to which the undertaking of the public Wastewater and Stormwater extensions, as outlined in Condition (24)(d) of these consents, will adversely affect the surrounding transport network and the necessary management measures required to ensure that the principles of the CTMP, as required in Condition (27) of these consents, are to be upheld;”</u>	This is not accepted for the response provided above.

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28(e)	AT: The Applicant requests flexibility for the use of the managed access at Sturdee Street / Lower Hobson Street to allow contractors vehicles such as single trade van, courier, and delivery truck to enter the site under the flyover. It is unclear whether the intent of Auckland Transport's original amendment was understood, as the context of such a condition was specifically associated with construction workers travelling to and from the site for work (i.e. commuting) rather than it directly associated with the delivery of materials or other construction vehicles. Principally, the assessment has stated that worker parking will not be provided on site and that workers will be encouraged to park elsewhere. Therefore, access under the flyover for workers commuting to the site should be unnecessary. This activity would be difficult to control compared to scheduled deliveries. Furthermore, additional vehicles using the access could impact on the efficient operation of this access for construction vehicles and increases the potential risk that construction traffic could queue back into the Lower Hobson Street / Customs Street West / Sturdee Street	Amend Condition 28(e) to reintroduce previously proposed amendment to address the concerns identified. Amendment included below: <i>"Details of measures to manage how contractors will travel to and from the Site for work, including measures to promote alternative travel modes to driving, such as carpooling, using public transport, or cycling/walking where feasible, <u>avoiding the use of the dedicated vehicle access beneath the flyover at the intersection of Sturdee Street / Customs Street West, providing a shuttle bus from off-site parking, and identifying nearby public car park facilities where workers can park. All staff are to be advised that parking in time-restricted or residential areas is not permitted"</u></i>	This is accepted in part, with specific provision for managed use for group drops-offs (adding the words "unless arranged within designated arrival windows that do not conflict with truck movements" to AT's proposed change).

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	intersection, impacting on the movement of buses. There are alternative options that are available for the Applicant to provide access to the site should workers have a need to travel to the site. This includes the likes of the shared service lane and existing vehicle crossings along the Customs Street West frontage.		
28(g)	AT: The Applicant undertook amendments to AT's recommended conditions to this section of the CTMP, specifically citing that the level of detail was overly prescriptive and that the amendments were intended to simplify the overall approach. The Applicant's recommended approach is not accepted as there is a clear lack of detail around the measures required to achieve sufficient advanced notification for motorists. The purpose of this condition is to ensure that road users are provided sufficient notice to help inform their travel choice and discourage motorists from heading towards the part of the City Centre during periods where road closures are proposed, effectively minimising the extent of traffic that will end up in this part of the transport network.	Amend Condition 28(g) to reintroduce previously proposed amendment to address the concerns identified. Amendment included below: (g) Location of traffic signs and measures for advanced notice of any disruptions to the surrounding transport network during demolition and construction (including but not limited to) the removal of the Lower Hobson Street footbridge, and the removal of the Downtown Carpark Ramp across Customs Street West. This must include (at a minimum) the following: <u>(i) Variable Message Signage ("VMS") on Quay Street to the east warning of the works to enable motorists to make an informed decision as to choose another route;</u> <u>(ii) Signage warning of road closures including Variable Message Signage ("VMS") for works involving the removal of the vehicle access ramp from the existing Downtown Car Park for at least 14 days prior to the works commencing; and</u>	This is accepted with clarification that VMS is only required during removal of the Lower Hobson Street pedestrian bridge.

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
		(iii) Advanced advertising and notification, including (but not limited to) the use of radio, social media, <u>signage use of VMS on the wider road network</u> , and other options to the travelling public to inform consideration of alternative travel arrangements or use of different routes to avoid the area.	
28(ii)	The Sebel: Seeks amendment to condition 28 to ensure there is a linkage back to the objectives and principles. The Sebel also seeks amendment to condition 28(ii) to remove ambiguity (do not consider this otherwise changes the intent of the condition).	The CTMP must include specific details relating to avoiding, remedying, or mitigating adverse effects on the transport environment from demolition, earthworks, construction and management of all works associated with this development, and taking into account other construction related activities occurring in the vicinity, and setting out procedures to be followed which ensure compliance with the conditions of consent <u>including the objectives and Condition 26 and the principles at Condition 27. and aAt</u> a minimum must include: ... (ii) A maximum number of 24 construction vehicles (48 vehicle movements) per hour across all hours of works accessing the construction zone via a right turn <u>beneath the Lower Hobson Street flyover</u> from Sturdee Street/Hobson Street into Customs Street West, except that a greater number may be expressly approved as part of the CTMP where supported by a transport assessment prepared by a SQEP <u>and otherwise certified by Council. For the purposes of this condition, "Construction vehicles" includes heavy construction vehicles associated with all phases of the Project;</u> trucks and vans for the purpose of loading or unloading of construction materials; but excludes cars;	The changes sought to condition 28(ii) with the inclusion of "beneath the Lower Hobson Street" is not accepted as this is not considered necessary given there is no other way to turn right into Customs Street West. The rest of the changes sought are accepted.

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28(t)	AT: Principally the disagreement relates to the inclusion of what was formerly referred to as Condition 28(l), which the Applicant has recommended for deletion. Whilst AT understands the Applicant's position, it is considered that Condition 28(l) can be deleted on the basis that amendments to Condition 28(t) are undertaken as the intent of both conditions are broadly similar in their intent. The disagreement is understood to have related to the ability to accommodate trucks within the construction staging area within Lower Hobson Street, particularly in the event that multiple trucks were intended to arrive at the same time and whether there was sufficient space within the site to bring trucks in off the road to avoid queuing back into the adjacent Sturdee Street bus lane.	Amend Condition 28(t) as follows: <i><u>"Measures to stage and sequence ensure truck travel to and from the Site is staged and sequenced as much as possible to ensure that there is sufficient space such that a truck(s) will not queue back into the adjacent road network. These measures will include (but not limited to) detailed planning and preconstruction coordination, radio communication devices and GPS tracking of trucks. This will ensure that the designated truck holding areas will be unlikely to overflow and potentially result in conflict with the general traffic and bus lanes; and"</u></i>	This is accepted in part, with an amendment to require trucks to "avoid queueing"
Flyover Visual Screening Barrier Condition contained in condition set provided by	AT: Maintains the position that the risk of driver distraction is exacerbated in this location, which is inherently different compared with other locations within the City Centre due to the proximity between the construction staging area and flyover; and the fact that there is no visibility of the staging	Reject the deletion and reintroduce the amendment to Condition 28B as detailed below: <i><u>"28B. At least two weeks prior to the commencement of any construction activity authorized by these consents, the consent holder must erect a 1m visual screen from the top of the existing concrete edge barrier along the entire eastern extent of the Hobson Street Flyover to limit views towards</u></i>	This is not accepted for the reasons outlined in the s55 traffic response. Refer to section 3.6 of the s55 traffic response.

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AT/Council which Precinct has not included	area at the lower level when motorists are moving along the flyover. The potential impact at this location in the event of a crash is disruption to the traffic network, particularly for buses including the NX1 and key north shore services, noting that this is the only route out from this location for these key bus services	<u>any proposed crane operation. This barrier must be maintained for the life of the required construction activity or until such a time that the Hobson Street Flyover is no longer in place or operational.</u> <u>Advice Note:</u> <u>Engineering Approval will be required for this work."</u>	
53(b)(b) and (c)	AT: Previously the Applicant did not accept the use of the term "Avoid" within either subclauses and sought to incorporate "Minimise" into the provisions. These previous amendments have since been accepted, on the proviso that additional amendments, specifically including "unless not practicable" are included to (b) and (c). These changes are not supported, as there is a suggestion that queuing into the adjacent road carriageway could occur, with the proviso undermining the "avoid" condition. Previously identified concerns remain outstanding given the potential that a vehicle(s) could overhang into the lane with any oncoming traffic potentially resulting in a collision and could compromise the operation of the adjacent intersection and flyover.	Amend Condition 53B(b) as follows: <i>"(b) Identification of the maximum size of vehicle expected to use the M Social service driveway and an outline of the intended waiting area to minimise avoid queuing back into the Lower Hobson Street flyover lanes, unless not practicable;"</i> Amend Condition 53B(c) as follows: <i>"(c) Mechanisms to be undertaken, in consultation with M Social, to minimise avoid two trucks arriving to use the M Social service driveway at the same time, unless not practicable;"</i>	Following feedback received from MCK, it is proposed to revert back to the original wording of "minimise" as this provides some flexibility where potential queuing or two trucks arriving is unavoidable.

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<u>Land Stability at Border with M Social</u>			
39.	MCK: MCK considers the management plan's primary objective is to state the intended methodology to achieve compliance with the conditions of the consent, which in turn avoid, mitigate or remedy adverse effects of the works.	39. The objective of the GSMCP is to set out project controls <u>to ensure compliance with consent conditions</u> , to measure groundwater drawdown and ground settlements, and to address potential geotechnical effects related to the demolition and construction works, having particular regard to critical boundaries to be determined by the GSMCP	This is not accepted as the objective should not be setting out the interrelationship between the management plan and the conditions.
40(d)	MCK: MCK does not accept Precinct's position that the excavation of a four-level basement and construction of the diaphragm wall immediately adjacent MCK's property and structures is low-risk. Indeed, Tonkin & Taylor has identified that a peer review of the construction methodology is required, which itself is an acknowledgement that the works are not low risk. MCK's advisors consider that continuous monitoring of the safety and stability of MCK's property and structures is desirable and ought to be required until such time as the basement is completely constructed. That will provide some assurance that any issues that arise in the course of this major excavation and construction work will be identified and hence responded to as early as possible.	(d) A bar chart or a schedule, showing the timing and frequency of condition surveys, visual inspections and all other monitoring required by this consent, and a sample report template for the required two monthly monitoring <u>with the exception of M Social, for which continuous data loggers will be employed and a separate monitoring schedule shall be prepared and provided to M Social for review and feedback</u> ;	This is not accepted for the reasons in the s55 response, noting further explanation below. However, the applicant has offered to engage with MCK through a side agreement to undertake additional investigations involving two extra boreholes within the loading driveway of MCK. In addition, the conditions have already been updated as part of the s55 response to include additional inclinometer for MCK. Continuous monitoring is not accepted as already outlined in the s55 geotechnical response. Overall, based on the assessment to date, it is considered that there is low

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	Importantly, while MCK is wanting access to the output from the continuous data loggers, it is not requiring the Applicant or its consultants to carry out real time analysis of that material or to provide additional reports to Council or to MCK. MCK's proposal is that its consultants will review the monitoring outcomes and hence will be in a position to advise MCK if any elevated risk becomes apparent.		risk to the MCK structures so therefore continuous monitoring is not warranted.
Structural Design – new conditions	MCK: This condition concerns most importantly the relationship between works in the immediate vicinity of the common boundary between the Applicant's site and the M Social site. Because of the scale of the proposed works and their proximity to the M Social Hotel, there is a potential for significant adverse effects on the hotel and the MCK site. The condition therefore addresses the timing and content of information that is to be released to MCK in advance of lodgement of the building consent application. That will enable a fulsome assessment of potential structural effects of the works on the M Social hotel.	<u>X. At least 20 working days prior to the lodgement of any building consent, the consent holder shall submit to the owner of M Social detailed design documentation prepared with input by a SQEP to demonstrate how the existing car park retaining structures along the northern boundary will be temporarily supported during the demolition, prior to construction of the diaphragm wall. The consent holder shall also demonstrate that the diaphragm wall capping beam will be designed to extend up to underside of the proposed ground floor structure. The proposed ground floor structure is to match or be higher than the finished ground level north of the boundary.</u> <u>X1. The detailed design documentation required by condition [X] must include:</u> <u>(a) an assessment of the effects of constructing the diaphragm wall through existing piles (including bell ends);</u>	Precinct maintains additional structural design requirements are not appropriately addressed in consent conditions, however is willing to engage with MCK to address them through a side agreement between the two parties

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	Note: Clause (k) was previously addressed in advice note 14. MCK's experts consider it necessary to understand this information prior to implementation of the resource consent, despite the fact that the building consent process may require the same.	<u>(b) confirmation that the diaphragm wall is designed for the relevant lateral and vertical loads from the foundations and ground floor structures of M Social;</u> <u>(c) an assessment of the effects on M Social arising from the consented superstructure not being vertically aligned with the diaphragm wall;</u> <u>(d) a demonstration that the top-down structural scheme designed by Holmes is commensurate with the relevant Tonkin & Taylor analyses for extent on plan and thickness of propping slabs;</u> <u>(e) an assessment of construction tolerance limits of the diaphragm retaining walls, with respect to the offset from boundaries;</u> <u>(f) an assessment of the lowest basement slab design, noting it must be designed for relevant hydrostatic uplift pressures and foundations / hold down solutions;</u> <u>(g) an assessment of deflections of the northern diaphragm retaining wall to ensure through detailed calculations that base shear of the consented building will not cause deflections greater than those permitted in the consent conditions and that relevant base shear effects of M Social are applied to the consented building's basement structures;</u> <u>(h) an assessment of the seismic gap between the consented building and M Social or the boundary at Gridline J-N/26.</u>	

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		<u>whichever is closer to the proposed structure, to ensure it is accurately determined with respect to building movement;</u> <u>(i) an assessment of all seismic gaps along the northern boundary adjacent to the M Social structure to ensure these are designed as waterproof to protect M Social;</u> <u>(j) specification of construction materials to confirm the northern boundary wall is constructed of concrete and structurally designed to resist boundary fire ratings as advised by SQEP;</u> <u>(k) the results of a visual inspection of the founding soils (to be undertaken by a geo-professional) during the excavation works to determine the suitability of the sub-grade and potential effects of the proposed foundations.</u>	
164	MCK: Considers that the management plan's key objective is to state the intended methodology to achieve compliance with the conditions of the consent, which in turn avoid, mitigate or remedy adverse effects of the work.	...The overall objective of the GSMCP is to set out project controls to <u>ensure compliance with the consent conditions, to</u> measure groundwater drawdown and ground settlements, and to address potential geotechnical effects related to the construction works and must include, at a minimum, the following information:...	This is not accepted for reasons above relating to how Management Plan objectives should not reference compliance
164(d)	MCK: MCK seeks continuous monitoring of its property and structures until the basement construction is completed. CMW Geosciences have identified that the proposed trigger levels and monitoring approach are not sufficiently	(d) a bar chart or a schedule, showing the timing and frequency of condition surveys, visual inspections and all other monitoring required by this consent, and a sample report template for the required two monthly monitoring <u>with the exception of M Social, for which continuous data loggers will be employed and a separate monitoring schedule shall be prepared and provided to M Social for review and feedback.</u>	This is not accepted however the applicant has offered to engage with MCK through a side agreement to undertake additional investigations.

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
	detailed. Continuous, real-time automated monitoring with building-specific thresholds and immediate response mechanisms are required to satisfactorily mitigate the risk to MCK.		
Schedule B – Monitoring Stations	MCK: MCK recommends 24 stations as proposed to be located in the monitoring station plan marked up by Structus.	Precinct proposes 8 monitoring stations are surveyed as part of the regular monitoring regime, with an additional 12 stations installed and baselined, without regular survey.	Precinct considers the 8 stations it proposes as part of the regular monitoring regime are sufficient as they are at ground level and will provide the most immediate indicator of building response, with the additional 12 stations providing supplementary information in the event of an Alert or Alarm trigger. The additional 4 monitoring stations sought by MCK are unnecessary given their distance from the excavation and the very low predicted movements in these areas.
171	MCK: MCK seeks continuous monitoring of its property and structures until the basement construction is completed. This could be addressed in an additional schedule to the conditions addressing just MCK's property.	...Groundwater level monitoring must be undertaken in accordance with Schedule C below <u>with the exception of M Social, for which continuous monitoring shall be undertaken with results provided to M Social for review and feedback at a frequency to be agreed between the parties:</u>	This is not accepted however the applicant has offered to engage with MCK through a side agreement to undertake additional investigations.

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
	CMW Geosciences have identified that the proposed trigger levels and monitoring approach are not sufficiently detailed. Continuous, real-time automated monitoring with building-specific thresholds and immediate response mechanisms are required to satisfactorily mitigate the risk to MCK.		
172	MCK: MCK seeks continuous monitoring of its property and structures until the basement construction is completed. CMW Geosciences have identified that the proposed trigger levels and monitoring approach are not sufficiently detailed. Continuous, real-time automated monitoring with building-specific thresholds and immediate response mechanisms are required to satisfactorily mitigate the risk to MCK.	...The Monitoring Stations must be monitored at the frequency set out in Schedule D, <u>with the exception of M Social, for which continuous monitoring will be undertaken</u>...	This is not accepted however the applicant has offered to engage with MCK through a side agreement to undertake additional investigations
173	MCK: MCK seeks continuous monitoring of its property and structures until the basement construction is completed. CMW Geosciences have identified that the proposed trigger levels and monitoring approach are not sufficiently	...Monitoring of the retaining wall deflection stations and inclinometers must be undertaken and recorded in accordance with Schedule E below and must be carried out using precise levelling (<u>noting that M Social shall be subject to continuous monitoring</u>).	This is not accepted however the applicant has offered to engage with MCK through a side agreement to undertake additional investigations

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
	detailed. Continuous, real-time automated monitoring with building-specific thresholds and immediate response mechanisms are required to satisfactorily mitigate the risk to MCK.		
<u>Construction Noise and Vibration</u>			
29	The Sebel: Seeks amendments to condition 29 to ensure CNVMP has reference to Marshall Day reports.	The consent holder must prepare and submit a Construction Noise and Vibration Management Plan (CNVMP) in general accordance with the draft CNVMP referenced in Condition 1 <u>as informed and amended by:</u> <u>the Marshall Day Acoustics report titled, "Downtown Carpark Site Development – Assessment of Effects" dated 6 November 2025; and</u> <u>the Marshall Day Acoustics addendum report titled, "Acoustic Assessment Addendum", dated 1 April 2026.</u>	This is not accepted as Condition 1 already references the most up to date MDA reports.
30(a)	MCK: Considers the management plan's primary objective is to state the intended methodology to achieve compliance with the conditions of the consent, which in turn avoid, mitigate or remedy adverse effects of the works.	Identify and adopt the Best Practicable Option <u>(within the limits set under the conditions of consent)</u> for minimising adverse construction noise and vibration effects, including defining the procedures to be followed to achieve compliance with the <u>criteria standards</u> in Conditions 65 and 67.	This is not accepted as the Best Practicable Option is for all construction activities.
31(g)	MCK: MCK considers it is appropriate that the CNVMP is consistent with the CLG expectations, and this should be stated in this condition.	...the CNVMP must also include at a minimum: ... (g) Processes for engaging with potentially affected receivers <u>including provision of advance warning, in writing no less than 10 working days prior to the works commencing on the site. The written advice must include a brief description of the works, the expected duration of the works, the predicted</u>	This is not accepted as Condition 1 already reference the most up to date MDA reports.

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
		<u>noise and vibration levels, the mitigation to be implemented, the working hours and contact details for any concerns regarding noise and vibration.</u>	
31(i)	MCK: MCK acknowledges the draft CNVMP contains a complaints procedure. That procedure is not as robust as proposed in this condition, however, and in MCK's opinion fails to provide the neighbouring landowners and occupiers with sufficient clarity as to the process that will be followed in the event that a complaint is made. MCK prefers a condition that clearly states the expectations placed on the consent holder in relation to complaints.	<u>A complaints procedure The process to record, investigate and address all reasonable demolition and construction noise and / or vibration complaints (received directly from neighbours, members of the CLG or via Auckland Council) that includes the following steps being undertaken within the timeframes stated and as soon as practicable:</u> <u>a. Acknowledge receipt of the concern or complaint within 24 hours and record:</u> i. <u>Time and date the complaint was received and who received it</u> ii. <u>Time and date of the activity subject to the complaint (estimated if not known)</u> iii. <u>The name, address and contact details of the complainant (unless they elect not to provide those details)</u> iv. <u>The complainant's description of the activity and its resulting effects</u> v. <u>Any relief sought by the complainant (e.g. scheduling of the activity)</u> <u>b. Identify the relevant activity and the nature of the works at the time of the complaint, including confirming setback distances from individual construction equipment relative to consented limits and / or predicted exceedances;</u>	This is not accepted as these matters are included in the draft CNVMP. Nevertheless, Precinct is willing to engage directly with MCK on the 24/7 complaints contact noted in its M Social Engagement Protocol through a potential side agreement.

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
		<u>c. If a complaint relates to building damage, inform the on-duty site manager as soon as practicable in relation to the building survey process detailed at conditions [x] to [xx];</u> <u>d. Review the activity noise and / or vibration levels and the mitigation and management measures in place;</u> <u>e. Record the findings and recommendations in a complaints register that is provided to the project manager after each and every complaint and made available to Auckland Council upon request; and</u> <u>f. Report the outcomes of the investigation to the complainant within 10 working days of the complaint being received, identifying whether the relief sought by the complainant has been adopted or the reason(s) otherwise.</u>	
Addition of new condition 31(m)	MCK: In accordance with amendments to Condition 31(g). MCK considers it is appropriate that the CNVMP is consistent with the CLG expectations.	<u>m. Any measures to be implemented in response to comments received from the CLG</u>	This is not accepted as it is dealt with by the CLG and management plan conditions
69 – 71	MCK: This condition implements the 3-tier methodology regarding excess noise that is recommended by MCK's acoustic consultant, Jon Styles. MCK continues to prefer the 3-tier process, summarised as follows: 1) Permitted activities and activities that comply with the standards in conditions	MCK: <u>X1. The following works are authorised to exceed the standards in Conditions 65 and 67 subject to a Schedule certified in accordance with Conditions [69 – 71]:</u> <u>a. Vibration from sheet piling can exceed the limits in Condition 67 only at 29 Customs Street West (Aon Building)</u>	MCK's comments are not accepted. Precinct has agreed to continuous monitoring of construction noise for MCK, and this is included in the CNVMP. Precinct maintains this is sufficient and is not a matter for consent conditions.

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
	65 and 67 proceed without a schedule; 2) Identified exceedances would be specifically addressed in the conditions and set out in a schedule process; and 3) Unforeseen exceedances would be addressed in a schedule process. This is an alternative to Precinct's 2-tier approach which enables permitted activities and requires a schedule where compliance with identified conditions is not met. MCK considers this approach does not provide the same certainty the 3-tiered approach does, the latter setting out a clear, certain and enforceable schedule process for managing and adopting the BPO for the limited amount of work already identified to exceed the standards; followed by the same clear, certain and enforceable schedule process for those circumstances where the limits set in conditions is not met. MCK considers that the 3-step process (CNVMP; then simple Schedule; then comprehensive Schedule) makes it easier for Precinct and the receivers to assess and (if appropriate) approve the middle category of exceedances when compared to Precinct's 2-step process	<u>and only between the hours of 5pm and 10.30pm Monday to Friday and 7am to 11pm Saturdays;</u> <u>b. Noise from D-wall construction, bored piling and concrete cutting can exceed the noise limits in Condition 65 by up to 5dB and only at the façade of the M Social and only between the hours of 8am and 6pm Monday to Friday;</u> <u>c. [any others for other receivers].</u> <u>X2. The consent holder must ensure that a SQEP prepares a Schedule to the CNVMP (Schedule) in consultation with the owners and occupiers of the sites subject to the Schedule for the following specific activities:</u> <u>a. Works listed in condition [X1] above;</u> <u>b. Concrete pours at night;</u> <u>c. Bridge removals;</u> <u>d. All works conducted at "all other times" as set out in condition 65 that are not already authorised by a certified CNVMP;</u> <u>e. Any activity captured by condition 72.</u> 69. The Consent Holder must have an SQEP prepare a Schedule to the CNVMP (Schedule) if a demolition or construction activity is predicted or measured to exceed the noise and/or vibration standard in Conditions 65 and 67 or occur outside the hours in condition 72. The objective of a	The Sebel's comments are not accepted. A further schedule process is not required given this is covered by condition 69 (Schedule to the CNVMP) and its reference to condition 72 (i.e. where the demolition or construction activity is to occur outside the construction hours).

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
	(CNVMP; then comprehensive Schedule). Condition 70A is accepted by MCK but MCK have identified that it raises the issue of consistency of terminology - who are the “owners and occupiers”? Should it be “affected receivers”, or “identified receivers”, or “potentially affected receivers”? It is recommended that a single term is adopted and used throughout the conditions specific to noise and vibration effects. The proposed new condition after condition 71 is intended to provide clarity on how and when affected receiver are to be consulted and their response taken into account in the context of noise exceedances. It appears to be accepted by Precinct. The Sebel: As a general comment, the Sebel accepts the current version of the conditions dealing with the schedule to the CNVMP (other than amendments set out here). The Sebel understands M Social is advancing a three step process, which we prefer, but we are content with the current approach too.	Schedule is to set out the Best Practicable Option(s) for minimising the noise and/or vibration effects of the activity <u>captured by conditions [X2] or 72.</u> <i>Advice note:</i> <i>A schedule must not apply to low noise creating activities such as site set up, painting, electrical works and internal fit out which may occur outside of hours set out in condition 73.</i> <u>For the avoidance of doubt, all night time works are required to be authorised by a certified CNVMP of a Schedule even where they comply with the limits in conditions 65 and 67.</u> 70. Each <u>A</u> Schedule must include, as a minimum: a. The activity start and finish dates, equipment and methodology; b. A plan showing the location of the activity and the receivers to be affected by a measured or predicted exceedance; c. For each identified receiver, the predicted noise and/or vibration levels and durations of the exceedance; d. The proposed site-specific noise and/or vibration mitigation measures, and any mitigation options that have been discounted as being impracticable and the reasons why; - dd. The affected party's sensitivities to construction noise and/or vibration, including the timing and location of those	

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
		sensitivities and any activity programming to avoid those times and locations; ddd. The locations, times and types of monitoring, including monitoring at the first occurrence of the activity to which the Schedule relates <u>noting continuous monitoring is required for M Social</u>; and e. A summary of the consultation undertaken with each identified receiver under Condition 70A, <u>including providing information in (a) to (ddd) above to the identified receiver for review and feedback no less than 10 working days prior to the scheduled activity commencing and</u> how that consultation has been considered, and the reasons for any feedback that has not been adopted. 71. Each Schedule must be submitted to Council for certification at least 10 days before the activity to which it relates commences, and must be implemented for the duration of that activity. <u>X. In preparing a Schedule required to authorise an exceedance of the standards in conditions 65 or 67 that is not provided for in condition [X2], the consent holder must provide to the identified receiver and Council:</u> <u>a. a summary of the consultation undertaken with each identified receiver, including providing information in condition 70(a) – (e) to the identified receiver for review and feedback no less than 10 working days prior to the scheduled activity commencing; and</u>	

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
		<u>b. the reasons why it is not practicable to adopt the feedback from the identified receivers in relation to the scheduled works.</u> 71A. Where an exceedance of the standards in Conditions 65 and 67 are unforeseen and no Schedule has been prepared and certified for the activity, the activity must cease immediately, unless ceasing the activity would create an immediate and significant risk to health and safety or of damage to adjacent property. The activity must not recommence until a Schedule has been prepared by the consent holder and certified by the Council in accordance with Conditions 69 to 71. The Sebel: 69A. The consent holder must ensure that a SQEP prepares a Schedule to the CNVMP (Schedule) in consultation with the owners and occupiers of the sites that will be receivers for the excess noise or vibration subject to the Schedule for the following specific activities: a. Concrete pours at night; c. Bridge removals; d. All works conducted at “all other times” as set out in condition 65 that are not already authorised by a certified CNVMP; e. Any activity captured by condition 71A.	

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
		Each Schedule must include, as a minimum:- the activity start and finish dates, equipment and methodology; a plan showing the location of the activity and the identified receivers that may be affected by a measured or predicted exceedance; for each identified receiver, the predicted noise and/or vibration levels and durations of the exceedance; the proposed site-specific noise and/or vibration mitigation measures and any mitigation options that have been discounted as being impracticable; and the reasons why; the affected party's identified receiver's sensitivities to construction noise and/or vibration, including the timing and location of those sensitivities and any activity programming to avoid those times and locations;	

Appendix Two – Additional Outstanding Issues

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
Definitions	MCK: This definition has been added as the term is referenced in proposed additional consultation condition applying to M Social, separate from the CLG.	<u>"MSEP" means the M Social Engagement Protocol.</u>	
New condition proposed - M Social Engagement Protocol	MCK: For the reasons set out in detail in the comments filed with the Panel on 7 May 2026, M Social is the most adversely affected site. Accordingly, it needs to be subject to the detailed engagement protocol set out in this condition. The protocol sits alongside the CLG conditions and proposes a more rigorous and direct engagement process. MCK accepts that other sites in the vicinity of the development are less sensitive than M Social and will not need this more intensive and extensive consultation protocol.	<u>X. Within two months of the grant of consent, the consent holder must establish and implement an M Social Engagement Protocol (MSEP) to ensure direct, ongoing consultation with M Social throughout the construction of the Project.</u> <u>Advice Note:</u> <u>The MSEP must operate independently of the CLG and does not replace or limit any obligations under conditions 4 – 9.</u> <u>X. The consent holder must appoint a Dedicated M Social Liaison Person ("Dedicated Liaison") responsible for all engagement with M Social, and must provide the name, role and contact details of the Dedicated Liaison to M Social and Auckland Council within 10 working days of appointment. The Dedicated Liaison must be available during normal business hours and must have authority to coordinate construction activities in response to M Social's operational needs.</u> <u>X. The consent holder must hold regular meetings with M Social, the frequency of which is to be agreed in writing with M Social, to:</u>	Precinct agrees to addressing these matters in a side agreement but considers them inappropriate in consent conditions as they do not involve Council as the regulator.

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
		a. <u>To consult with and enable direct input by M Social into the preparation of management plans set out in conditions [11] – [20] to be considered by the consent holder, and to enable direct response by the consent holder to M Social regarding how their input influences the preparation of the management plans, as follows:</u> i. <u>Provide M Social with draft versions of the management plans for review and comment;</u> ii. <u>Allow M Social 10 working days to provide feedback;</u> iii. <u>Consider all feedback and provide written responses to feedback including that not incorporated into the final management plans, with reasons;</u> b. <u>Provide updates on construction progress including provision of forward-looking schedules;</u> c. <u>Identify upcoming works that may generate high levels of noise and vibration (that might approach the limits specified in these conditions) including the expected timing, duration and nature of these works;</u> d. <u>Discuss operational sensitivities of M Social (including guest occupancy patterns, events and high-sensitivity periods) to enable the consent</u>	

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
		<u>holder to sequence construction activities to minimise effects during these periods;</u> <u>e. Identify opportunities to minimise effects of demolition and construction on M Social including considering any reasonable requests from M Social to adjust the timing of high-noise or high-vibration works to minimise effects;</u> <u>X. Minutes of each meeting must be provided to M Social within 5 working days of each meeting for review and feedback.</u> <u>X. The consent holder must maintain a 24/7 complaints contact for M Social. Any complaint or incident raised by M Social must be acknowledged and investigated within 24 hours, and reported back to M Social with findings and corrective actions within 3 working days.</u>	
7	MCK: Opposes the Applicant's proposal that "minor" changes may be made to the management plans. MCK considers that, given the importance of the management plans when accurately predicting and mitigating the effects of the activity on the receiving environment (and the M Social site in particular), any changes to management plans need to be presented to the CLG and certified by Council.	bb. To brief the parties on any minor changes to Management Plans that may have been approved by Council separate to the CLG process	This is not accepted for the reasons provided below in response to Condition 16
New Condition 9F	The Sebel: Considers there needs to be a specific condition addressing how	<u>A dedicated email address and / or the contact details for the appointed contractor or project manager (phone</u>	This is not accepted as contact details and complaints

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
	complaints can be made. Given the extended hours of operation, there is a need to ensure complaints are able to be made and managed whenever works are occurring.	number, email address, postal address) must be made available to the members of the CLG to establish a clear pathway to report and correct a breach of any of the conditions of this consent. Complaints must be able to be received and actioned 24 hours per day. Advice Note: <i>The above is in addition to any complaints procedure that may be initiated with Auckland Council, and is intended to provide residents and members of the community located in close proximity to the works with a point of contact for the identification of matters needing urgent response.</i>	procedures are already provided for through the CMP condition, in particular the complaints procedure (refer to 24(i))
16 and 16A	MCK: MCK maintains that all changes to management plans must be certified by Council and consulted upon with the CLG. MCK's intent is to ensure that the level of effects identified in the application, and as proposed to be mitigated through management plans, remain as anticipated and such "minor changes" do not authorise, without consequence, a greater level of effects, specifically as they might affect MCK. The conditions as currently drafted created uncertainty and ambiguity as there is no certainty as to what scales or	16. Any certified Management Plan may be amended if necessary to reflect any minor changes in design, construction methods or management of effects. Any amendments are to be submitted to the Council in writing prior to implementation of the change and will not be subject to certification, unless the Council determines that those amendments once implemented would result in a materially different outcome to that described in the original plan in which case Condition 17 applies. 16A. The following information must be provided in support of any minor change to a Management Plan sought by Condition 16 submitted to the Council: a. Copies of any written feedback or complaints received from CLG members with respect of the matters addressed by the specific management plan;	A process to enable minor changes that do not need to involve the full certification process is a common and pragmatic approach to administering Management Plans.

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
	types of changes would qualify as being "minor".	b. Copies of the minutes of previous CLG meetings that record discussion of matters relevant to the Management Plan being amended; and c. Copies of written responses provided by the consent holder or their representatives in response to written feedback or complaints from the CLG members or other complaints on the topic addressed by the Management Plan being amended.	
17.	MCK: Maintains that all changes to management plans must be certified by Council and consulted upon with the CLG. The Sebel: Seeks amendments to ensure the process to change to management plans that were prepared in consultation with affected parties is clear, and information requirement set out.	Any changes to a certified Management Plan involving a materially different outcome under Condition 16 must be submitted to the Council... Any changes to a certified Management Plan involving a materially different outcome (i.e. it is not a 'minor change' able to be progressed under Condition 16) must be submitted to the Council to certify that they amended Management Plan will comply with the applicable requirements of these conditions. Any material change must be consistent with the objective(s) and purpose of the relevant Management Plan and the requirements of the relevant conditions of these consents. Where a Management Plan was prepared in consultation with affected parties, any material changes to that Management Plan must be prepared in consultation with those same parties. For the avoidance of doubt, the following information must be provided in support of any changes to a certified Management Plan sought under this condition:	This is not accepted. These add unnecessary requirements and given these details are public records, Council can ask for these if they think this is necessary.

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
		(a) Copies of any written feedback or complaints received from CLG members with respect to the matters addressed by the specific management plan; (b) Copies of the minutes of previous CLG meetings that record discussion of matters relevant to the Management Plan being amended; and (c) Copies of written responses provided by the consent holder or their representatives in response to written feedback or complaints from the CLG members or other complaints on the topic addressed by the Management Plan being amended.	
18	The Sebel: Considers condition 18 can be deleted. This condition duplicates Condition 17. The same requirements as proposed at Condition 16A should apply to a more significant update to any MP.	Any subsequent revision of the Management Plan must also be submitted to the Council for certification. Works must not commence on Site until the Council certification is provided in writing.	This is not accepted as the changes sought by Council to the management plans address this concern.
19.	MCK: Seeks deletion of words relating to approval in writing by Council to avoid any confusion that MCK's position is that all changes must be certified by Council, i.e. there should be no minor change and no other process by which management plans are amended.	All works must be carried out in accordance with the certified Management Plans. No works or activities covered by an individual Management Plan may commence until written certification of that Management Plan is provided by the Council, unless otherwise approved in writing by the Council.	The words "unless otherwise approved in writing" would enable certain works or activities to proceed in the event written certification of all elements of a Management Plan might be delayed for any reason.
20.	MCK: Seeks deletion of words relating to minor amendments approved in writing by Council to avoid any confusion that	A copy of the <u>most recent and</u> certified Management Plan and / or any minor amendment to a Management Plan as agreed in writing by the Council (under	The words "unless otherwise approved in writing" would enable certain works or activities

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
	MCK's position is that all changes must be certified by Council, i.e. there should be no minor change and no other process by which management plans are amended..	Conditions 16 and 16A) must <u>be</u> made available on-site at all times.	to proceed in the event written certification of all elements of a Management Plan might be delayed for any reason.
22(a)	MCK: Considers the management plan's primary objective is to state the intended methodology to achieve compliance with the conditions of the consent, which in turn avoid, mitigate or remedy adverse effects of the works.	a. Identify and require implementation of the best option for minimising <u>(within the limits set under the conditions of consent)</u> adverse effects resulting from construction activities; ...	This is not accepted as the best option is for all construction activities
24	The Sebel: Seeks amendments to condition 24 relating to the CMP. The CMP is about managing specific effects associated with demolition and construction works that are not otherwise caught by other Management Plans, not about implementing other MPs.	The CMP must include specific details to manage adverse effects on the environment and neighbouring properties from construction (including demolition), and management of all works associated with this development, including at a minimum: (a) Specify practicable methods and measures to avoid, mitigate or otherwise minimise adverse environmental effects arising from <u>demolition and construction works in accordance with the certified Management Plans and Schedules;</u> (b) Provide the framework for the contractor responsible for this CMP to achieve compliance with conditions of resource consents <u>in accordance with the certified Management Plans and Schedules;</u>	The inclusion of 'demolition' is not accepted for the reason outlined above. The changes sought to condition 24(a) are not accepted as the wording proposed is consistent with the rest of the management plan. The term manage is well understood from a legal perspective and is sufficiently clear.
Wind screen – additional	MCK: As an immediate neighbour, MCK is likely to be adversely affected by the	<u>Where a wind screen is proposed in the immediate vicinity of a site boundary the consent holder must</u>	Any wind screen would be entirely within Precinct's

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
condition 46C sought	wind screen, M Social should therefore be consulted regarding both the potential for mitigation planting within its property (which is addressed in condition 107A) as well as this alternative proposal which would be located directly adjacent to M Social's loading dock access.	<u>consult with the owner of the adjacent property regarding the location, dimensions and design of the wind screen and any potential adverse effects on vehicle or pedestrian access, safety and sightlines. The consent holder shall advise the Council of the result of that consultation including where any feedback may not have been taken on board, when submitting the information required under condition 46A</u>	boundaries, and like any other building or structure on a site in the City Centre is not a matter that necessitates consultation with an adjoining landowner. To the extent relevant in terms of the criteria for new buildings in the AUP, the details of any wind screen will be provided to Council for certification.
Reinstatement of Fanshawe Street Retaining Wall & Balustrade sought	AT: This aspect of the proposal is part of the application and AT considers it necessary for a specific condition to be included to capture this aspect of the proposal rather than solely relying upon Condition (1) for its implementation.	<u>Reinstatement of Fanshawe Street Retaining Wall & Balustrade</u> x. <u>Within three months following completion of demolition of the Downtown Car Park, or at a timeframe otherwise to be confirmed by Council, the consent holder must remediate the Fanshawe Street retaining wall and supporting balustrade in accordance with Auckland Council's and/or Auckland Transport's requirements.</u> <u>Advice Note:</u> <u>The timing and extent of remediation required is dependent upon the status of works to be undertaken through BUN60462925. Therefore, it is recognized that flexibility may be needed in the timeframe for undertaking any required remedial works. Engineering Approval will be required for this work. The final design of the reinstatement works along Fanshawe Street have not been confirmed at this point in time, however further</u>	This is not accepted as Precinct considers this matter is inappropriate for inclusion in consent conditions as it already forms part of the proposal.

CONDITION	DISAGREEMENT	ALTERNATIVE PROPOSED	PRECINCT RESPONSE
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information will be required at Engineering Approval Stage.
