BEFORE THE 188 BEAUMONT FTAA-2604-1205 EXPERT PANEL

Under	the Fast-track Approvals Act 2024 (**FTAA**)
And the approvals	that would otherwise be applied for under the Resource Management Act 1991
In the matter of	Westhaven Residential Limited Partnership for resource consents under the Resource Management Act 1991 for the 188 Beaumont Street development in the Wynyard Quarter, Auckland City Centre
Expert Panel:	Jennifer Caldwell (Chair) Lisa Mein (Member) Karyn Kurzeja (Member)

DRAFT
18 Nov 2026

Date of decision: [XX]

Date of issue: [XX]

RECORD OF [DRAFT] DECISION OF THE EXPERT PANEL UNDER SECTION 87 OF THE FAST-TRACK APPROVALS ACT 2024

Pursuant to section 81 FTAA, the Panel **grants** the application for approvals subject to the conditions in Appendix B

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PART A: EXECUTIVE SUMMARY

1. EXECUTIVE SUMMARY

1.1 This is an application by Westhaven Residential Limited Partnership (the Applicant) for resource consents to construct and operate a residential-led mixed use development at 188 Beaumont Street in the Wynyard Quarter, Auckland City Centre (Project). The Project comprises three buildings containing 210 residential apartments, ground floor retail and ancillary car parking, together with enabling earthworks and installation of underground infrastructure. The Project was referred to the fast-track approvals process by ministerial decision on 19 December 2025.

1.2 The principal issues in contention, together with the Panel's findings on those issues, are summarised below:

(a) Regional benefits: The Project will increase housing supply and choice, support the continued regeneration of Wynyard Quarter and provide accommodation adjacent to Orams Marine that will assist its international competitiveness. We also accept benefits from more efficient land and infrastructure use, reduced transport emissions and increased demand for local businesses. However, measures of gross economic activity do not establish the extent of net economic benefits, and the claimed risks to Orams Marine's commercial viability and future growth have not been sufficiently demonstrated. Overall, we find the Project's regional benefits to be moderate rather than significant.

(b) Urban design, landscape and visual effects: The Tower Building's height, bulk and form give rise to adverse effects, including concerns about visual dominance and the transition in height towards the harbour edge. Following expert conferencing, the Applicant revised the Tower Building's design. We find that those refinements sufficiently reduce its perceived bulk and dominance so that the residual effects are no longer significant. Overall visual and shading effects are acceptable. Public access along the western waterfront is a benefit of the Project and is to be secured in perpetuity by an easement.

(c) Construction, servicing and other amenity effects: We find these effects can be appropriately managed through consent conditions.

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Additional requirements address earthworks and sediment control, geotechnical investigation and design, groundwater, water supply and wastewater connections, and waste management.

(d) Coastal hazards: We accept safe refuge as an appropriate response to coastal inundation risk at this location, subject to the building design, climate change adaptation measures, a Flood and Coastal Inundation Management Plan and a covenant on the Record of Title identifying the hazards and requiring the Plan to be maintained.

(e) Transport: The outstanding issues principally concern the internal operation and functionality of the development rather than the wider transport network. We accept the Applicant's transport expert's assessment of the disputed matters, including parking, loading, access and pedestrian safety, and find that transport effects will be appropriately managed through the Project's design and construction traffic management conditions.

(f) Planning framework: The Project is broadly consistent with the relevant statutory instruments and planning documents. We acknowledge tension with the Wynyard Precinct provisions concerning height, the transition to the harbour edge and the absence of marine and port-related floorspace. However, having regard to the Site's marker-building role, the revised design and the remaining supply of marine and port-related land in the Precinct, these matters do not alter our overall assessment. Planning inconsistency alone does not meet the statutory threshold for declining approval.

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1.3 The Panel has assessed the Application under the relevant statutory criteria, giving greatest weight to the purpose of the FTAA and considering the extent of the Project's regional or national benefits. In doing so, we have considered the Application and supporting information, comments received, the Applicant's responses, independent expert advice, expert conferencing and further information. We were satisfied that the issues could be adequately considered on the information available and did not require a hearing.

1.4 Our overall assessment is that, after taking into account the revised design and the conditions imposed, the adverse impacts **do not** meet the threshold in section 85(3) of the FTAA. That is, they **are not** sufficiently significant to

be out of proportion to the Project's regional or national benefits, notwithstanding our finding that those benefits are moderate rather than significant in a regional context.

1.5 Having considered all relevant matters and applied the statutory tests, the Panel finds that the Project accords with the purpose of both the FTAA (to some extent) and the RMA, while recognising that the purpose of the FTAA (insofar as it relates to facilitating delivery) is at least partially achieved notwithstanding the extent of the Project's benefits. There is no basis on which to decline the approvals sought. Therefore, pursuant to section 81 FTAA, the Panel grants the application for approvals subject to the conditions in **Appendix B**.

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PART B: OVERVIEW OF THE APPLICATION, PROCEDURE AND DECISION STRUCTURE

2. APPLICANT AND PROJECT

2.1 Westhaven Residential Limited Partnership (**Applicant**) has sought approvals for a residential-led mixed use development comprising 3 buildings, 210 residential apartments, ground floor retail and ancillary car parking together with enabling earthworks and installation of underground infrastructure at 188 Beaumont Street, Auckland Central (**Project**). The Applicant is a partnership between Precinct Properties and Orams Marine, which owns the adjoining site and operates a substantial marine services business carrying out marine refit and maintenance activities.

2.2 The proposed building will be located at the corner of Beaumont Street and Jellicoe Street (**Site**) in the Wynyard Quarter of the Auckland CBD with activated building facades provided to each street frontage. The ground floor consists of retail spaces and building entries and a car parking podium that extends from the ground to level four of the building. At level four, the building separates and rises into three distinct building elements:

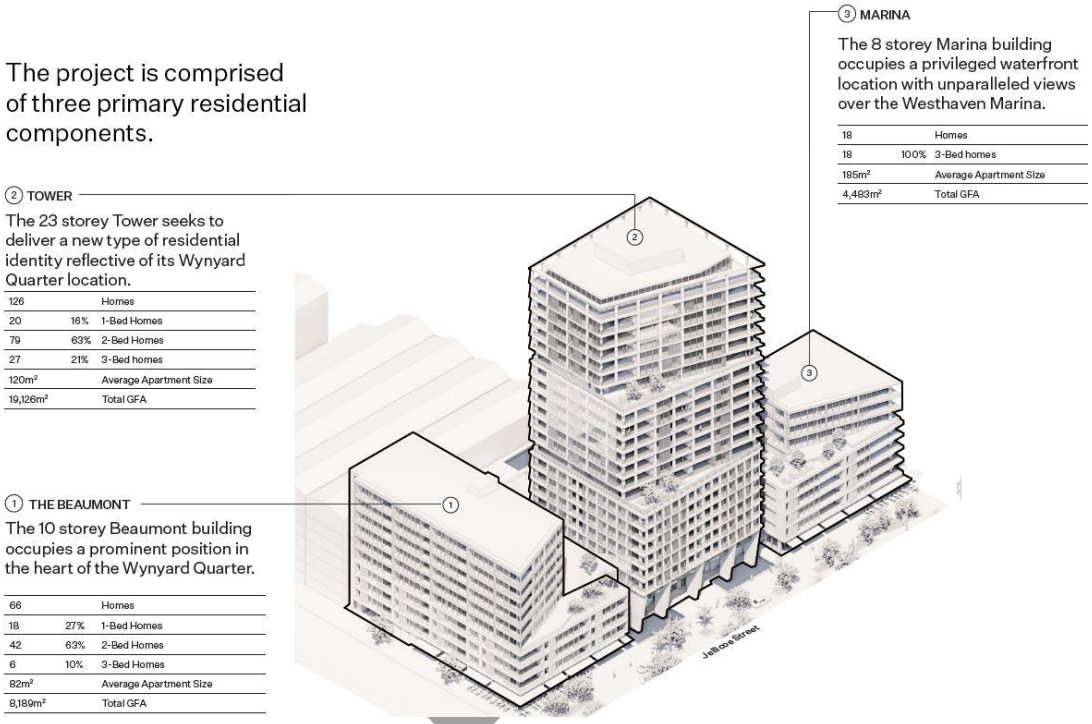
(a) Marina Building - an 8 storey and approximately 34.56m high building at the western end of the Site which will contain 18 three-bedroom residential apartments;

(b) Tower Building – a 23 storey and approximately 84.05m high building in the centre of the Site which will contain 126 (one, two and three bedroom) residential apartments; and

(c) Beaumont Building – a 10 storey and approximately 40.97m high building at the corner of Jellicoe and Beaumont Street which will contain 66 (one, two and three bedroom) residential apartments.[1]

DRAFT 13 Nov 2021

[1] AEE, at section 6.2.1.



Design of Project and three primary residential components of the building[2]

2.3 The approvals sought by the Applicant are all resource consents that would have otherwise been applied for under the Resource Management Act 1991 (**RMA**) and are necessary for the construction and ongoing operation of the Project.

2.4 The Project was not listed in Schedule 2 to the FTAA but was referred into the fast-track process by ministerial decision.

3. SITE AND SURROUNDING ENVIRONMENT

3.1 A detailed description of the Site and surrounding environment is provided in the Application,[3] with the key features summarised below:

(a) The Site has an area of 5,215m², is flat with no vegetation, and is currently used as a paved car park with a few small temporary structures.

(b) The Site abuts the coastal marine area to the west, the Orams Marine facility to the south, Jellicoe Street and Silo Park to the north, and Beaumont Street and a non-accessory carpark to the east.

[2] Figure 8 in the AEE, sourced from Warren and Mahoney Architects.
[3] AEE, at sections 5.1 and 5.2.

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(c) The surrounding Wynyard Quarter is a brownfield area undergoing urban regeneration, evolving into a mix of open space, retail, office, residential and marine-focused uses.

(d) The locality is well served by transport infrastructure, including the motorway network, Sea Link ferry terminal, bus routes, plus pedestrian and cycle links.

3.2 The description in the Application generally accords with what we viewed on our Site visit. We did not fully agree with commentary in the AEE regarding proximity to Auckland Hospital, tertiary institutions, sporting and cultural venues, which are all a considerable distance from the Site. However, other features noted on the site visit included proximity to Westhaven Marina and recreational areas, the ASB Waterfront Theatre, Viaduct Events Centre and the Viaduct area within the city.

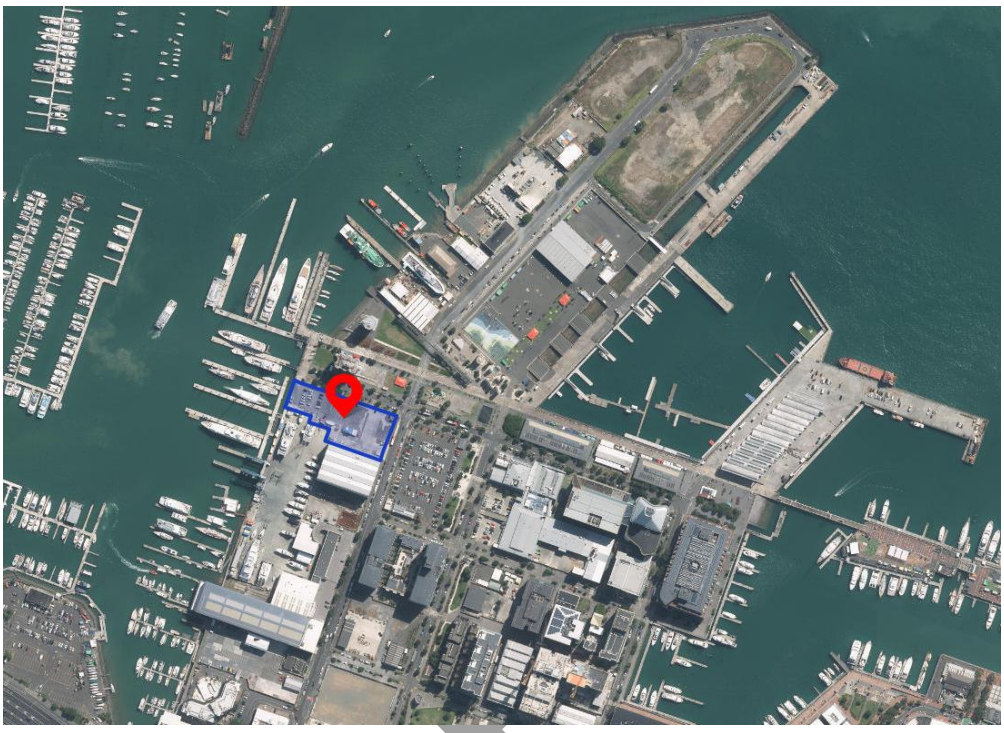
3.3 The Panel observed that the site is served by bus routes, but it is approximately a 20-minute walk to the Downtown Ferry Terminal and Waitematā Train Station, which in our view is beyond the comfortable daily commuting distance that would render it a transit-orientated development.

DRAFT 16 Nov 2026

3.4 The Application records that Auckland Council owns the fee simple title to the Site. The Applicant holds a leasehold interest for a term of 125 years commencing 23 October 2019, together with development rights enabling the redevelopment of the Site for residential purposes pursuant to a development agreement with Auckland Council (**Development Agreement**).[4] The Development Agreement is confidential and commercially sensitive and was not provided to the Panel but was summarised in relation to specific aspects on which the Panel issued several requests for further information (**RFIs**).

3.5 The Site was previously occupied by fuel storage tanks that gave rise to long-standing site contamination. It became apparent through responses to the Panel's RFIs that Orams Marine has incurred substantial cost to remediate the Site in exchange for the development rights contained in the Development Agreement.

[4] AEE, at section 5.1. The Panel also refers to Minute 10 dated 27 August 2026 and the related attachments.



Project location[5]

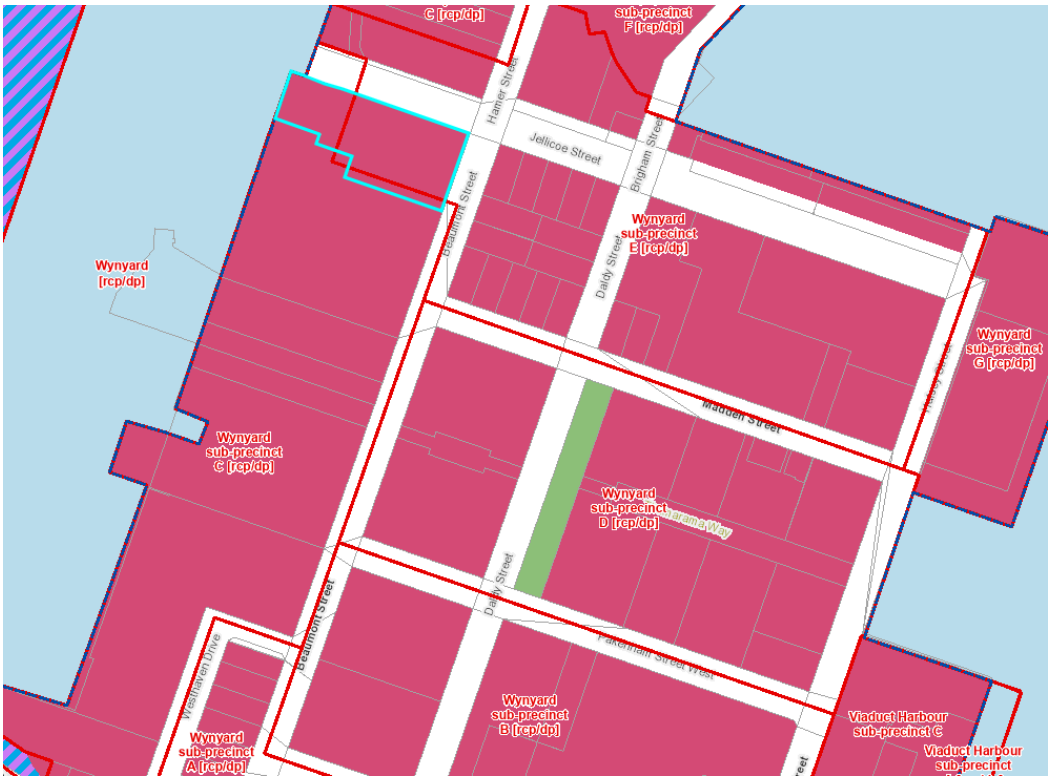


Rendered image of Project prepared by Warren and Mahoney[6]

[5] AEE, Figure 1, sourced from Emaps.
[6] Resubmission, Attachment C (Architectural Drawings), Part 1, dated October 2026.

4. ZONING UNDER THE DISTRICT PLAN

4.1 Under the Auckland Unitary Plan (**AUP**), the Site is zoned Business – City Centre and is located within sub-precincts C and E of the Wynyard Precinct. The stated purpose of the Wynyard Precinct is to provide for the comprehensive and integrated redevelopment of this large brownfield area while enabling the continued operation of marine and hazardous industries.[7]



AUP zoning plan and sub-precinct boundaries[8]

4.2 Precinct Plan 5 of the Wynyard Precinct applies maximum heights of 18m (western portion), 62m (centre) and 31m (eastern portion) across the Site, with the ability to apply for resource consent approval (on a discretionary basis) to exceed those heights. Notably, the Wynyard Precinct also contemplates 'marker buildings' – taller buildings designed to reinforce key public open space and waterfront connections.

4.3 Although the Tower Building exceeds the standard height control, its location within the Site is identified within the Precinct as a site where a 'marker building' can be developed, with the maximum height of 52m

[7] AEE, at section 5.1.
[8] AEE, Figure 2, sourced from Auckland Council Geomaps.

recently increased to 62m by virtue of decisions released in May 2025 on Plan Change 78.[9]

4.4 Two regionally significant volcanic viewshafts (E10 and E16) pass over Wynyard Quarter, protecting views of Maungawhau from the North Shore approach via SH1 and the Harbour Bridge. The Site is located outside and between these two viewshaft overlays and is therefore not subject to the associated building height constraints.[10] That lack of constraint renders the Site particularly attractive for development.

4.5 The Site is also subject to controls for flooding and coastal inundation, given its proximity to the coastal marine area.[11]

5. RESOURCE CONSENT APPROVALS REQUIRED

5.1 Resource consent approvals are required under the relevant RMA regulations and plans, including approvals relating to dewatering, land disturbance, comprehensive development signage, construction noise and vibration infringement, transport standard infringements, discharge of contaminants, construction of a new building and ancillary infrastructure subject to natural hazards, subdivision (boundary adjustment and unit title), temporary construction activities and zone and precinct standard infringements.[12]

5.2 The full list of consents sought by the Applicant is set out in section 7 of the Assessment of Environmental Effects and Statutory Analysis prepared by Barker & Associates Limited and dated 9 April 2026 (**AEE**).

5.3 The approvals sought comprise consents under:

(a) The AUP, which overall are a non-complying activity;[13] and

(b) Regulation 10 of the National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (**NESCS**), as a restricted discretionary activity, because

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[9] Noting the Auckland Council's decision on IHP Recommendations for PC78 City Centre provisions were notified on 29 May 2025 and became operative on 6 June 2025.
[10] AEE, at section 1.
[11] Section 5.1 of the AEE.
[12] Section 1 of the AEE.
[13] The Applicant identified a number of infringements over 12 chapters of the AUP in section 7.2 of the AEE. The Application refers to AUP (Operative in Part) throughout however the AUP became fully operative on 23 July 2026, after the Application was lodged. The Applicant and Council have both confirmed that references to Auckland Unitary Plan (Operative in Part) correspond to the relevant provisions of the Auckland Unitary Plan (Operative) and may be read accordingly.

the Site has a history of activities on the Hazardous Activities and Industries List (**HAIL**).

5.4 The Panel accepts the Applicant's assessment that the overall activity status is non-complying under the AUP and restricted discretionary under the NESCS.[14]

6. OTHER APPROVALS SOUGHT

6.1 No other approvals have been sought, nor are they required, for the Project.[15]

7. PROCEDURE

7.1 A detailed record of the Panel's key procedures and events is set out in **Appendix A** attached to and forming part of this decision, including:

(a) Site visit;

(b) Persons invited to comment;

(c) Appointment of special and/or technical advisors;

(d) Requests for further information;

(e) Suspensions;

(f) Expert conferencing;

(g) Timing of Panel decision.

7.2 In addition to the Panel procedures, **Appendix A** also contains a summary of the comments that were received on the Application.

8. HEARING

8.1 The Panel has exercised its discretion not to require a hearing on any issue under section 56 of the FTAA. The Panel was able to adequately consider all issues based on the information available, including the Application, comments received, responses to those comments, outputs from expert conferencing and further information provided by the Applicant and others in response to various reports and requests.

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[14] AEE, at section 7.5.
[15] AEE, at sections 7.3 and 7.10.

9. CONDITIONS

9.1 Participants have had an opportunity to comment on the draft conditions proposed by the Applicant in the Application as lodged, and on those released with the draft decision (sections 54 and 70).

9.2 The Panel has addressed comments received throughout this decision report, and in Part I: 'Conditions' below. We record our appreciation for the consideration given to the conditions by the participants.

10. STRUCTURE OF THE DECISION

10.1 The decision whether to grant or decline each of the approvals sought is set out in Part K: 'Record of decisions on approvals sought'.[16]

10.2 In the discussion in Part K we address the matters that are critical to the decision whether to grant or decline the approvals. In reaching our decision, the Panel has been mindful of the emphasis on time-limited decision making and the procedural principles in section 10. The Panel has therefore sought to conduct its processes efficiently, focusing on the issues in contention identified through the detailed information exchange process provided for under the FTAA. The Panel has also sought to avoid unnecessary repetition in its reasons by adopting the analysis and assessments of others where appropriate and relying on the expert evidence provided to it.

10.3 Where this decision does not address a particular matter, it is because the Panel accepts the relevant commentary and material provided, including any further reports or information requested. Matters relevant to the principal issues in contention are generally covered in greater detail, particularly in Part E: 'Effects of the Project on the Environment' and Part F: 'Regional or National Benefits of the Project'.

10.4 Our findings on each of the principal issues in contention are given in Part I: 'Record of principal issues in contention'.

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[16] FTAA section 87 provides that, for each approval sought (eg resource consent approval, wildlife approval etc), the panel must prepare a decision document. Each decision document must, amongst other matters, give findings on the principal issues in contention.

PART C: LEGAL CONTEXT

11. PURPOSE AND PROCEDURAL PRINCIPLES

11.1 The purpose of the FTAA is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits. It is intended to be a one-stop shop for a range of approvals which would otherwise need to be applied for under various statutes, including the RMA 1991.

11.2 There are two routes into the FTAA regime; one via a project-specific listing in the Schedule 2, or the second via a referral application to the Minister of Infrastructure. This Project took the second route, being the subject of a referral decision made by the Minister on 19 December 2025, as discussed further below.

11.3 Section 10 of the FTAA states that every person performing functions and duties and exercising powers under this Act must take all practicable steps to use timely, efficient, consistent, and cost-effective processes that are proportionate to the functions, duties, or powers being performed or exercised. The Panel has been mindful of that obligation throughout its consideration of the application.

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12. DECISION-MAKING CRITERIA

12.1 The starting point for the Panel's decision is section 81 FTAA. For each approval sought in a substantive application, the Panel must decide whether to grant the approval and set any conditions to be imposed on the approval; or decline the approval.

12.2 Section 81(1) sets the scope of the Panel's discretion on approvals sought in a substantive application. Section 81(2) sets out the specific matters that the Panel must consider, apply or comply with for the purposes of making its decision and confirms that it may impose conditions on an approval or decline (in accordance with section 85). Section 81(3) lists the specific matters that must be considered for the various types of approvals sought in an application.

12.3 The decision-making criteria and assessment matters that apply to the resource consent approvals sought in the Application are clauses 17 to 22 of Schedule 5 of the FTAA. These are addressed by the Panel in

Section 17. 'Criteria and assessment matters for resource consent approvals' later in this Part. For now, we note that the Schedules give important direction on the weighting of the purpose of the FTAA and the provisions in the other legislation referred to in the Schedule.

12.4 Section 81(4) is critical and directs that when taking the purpose of the FTAA into account the Panel must consider the *extent* of the Project's regional or national benefits. This is particularly important when considering whether there are grounds to decline an approval sought because the extent of benefits must be weighed against the significance of any adverse impacts.

12.5 This Project was referred to the fast-track approvals process by the Minister on 19 December 2025.[17] Under section 81(2)(aaa) of the FTAA the Panel must consider the Minister's reasons for accepting the referral application. The reasons for the referral outlined in the decision are:[18]

a) The Minister is satisfied the Project:

(i) is an infrastructure or development Project that would have significant regional or national benefits; and

(ii) referring the Project to the fast-track approvals process -

(1) would facilitate the Project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes; and

(2) is unlikely to materially affect the efficient operation of the fast-track approvals process.

b) The Minister is satisfied the Project is a development Project that would have significant regional benefits in the Auckland region as it:

(i) involves the development of a new mixed-use development, including residential and commercial space

(ii) will increase the supply of housing, address housing needs, and contribute to a well functioning urban environment (within the meaning of policy 1 of the National Policy Statement on Urban Development 2020) (s22(2)(a)(iii)) by:

(1) increasing the supply of housing in the Auckland region by 215 residential apartments

(2) addressing housing needs by offering a mix of one-, two-, and three-bedroom units, and contributing to a well-functioning urban environment in the Auckland city centre.

c) The Minister is satisfied there is no reason they must decline the Project under section 21(3) of the Act.

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[17] Notice of referral decision letter dated 19 December 2025.
[18] As above, at pages 2 – 3.

12.6 Finally, sections 83 – 84A provide direction to panels on condition writing. Section 83 states:

> …the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.

12.7 Section 84 and 84A allow panels to set conditions to recognise or protect Treaty settlement obligations and to ensure that the infrastructure the Project will rely on is or can be made adequate to support the Project. The conditions imposed by the Panel are listed in **Appendix B** and are addressed later in the decision.

13. THE POWER TO DECLINE AN APPLICATION

13.1 Section 85 FTAA sets out the circumstances when approvals *must* or *may* be declined.

13.2 An application for approvals *must* be declined in the circumstances set out in section 85(1) and (2). We have determined that those circumstances do not arise in this case.

13.3 Section 85(3) describes the circumstances in which an approval *may* be declined.

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Section 85 When panel must or may decline approvals

…

Approval may be declined if adverse impacts out of proportion to regional or national benefits

(3) A panel may decline an approval if, in complying with section 81(2), the panel forms the view that—
  (a) there are 1 or more adverse impacts in relation to the approval sought; and
  (b) those adverse impacts are sufficiently significant to be out of proportion to the project's regional or national benefits that the panel has considered under section 81(4), even after taking into account—
    (i) any conditions that the panel may set in relation to those adverse impacts; and
    (ii) any conditions or modifications that the applicant may agree to or propose to avoid, remedy, mitigate, offset, or compensate for those adverse impacts.

(4) To avoid doubt, a panel may not form the view that an adverse impact meets the threshold in subsection (3)(b) solely on the basis that the adverse impact is inconsistent with or contrary to a provision of a specified Act or any other document that a panel must take into account or otherwise consider in complying with section 81(2).

(5)In subsections (3) and (4), **adverse impact** means any matter considered by the panel in complying with section 81(2) that weighs against granting the approval.

13.4 For the reasons set out elsewhere in this decision, the Panel has formed the view that, after taking into account the conditions that the Panel has set, the adverse impacts of the Project (as modified following expert conferencing) are not sufficiently significant to be out of proportion to the Project's benefits.

14. IMPLICATIONS OF RMA REFORM

14.1 The Planning Act 2026 and Natural Environment Act 2026 came into force on 1 October 2026. Schedule 1 of the Planning Act 2006 introduces a number of changes to FTAA to clarify the transitional arrangements. Of relevance to this Application is new clause 19 of Schedule 1 to the FTAA, which confirms that substantive applications lodged before the transition period commences continue to be processed and determined under the FTAA and the RMA provisions that were in force at the time the application was made continue to apply.

15. CRITERIA AND ASSESSMENT MATTERS FOR RESOURCE CONSENT APPROVALS

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15.1 We commence this section by setting out the criteria and assessment matters relevant to consent approvals that would have otherwise been sought under the RMA and discussing the statutory instructions that are relevant.

15.2 The Applicant identified the statutory instruments it considered relevant and assessed each of them. We have reviewed that assessment and generally agree with it, but we set out our own assessment below having regard to our findings on effects as proposed to be managed by conditions on the approvals.

15.3 The relevant criteria and assessment matters for approvals sought under section 42(4)(a) of the FTAA are set out in clauses 17 – 22 of Schedule 5 to the FTAA. For present purposes, it is clause 17 that is of primary relevance.

15.4 Clause 17 follows (relevantly):

> **17 Criteria and other matters for assessment of consent application**
>
> (1) For the purposes of section 81, when considering a consent application, including conditions in accordance with clauses 18 and 19, the Panel must take into account, giving the greatest weight to paragraph (a),

(a) the purpose of this Act; and

(b) the provisions of Parts 2, 3, 6, and 8 to 10 of the Resource Management Act 1991 that direct decision making on an application for a resource consent (but excluding section 104D of that Act); and

(c) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991.

(2) For the purpose of applying any provisions in subclause (1),—

(a) a reference in the Resource Management Act 1991 to Part 2 of that Act must be read as a reference to sections 5, 6, and 7 of that Act; ....

15.5 When considering a consent application, the Panel must give the 'greatest weight' to the purpose of the FTAA. This is different to the standard Part 6 RMA consent assessment, but it does not require a Panel to grant approval. A merits-based assessment is required, which includes taking into account the relevant matters and giving them genuine consideration. The weight to be given to each matter is a matter for the Panel to determine. Within that framework, the purpose of the FTAA is the paramount consideration, and the Panel must consider the extent of the Project's regional or national benefits at every step.[19]

15.6 When considering the adverse impacts of the Project we must consider how they are best managed and apply the effects management hierarchy (avoid or otherwise mitigate, offset or compensate for, to the extent practicable) and determine what conditions are required to achieve that level of effects management. We note and agree with comments made by the *Downtown Carpark Development Expert Panel*[20] that relevant planning instruments may assist us to understand the importance of the adverse impacts, but do not have the same influence on the decision-making process as they would in a standalone RMA assessment because they were not written for the FTAA framework.

15.7 For the purposes of considering whether to decline the approvals, the weighting exercise, and application of the proportionality principle, must be made in respect of the residual impacts, after consideration of management measures including conditions.

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[19] Downtown Carpark Redevelopment – Decision of the Expert Panel, 5 August 2026, (Downtown Carpark decision), at [110].
[20] As above, at [111].

PART D: IWI AND TREATY SETTLEMENT MATTERS

16. INTRODUCTION

16.1 Sections 7, 18, 82 and 84 and Schedule 3 clause 5 of the FTAA address iwi and Treaty settlement matters. We outline those provisions in this section and indicate how they have been addressed before setting out our overall evaluation and findings on compliance with the FTAA obligations.

17. SECTION 18 REPORT

17.1 The Ministry for the Environment provided the Panel with a report prepared under section 18 as part of the referral application. The report, amongst other matters, records the iwi authorities, Treaty settlement entities and recognised customary rights holders that are relevant to this application (**Section 18 Report**).[21]

17.2 The Section 18 Report identifies a large number of iwi, hapū, and Māori entities with relevant interests in the Project area. Rather than listing each group individually, we summarise the key points of the Section 18 Report below:

(a) Auckland has a complex Treaty settlement landscape with many overlapping interests. Some groups have settled whilst others are still in negotiation with the Crown for both individual group and collective redress;

(b) All iwi, hapū, and Māori entities with potential interests in the Project area have been identified in the Section 18 Report.[22] This list includes applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011 (**MACA**) as the Project area abuts the marine and coastal area.

(c) The following Treaty settlement Acts and deeds of settlement relate to land, species of plants or animals, or other resources within the Project area:

(i) Ngāti Whātua Ōrākei Claims Settlement Act 2012;

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[21] Fast-track Approvals Act 2024 – Treaty settlements and other obligations (section 18) report for 188 Beaumont Street dated 16 December 2025 (Section 18 Report).
[22] See Section 18 Report at [14]–[30] and Attachment 3, which identify the relevant iwi authorities, Treaty settlement entities, and other Māori groups.

(ii) Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014;

(iii) Te Kawerau ā Maki Claims Settlement Act 2015;

(iv) Ngāti Tamaoho Claims Settlement Act 2018;

(v) Ngāi Tai ki Tāmaki Claims Settlement Act 2018;

(vi) Ngāti Pāoa Claims Settlement Act 2025;[23]

(vii) Te Ākitai Waiohua deed of settlement (signed November 2021); and

(viii) Te Patukirikiri deed of settlement (signed October 2018).

(d) The Te Kawerau ā Maki, Ngāi Tai ki Tāmaki, Ngāti Tamaoho, and Te Ākitai Waiohua settlements provide for coastal statutory acknowledgements that adjoin (and, in the case of Ngāi Tai ki Tāmaki, appears to include) the Project area. A statutory acknowledgement is an acknowledgement by the Crown of a 'statement of association' between the iwi and an identified area (the 'statutory area').[24]

(e) The Project area is not within a customary marine title area, protected customary rights area, or within or adjacent to ngā rohe moana o ngā hapū o Ngāti Porou. [25]

(f) The Project area does not include a taiāpure-local fishery, mātaitai reserve, or area subject to bylaws or regulations made under Part 9 of the Fisheries Act 1996 and no relevant Mana Whakahono ā Rohe or joint management agreements have been identified as relevant to the Project area.[26]

18. STATUTORY REQUIREMENTS

18.1 Section 7 requires all persons performing functions and exercising powers under the FTAA to act in a manner that is consistent with the obligations

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[23] The Section 18 Report noted that the Ngāti Pāoa Deed of Settlement Bill was before the House but this has now received final assent and the Ngāti Pāoa Claims Settlement Act 2025 came into force on 13 November 2025.
[24] Section 18 Report, at [5] and [36]-[42].
[25] Section 18 Report, at [43].
[26] Section 18 Report, at [44]-[45].

arising under existing Treaty settlements and customary rights. Section 7 provides:

> **7 Obligation relating to Treaty settlements and recognised customary rights**
>
> (1) All persons performing and exercising functions, powers, and duties under this Act must act in a manner that is consistent with—
>
> (a) the obligations arising under existing Treaty settlements; and
>
> (b) customary rights recognised under—
>
> (i) the Marine and Coastal Area (Takutai Moana) Act 2011:
>
> (ii) the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.
>
> (2) To avoid doubt, subsection (1) does not apply to a court or a person exercising a judicial power or performing a judicial function or duty.
>
> (3) In this section, **existing Treaty settlements** means Treaty settlements that exist at the time the relevant function, power, or duty is performed or exercised (rather than only those that exist at the commencement of this Act).

18.2 Because a number of Treaty settlements are relevant to the Application, section 82 is also important. Section 82 provides:

> **82 Effect of Treaty settlements and other obligations on decision making**
>
> (1) This section applies if a Treaty settlement, the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 is relevant to an approval.
>
> (2) If the settlement or Act provides for the consideration of any document, the panel must give the document the same or equivalent effect through the panel's decision making as it would have under any relevant specified Act.
>
> (3) The panel must also consider whether granting the approval would comply with section 7.
>
> (4) In this section, **document**—
>
> (a) means any document, arrangement, or other matter; and
>
> (b) includes any statutory planning document amended as a result of the settlement or Act referred to in subsection (1).

18.3 Section 84 empowers a panel to set conditions relating to a Treaty settlement in this way:

> **84 Conditions relating to Treaty settlements and recognised customary rights**
>
> (1) For the purposes of section 7, the panel may set conditions to recognise or protect a relevant Treaty settlement and any obligations arising under the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.
>
> (2) This section applies in addition to, and does not limit, any other powers to set conditions under this Act.

18.4 The Panel has kept this issue in mind when drafting and then imposing conditions.

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18.5 Other procedural matters pertaining to Treaty settlements and other arrangements are recorded in **Appendix A** where applicable.[27] Overall, the Panel is satisfied that it has complied with all of the procedural requirements in relation to Treaty settlements and has therefore met its obligations under Schedule 3 clause 5 of the FTAA.

19. IWI CONSULTATION

19.1 An applicant need only notify in writing iwi authorities, hapū, and Treaty settlement entities of their intention to lodge an application for a listed Project or referral to the Minister.[28]

19.2 However, as required by Schedule 5, clause 6(e) and (f) we summarise consultation undertaken with iwi pre- and post-application, noting the views of iwi as set out in the Application.

Pre-application consultation

19.3 As outlined in the Application, the Applicant sent an overview of the application and drawing package to the 15 iwi authorities it had identified as relevant on 9 July 2025.[29]

19.4 The only response received by the Applicant was from Ngāti Whātua Ōrākei and an in-person hui was held with representatives from Ngāti Whātua Ōrākei on 6 August 2025. The purpose of this hui was to introduce the Project, provide an overview of the referral application process and outline next steps for the Project. Cultural opportunities for this Project were also discussed and the Applicant also agreed to connect further with Ngāti Whātua Ōrākei on the cultural narrative and design of the Project, and to maintain an open line of communication to continue discussions on the Project.[30]

19.5 On 23 September 2025, the Minister formally invited written comments from the identified Māori groups under section 17(1)(d) of the FTAA. Comments were received from three groups and they are summarised in the Section 18 Report as follows:[31]

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[27] FTAA schedule 3, clause 5.
[28] For pre-lodgement requirements for referral projects see section 11 and for listed projects see section 29.
[29] Referral Application, Appendix 4 – Consultation Summary Report dated 27 August 2025 at section 3. Table 1 lists the 15 iwi authorities that the Applicant sent letters to.
[30] Referral Application, Appendix 4 – Consultation Summary Report dated 27 August 2025 at Table 1.
[31] Section 18 Report, at [46]-[50].

(a) Ngāti Whātua Ōrākei Trust supported the Application, noting they had been briefed on the Project by the Applicant, and they looked forward to developing their engagement further as the Project progressed.

(b) Te Kawerau Iwi Trust advised that while Te Kawerau ā Maki has interests in the Project area, they did not intend to provide further comment on the referral application and supported the lead role of Ngāti Whātua Ōrākei in engagement and consideration of mana whenua values relating to the site.

(c) Te Whakakitenga o Waikato did not express a definitive view on the referral application. Their primary interest was ensuring development proceeds in a way that respects their enduring relationship with the whenua and moana and reflects their responsibilities as kaitiaki. They noted unresolved historical Treaty claims over the wider Tāmaki Makaurau region and said that if the Application is accepted for referral, they welcome opportunities for further engagement on environmental outcomes, cultural values, and potential cumulative effects across the Waitematā.

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19.6 In preparing the Section 18 Report the Minister must consult relevant departments[32] and for completeness we note that comments were received from the Secretary for Māori Development (under delegation from the Minister for Māori Development and Minister for Māori Crown Relations: Te Arawhiti) confirming that they supported referral of the application, but recommending that:

> The Panel have regard to the coastal statutory acknowledgements in the Te Kawerau ā Maki Claims Settlement Act 2015, Ngāi Tai ki Tāmaki Claims Settlement Act 2018, Ngāti Tamaoho Claims Settlement Act 2018, and Te Ākitai Waiohua deed of settlement; and
>
> the Applicant consider ongoing engagement with Ngāti Whātua Ōrākei Trust, Te Whakakitenga o Waikato, and any other Māori rōpū with relevant interests in the project area.[33]

19.7 On 29 January 2026 the Applicant sent an update to the iwi authorities as well as the customary marine title groups identified in the Minister's referral decision advising that the application had been referred into the fast-track process and the Applicant was in the process of preparing a substantive application for lodgement. The only group to reply was Ngāti Kawau and Te

[32] FTAA section 18(3).
[33] Section 18 Report at [51]-[55].

Waiariki Korora who advised that the application fell outside their tribal boundaries and did not involve their consent.[34]

Substantive application stage

19.8 Minute 2 of the Panel (dated 29 June 2026) formally invited comments from the relevant iwi authorities and Treaty settlement entities under section 53(2) of the FTAA. The Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development were among the relevant portfolio ministers invited to comment under section 53(2)(j).

19.9 Minute 3 (dated 17 July 2026) corrected an administrative error and extended the timeframe for certain iwi authorities and Treaty settlement entities to provide comments (until 13 August 2026).

19.10 No iwi authority, hapū, Treaty settlement entity or MACA group filed comments at this stage however a letter of support for the Application was received from the acting Minister for Māori Crown Relations: Te Arawhiti and Minister for Māori Development.[35]

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[34] Substantive Application, Appendix 27 – Consultation Summary Report dated 12 March 2026, at sections 3 and 4.
[35] Letter from Hon James Meager, Acting Minister for Māori Crown Relations: Te Arawhiti and Acting Minister for Māori Development.

PART E: EFFECTS OF THE PROJECT ON THE ENVIRONMENT

20. INTRODUCTORY COMMENTS

20.1 Schedule 5 clause 5(4) requires a consent application to assess an activity's effects on the environment including the information in clauses 6 and 7. These matters include the actual and potential effects of the activity, relevant risks associated with hazardous installations and discharges, mitigation measures, persons who may be affected, monitoring and effects on any protected customary right.

20.2 The AEE provided a detailed assessment of these matters in section 10. Invited commenters also identified a range of effects from the Project, and the Panel's own experts provided independent assessment. We have considered all of this material, together with the Applicant's various responses to comments, further information provided through the RFI process and the conditions, both as lodged and as sought to be amended.

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Receiving environment and permitted activities

20.3 For the purposes of assessing effects, the environment includes what presently exists and the future state of the environment as it may be modified by permitted activity rights or by the implementation of resource consents that are likely to be implemented.[36] We are not aware of any relevant but unimplemented resource consents that should be taken into account in this assessment.

20.4 The receiving environment of Wynyard Quarter is the largest brownfield area in Auckland's City Centre, and it is undergoing significant urban regeneration into a mix of open space, residential, office, retail, hospitality and marine activities. To the north of the Site, Auckland Council's Te Ara Tukutuku project will create the largest new public open space in the City Centre in 100 years.[37]

20.5 While the Project's physical redevelopment works trigger the need for consent for a range of building, earthworks, transport, servicing, groundwater and other matters, some elements of the development are anticipated by, and permitted within, the Business - City Centre Zone and/or the Wynyard Precinct including, for example, a range of activities including

[36] *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] ELHNZ 226 (CA), at [84].
[37] AEE, at section 5.2.

dwellings, and retail activities in the City Centre zone, and public amenities in terms of landscaping and planting.[38]

20.6 Section 104(2) RMA provides that when considering the environmental effects of a proposed activity, the consent authority may disregard an adverse effect of that activity if a NES or plan permits an activity with that effect. Given that resource consent is required for both the *predominate* land use activities within the Wynyard Precinct as well as for new buildings, a comparative compliant development assessment is unhelpful and section 104(2) RMA therefore provides no material assistance to our adverse effects assessment.

21. APPROACH TO EFFECTS EVALUATION

21.1 The AEE, supported by technical reports, assessed a broad range of effects on the environment, including in relation to geotechnical and earthworks, groundwater take and diversion, noise and vibration, servicing and infrastructure capacity, natural hazards, traffic, economic effects, contamination, construction activities, urban design, landscape and visual effects, subdivision, hazardous risks, waste management and wind effects.

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21.2 We note that while the AEE also addresses positive effects, we discuss them in Part F: 'Regional or National Benefits of the Project', because the AEE frames them as both positive effects and benefits; we need to avoid double counting them on both the effects and benefits sides of the ledger.

21.3 We have not repeated every AEE topic heading in full in our evaluation below. The AEE and supporting reports form part of the record and instead the Panel has identified the following categories of actual and potential effects on the environment that are material to its decision and have been the focus of comments:

(a) Urban design, landscape, visual and public realm effects;

(b) Amenity effects, including wind, operational noise, hazardous facilities risk and lighting;

(c) Construction effects, including earthworks, geotechnical, groundwater, construction noise and vibration, contaminated land;

[38] AEE, at section 7.4.

(d) Infrastructure capacity and other environmental effects; and

(e) Transport effects.

21.4 Where an effect was not materially contested by commenting parties or tested by the Panel by way of questions or requests for information, we simply summarise the Applicant's assessment and record our finding. Where an effect was contested, we identify the differing positions and explain our assessment. The adequacy, certainty and enforceability of the conditions is addressed in Part H: 'Conditions', but we refer to those conditions where they are central to our effects findings and where we propose amendments to those conditions, this is also noted.

22. URBAN DESIGN, LANDSCAPE, VISUAL AND PUBLIC REALM EFFECTS

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Summary of Applicant's position

22.1 As identified in Part F: 'Regional or National Benefits of the Project', the Applicant characterises the Project's urban development and intensification outcomes as positive effects in section 10.1 of the AEE, stating the Project represents a high-quality development of a distinctive and well-modulated form which includes a Tower Building that responds specifically to its urban context and the framework of the Precinct.[39]

22.2 The Urban Design and Landscape Assessment (**UDLVA**) report prepared by Boffa Miskell sets out a thorough assessment of the urban design, landscape and visual effects of the Project as lodged. The UDLVA acknowledges that the proposed development will introduce a significant change to the vacant site, but considers the character to be consistent with, and complementary to, the established and emerging character of the Wynyard Quarter.[40] The UDLVA concludes the Project will continue the planned urban regeneration of the Wynyard Quarter and will substantially enhance the urban vitality of the Precinct.[41]

22.3 The AEE also considered urban design, landscape and visual effects as part of its wider effects assessment in section 10.11. Overall, it concludes that the urban design effects will be not only appropriate but demonstrably positive, stating that the Project delivers a high-quality, architecturally

[39] AEE, at pages 10 and 51.
[40] Appendix 15 to Application, Urban Design and Landscape Assessment, Boffa Miskell Limited, section 13.1.
[41] Appendix 15 to Application, Urban Design and Landscape Assessment, Boffa Miskell Limited, section 15.

distinctive development that reinforces the intended urban structure of the Wynyard Precinct, activates key public interfaces, enhances legibility within the wider cityscape, and contributes positively to pedestrian amenity.[42]

22.4 The UDLVA considers that the quality of the public realm will be maintained and further enhanced by the proposed development, noting that both corners of the development along the Jellicoe Street frontage will be occupied by food and beverage activities that will activate and support the public realm. This is complemented by landscape design that will seamlessly integrate with the established public realm of both Jellicoe and Beaumont Streets.[43]

22.5 The Applicant concedes that the proposed Tower Building will be prominent within the Precinct, but notes that the portion of the Site on which the Tower Building is located is specifically identified for a taller built form. The Precinct framework anticipates a limited number of landmark sites as site-specific opportunities for taller buildings (described as "marker buildings"), noting that this Site lies outside the extent of the maunga viewshaft overlays and therefore is relatively unencumbered.

22.6 The UDLVA considers the proposed height of the three buildings, including the Tower Building, will fit comfortably within the streetscape and wider context of the Wynyard Precinct and the western part of the City Centre and that the Tower Building will bring legibility to the Precinct whilst not challenging the prominence of the central core of the City Centre.[44] Overall, the AEE concludes that the proposed development will enhance the character and amenity in this part of the Wynyard waterfront and no adverse landscape effects will be generated by the proposal.[45]

22.7 Visual effects are assessed in detail within the UDLVA report, with the inclusion of visual simulations from eight publicly accessible viewpoints to assist the analysis. Based on this assessment, the AEE concludes that any visual effects will be largely very low, or low adverse effects at most and, in the case of views from the east along North Wharf and Hamer Street, positive. It is acknowledged that there may be moderate adverse visual

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[42] AEE, section 10.11.1.
[43] Appendix 15 to Application, Urban Design and Landscape Assessment, Boffa Miskell Limited, section 13.1.2.
[44] Appendix 15 to Application, Urban Design and Landscape Assessment, Boffa Miskell Limited, section 13.
[45] AEE, section 10.11.2.

amenity effects for the west-facing apartments within the nine and thirteen storey blocks of 30 Madden.[46]

22.8 Potential shading effects were modelled by Warren & Mahoney and included within the application material as an appendix to the Design Statement.[47] These were modelled at hourly intervals for the spring equinox (23 September), summer solstice (22 December) and winter solstice (21 June), with 15 minute intervals in respect to potential shading to Silo Park during the summer solstice and to the northern façade of 30 Madden during the winter solstice, to get a clearer understanding of potential adverse effects.

22.9 The UDLVA states that the generous separation of the subject site from established residential neighbours and its position to the south of Silo Park, assists in ameliorating potential adverse shading effects on neighbours in the wider locality.[48] The UDLVA concludes that shading effects in respect of 30 Madden occur only for a fleeting period in winter and assesses these effects as low. In relation to Silo Park, the proposed development casts shadow from late afternoon (4.45pm) onwards, which the UDLVA concludes to be a low effect on the basis that temperatures are warm and people seek out summer shade.

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Comments received and Applicant's response

22.10 Auckland Council's Urban Design experts, Ms Chan and Ms Samsudeen considered the Project to have a number of positive benefits. However, they noted that while the distribution and transition of heights generally align with the AUP's anticipated height changes across the Site, the proposed height and bulk are significantly greater than enabled. They considered the scale and architectural expression of the Marina and Beaumont Buildings to be an appropriate fit with the surrounding marine and mixed-use context. However, they concluded that the Tower Building's height, scale and lack of architectural depth and modulation along its western and southern elevations results in a visually dominant form that significantly deviates from the established scale and character of the Wynyard Quarter and could not on that basis support the Application in its as-lodged form.[49]

[46] AEE, section 10.11.3.
[47] Design Statement – Appendix III, Shading Analysis, Warren and Mahoney, 17 March 2026.
[48] Appendix 15 to Application, Urban Design and Landscape Assessment, Boffa Miskell Limited, section 13.1.5.
[49] Memorandum of Strategic and Planning Matters for Auckland Council, Annexure 3: Urban Design Memo, at 3.1 and 3.3.

22.11 The Council Urban Designers questioned whether the shading effects on Silo Park during the summer months were acceptable, given the high level of public and visitor use and frequent summer evening events and pointed to information gaps, including comprehensive shading and daylight analysis. While they support the public access along the western side of the Marina Building, the Urban Designers recommended a condition to secure pedestrian public access in perpetuity.

22.12 Council's Landscape expert, Ms Howdle, similarly found that the Tower Building appears "bulky and visually dominant".[50] She concluded that she is unable to support the adverse landscape effects resulting from the proposed scale, design and quality of the Tower Building, particularly as experienced from the south-west, south and south-east and considered the design of the building has not appropriately addressed those effects (compared to the northern and eastern viewpoints).[51]

22.13 The Waitematā Local Board raised concerns about the extent of the proposed height exceedances across all three buildings and the associated effects on the built environment, shading, wind and amenity for residents and visitors to Wynyard Quarter.

22.14 Amongst the comments received from local residents were those from the 30 Madden Body Corporate and from Rob Pryor and Robyn Pryor, residents of 30 Madden. 30 Madden Body Corporate raised similar concerns to the Local Board, that potential effects of the additional height and intensity may include reduced outlook and amenity, increased shading, and practical impacts on rooftop uses such as solar panels. Mr Pryor is a Registered Landscape Architect but provided comments as a resident. In his comments he acknowledged that he has supported a number of over-height developments throughout Auckland but that “context is everything”. In his opinion, due to the infringements to several provisions within the AUP, the proposed Tower Building will visually dominate the western waterfront, detracting from the character of the area and diminishing the intended landmark quality of other marker buildings in the Precinct. He considered that the adverse effects on residential amenity, public open space, urban form and the coastal environment will outweigh the benefits.

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[50] Memorandum of Strategic and Planning Matters for Auckland Council, Annexure 4: Landscape Memo, at 3.2.
[51] Memorandum of Strategic and Planning Matters for Auckland Council, Annexure 4: Landscape Memo, at 7.1.

22.15 The Applicant's initial response to these comments was that while the buildings infringe the maximum height standards under the Wynyard Precinct provisions, this does not preclude the grant of consent, and a revised assessment by the Applicant's urban design expert (informed by further 3D modelling) reduced the assessed effect on views from moderate to low-moderate, equating to a minor effect.[52]

22.16 The Applicant's urban design and landscape expert, Ms de Lambert, explained that the design of the Tower is a deliberate, site-specific response to its location as one of the Precinct's identified "marker building" sites and had been specifically designed to reduce apparent bulk, reinforce the Waterfront and Wharf axes, and support the legibility of the Te Ara Tukutuku headland within the wider cityscape.[53] In her opinion, the Site anticipates a landmark as part of the western City Centre precinct and she makes the point that the majority of development that has been consented and built in the Wynyard Quarter, including 30 Madden, has also exceeded the maximum heights of the Precinct.

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22.17 On landscape and shading, the Applicant disputed Auckland Council's comment that there was an information gap regarding comparative shading and daylight assessment, and further shading analysis confirmed low shading effects on both Silo Park and 30 Madden (being the "most sensitive" sites on the sensitivity scale).[54] Despite this, the Applicant undertook a more detailed shading analysis in accordance with the Urban Designers Institute Aotearoa (**UDIA**) S-SAM practice notes 1 and 2.[55] This appropriately identifies that both 30 Madden apartments and Silo Park are the locations most sensitive to shading and then examines the effects on these throughout the day on the Spring Equinox, Summer and Winter Solstices.

22.18 The assessment acknowledges that Silo Park often hosts evening events in summer and therefore assesses the shading extending across the park from 6.30pm onwards during Summer Solstice to be moderate. However, considering there is full sunlight to Silo Park throughout most of the day and year, the overall effect was assessed as low. For 30 Madden, which is affected during the Winter Solstice, the assessment was granular and

[52] Memorandum of Counsel dated 4 August 2026, at [29]-[30] and Attachment F, Urban Design, Visual and Landscape Memorandum, at page 5.
[53] Attachment F, Urban Design, Visual and Landscape Memorandum, 4 August 2026, at page 2.
[54] Attachment F, Urban Design, Visual and Landscape Memorandum, at page 6.
[55] Urban Designers Institute Aotearoa (UDIA) Practice Note 1: Shading Diagram Methodology and Practice Note 2: Systematic Shading Assessment Methodology, December 2025.

examined the possible shading on different apartments at different times of the day. Based on the detailed analysis, this assessment confirmed low shading effects generated in respect of both Silo Park and the residential apartments within 30 Madden.

22.19 Ms de Lambert reiterated the benefit provided by the public access to the western waterfront. While offering the 7m setback from the waterfront along the western side of the site, the Applicant does not agree that this needs a public easement or similar legal instrument to guarantee public access.

Independent report commissioned by Panel

22.20 The Panel commissioned Rebecca Skidmore, an urban design, landscape and visual expert, to undertake an independent review of the urban design and landscape assessment reports.[56] Ms Skidmore's report raised a number of concerns with the UDLVA, principally that the Tower Building's overall mass, bulk and architectural form are out of scale with and incongruous to the established character of the Wynyard Quarter, resulting in significant adverse effects on urban structure, neighbourhood character and the Cityscape, with a real risk that the proposed Tower Building would diminish the landmark qualities of other 'marker buildings' and challenge the primacy of the CBD high-rise core.

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22.21 Ms Skidmore also raised particular concerns in relation to the inconsistency with the AUP provisions that contemplate a transition of height down to the harbour edge. In Ms Skidmore's view the Tower Building component of the Proposal does not achieve a suitable transition from the core of the City Centre.[57]

22.22 Overall, Ms Skidmore concluded that the adverse effects resulting from the Tower Building component of the proposed development on the Precinct's urban structure, character and its Cityscape relationship to the City Centre core would, in combination, be significant.[58]

Expert conferencing

22.23 The Panel subsequently directed expert conferencing on urban design, landscape and visual matters and appointed Mr Ian Munro to facilitate the Conference. The Panel established the purpose of conferencing to not only

[56] Minute 5, dated 12 August 2026.
[57] RA Skidmore Urban Design Ltd, Advice to Consenting Panel, 25 August 2026, at [7.4].
[58] RA Skidmore Urban Design Ltd, Advice to Consenting Panel, 25 August 2026.

narrow or resolve matters of disagreement, but also to discuss and, so far as possible, agree a series of design refinements that could be undertaken to the mass, proportion and architectural expression of the Tower Building to assist it to achieve a number of specified outcomes relating to the development's place within the Wynyard Quarter and the wider Cityscape.[59]

22.24 As outlined in **Appendix A**, expert conferencing took place on 11 September 2026 and a signed Joint Witness Statement (**JWS**) was filed following the Conference. In summary:[60]

(a) The experts agreed that certain 'marker building' sites, including the Site, were identified to reinforce the three axes underpinning the Wynyard Precinct's urban structure, relevant to AUP policy I214.3(3)(b).[61]

(b) The experts discussed key contextual factors affecting the Site including the relationship of the Site to the Precinct, the wider Central City and the potential Te Ara Tukutuku Project and agreed the Project should be a holistically designed, integrated response to the Site and its context.[62]

(c) The Panel-appointed and Council experts maintained their concerns over the Tower's height, mass, scale and architectural expression, and resulting effects on landscape character and transition, particularly viewed from the west and south. These concerns mainly relate to medium-to-long range views rather than the building's impact at close proximity.[63]

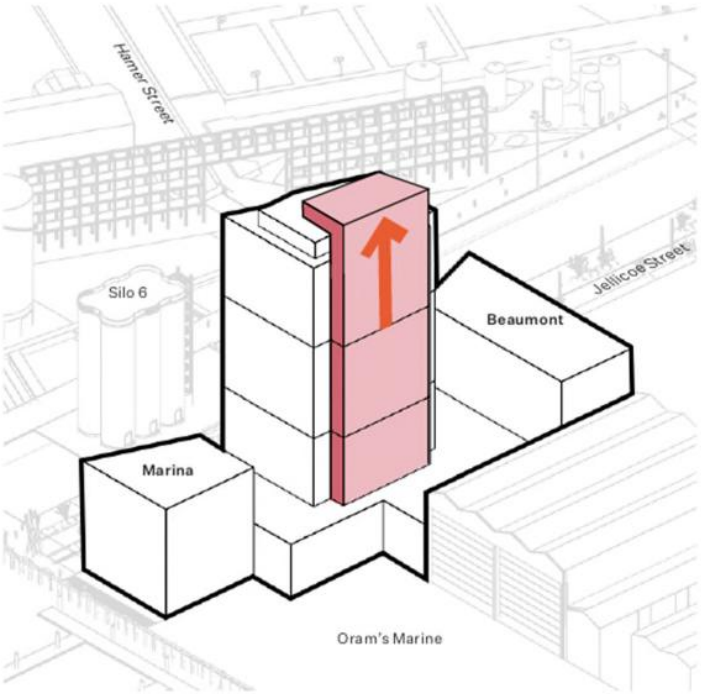
(d) Following the Panel's direction to discuss potential design refinements to the Tower Building, the experts (other than the Applicant's experts, who raised no concerns) concluded that two potential design options tabled at the conference (Options 4 - "Backpack" and Option 5 - "Backpack and Integrated Crown") would be an improvement on the lodged Application, but identified further refinements (including additional changes to the top third of the Tower to reduce its footprint and introduce a crank on the western

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[59] Minute 13, dated 2 September 2026.
[60] Joint Witness Statement on urban design, landscape and visual effects dated 11 September 2026 (**JWS**).
[61] JWS, at [5.1(a)].
[62] JWS, at [5.5(b)].
[63] JWS, at [5.6].

elevation) that could, in principle and subject to assessment of a full revised plan set, be supported.[64]

22.25 Following the conference, the Applicant carried out further work, building on the massing of Option 5, and presented this as an updated scheme for FTAA Resubmission on 30 October 2026.



Revised Design (WAM FTAA Resubmission p3)

22.26 The revised design is described in the Applicant's Urban Design and Landscape Assessment memo[65] as comprising:

> … a reduction to the width of the south façade with a notched 4.0m narrowing to both the southwest and southeast corners, at a depth of 3.5m and resulting in a south wall dimension of 27.5m. In addition, the angle of the two stepped rotations of the Tower building has been slightly adjusted to compensate for the loss of saleable area [as a result of narrowing of the southern façade].

22.27 The expressed "backpack" comprises a more visually solid materiality, lending the Tower a more vertical emphasis when viewed from the south / southwest. The reduced dimension of the western façade assists in reducing the bulk of the building. Ms de Lambert concludes that the resubmitted design is an enhancement to the bulk, massing and aesthetic form of the Project as a whole.

[64] JWS, at [5.11] and [5.13].
[65] Memorandum of Boffa Miskell dated 30 October 2026 Advice to Panel: Urban Design and Landscape Assessment, at page 1.

22.28 The Panel's expert, Ms Skidmore, reviewed the material submitted. In her opinion the design amendment proposed is effective in reducing the visual bulk of the Tower Building, particularly as viewed from the west to south-west. While she remains of the opinion that the scale and form of the Tower Building will continue to result in adverse landscape effects, particularly in relation to the established and evolving character of the Wynyard Quarter and its relationship to the surrounding environment, she concludes that the effects previously identified have been reduced by the design amendments now proposed, such that any adverse effects will no longer be significant.[66]

22.29 The Council's urban design and landscape experts similarly consider that the revised design sufficiently mitigates the visual dominance effects arising from the proposed height and bulk of the Tower Building when viewed from the south. They consider the proposed design changes are less apparent on the western elevation and that some landscape and visual effects associated with the additional heights and scale remain and that the overall scale and form of the proposal will not achieve a definitive step down in height to the coastal edge as anticipated by the AUP.

22.30 Nevertheless, they appear to conclude that the design as revised achieves a greater balance between the development drivers for increased height and floor area and urban design outcomes[67] and that the adverse effects as moderated by the revised design will fit better within the context of the Precinct and as viewed in context with the City Centre. Provided the detailed architectural design, façade detailing and materiality are of a high quality, the Project would generally align with the intended marker function of the Site and the evolving character of the Wynyard Quarter.

Evaluation and Findings

Tower Building height, bulk, and architectural form

22.31 We accept that the over-height component of the Tower Building gives rise to adverse urban design and landscape effects, and that this is a key concern in this Application. On this issue, we acknowledge the submissions of a number of Wynyard Quarter residents who consider the Tower Building to be visually dominant and out of scale with the surrounding built

[66] R A Skidmore, 188 Beaumont Street Fast Track application – urban design and landscape feedback to Panel, dated 10 November 2026.
[67] M Chan and S Samsudeen, Urban Design Comments on Applicant's Revised Design, dated 9 November 2026; and G Howdl, Technical Specialist Memo Commentary – Landscape, dated 4 November 2026, at [7].

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environment, and who raised genuine concerns about the loss of amenity, outlook and shading that the additional height will cause (see **Appendix A**).

22.32 We also accept the evidence presented to us by Ms Skidmore that the Tower Building component of the Application does not achieve a suitable transition to the harbour edge nor from the core of the City Centre and is therefore inconsistent with Objectives I214.2(2)(b) and I214.2(3) and Policies I214.3(3)(b) and I214.3(3)(d).[68]

22.33 However, height, of itself, is not the principal difficulty with the Tower Building. The Wynyard Precinct planning framework anticipates a landmark or 'marker building' of greater height on this Site, and a degree of additional height was therefore always anticipated. Rather, it is the combination of that additional height with the Tower Building's non-compliance with the maximum floor area ratio and site intensity standards that has contributed significantly to a built form that, in its originally lodged state, presented as overly bulky and visually dominant.

22.34 Our analysis of the non-compliances with the AUP standards is considered further in Part G: 'Statutory Documents and Planning Framework' where we also provide some background context around the ongoing evolution of the Wynyard Precinct height standards. In summary, the Council has confirmed that notwithstanding its current investigations, the current intention is to retain the 62m height control recently approved for this Site via PC78.[69]

22.35 As we have expressed in Part G the Panel is surprised that a further 20m of height is being sought so soon after the maximum height on the Site was increased to 62m in PC78. However, having regard to the design refinements made to the Tower Building's form, scale and mass following expert conferencing, and the revised conclusions expressed by the experts on that redesigned form, we find that adverse effects in relation to height, bulk, and architectural form to have been mitigated to such an extent that they can no longer be regarded as significant on their own or in combination with other related effects.

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[68] RA Skidmore Urban Design Ltd, Advice to Consenting Panel, 25 August 2026, at [7.4].
[69] Auckland Council Response to Expert Panel Minute 7 Questions, dated 24 August 2026, at [3].

Visual effects of whole development

22.36 The Panel accepts there is broad agreement that the Beaumont and Marina Buildings will sit comfortably within their context and not give rise to adverse visual effects. With respect to the Tower Building, as discussed above, the Panel understands it is the combination of additional height and infringements to the maximum floor area ratio and maximum site intensity standards that has created a bulky and visually dominant building. Given the additional height, the Panel understands the Tower building will be prominent from a range of viewpoints and, from some locations there will be adverse visual effects that are low-moderate.

22.37 However, having regard to the design refinements that have visually broken the bulky form of the building, particularly when viewed from the south and south-west, overall the Panel considers that any adverse visual effects will be acceptable and in particular accepts the revised opinions of Ms Skidmore and the Council experts on those issues.

Shading effects.

22.38 The Panel acknowledges concerns expressed about shading, particularly that the height of the Tower Building will cast longer shadows over Silo Park in summer months. It is acknowledged there will be some minor changes to the shading experienced from the amended proposal, including to units within 30 Madden that have not been affected by the proposal as lodged. Nonetheless we agree with the approach the Applicant has taken to assess shading effects and, ultimately, with their conclusion. In light of the analysis and in the context of the ongoing transformation of the Wynyard Quarter, the Panel finds the overall shading effects to be acceptable.

Public realm and waterfront access

22.39 As referenced in Part F, the Panel accepts that public access to the waterfront offered to the west of the Marina building is a benefit of the proposed development. However, the Panel does not agree with the Applicant that a condition securing this access is unnecessary or inappropriate. In this context, the Panel shares concerns expressed by submitters that without some form of legal instrument in place, there is a risk that future leaseholders of the ground floor unit might occupy the space. Therefore, the Panel considers an easement to be required to secure

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pedestrian public access in perpetuity and consequently has imposed a condition of resource consent to that effect.

23. AMENITY EFFECTS – WIND, OPERATIONAL NOISE, HAZARDOUS FACILITIES RISK AND LIGHTING

Summary of Applicant's position

23.1 The Applicant provided an assessment of wind effects, operational noise effects, hazardous facilities risk (from ammonia use at the Sanford fish processing facility) and lighting effects, all of which we classify as amenity effects.

23.2 The Applicant commissioned FidelicFlow Ltd to assess pedestrian-level wind effects against the relevant AUP standards.[70] The assessment confirms that the Project will alter the local wind environment, providing increased shelter in some areas while generating localised wind acceleration around building corners and along parts of Beaumont Street. With the proposed mitigation in place (glass balustrade, solid corner wall, wide awning, and landscaping), the Applicant's position is that the Project will achieve compliance with the AUP's wind standards.[71]

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23.3 The Applicant's operational noise assessment prepared by Marshall Day assessed operational noise from mechanical services plant and the retail and food and beverage tenancies. Overall, the assessment concludes that the Project can be designed to comply with the operational noise standards.[72] Specifically in relation to sound insulation and residential acoustic amenity, the Applicant's position is that the building façade can be designed at detailed design stage to achieve the required internal sound insulation and acoustic amenity for residents, thereby avoiding reverse sensitivity effects on existing industrial and maritime activities in the Precinct.[73]

23.4 On hazardous facilities risk the Applicant acknowledges that the Site lies approximately 120m from the Sanford fish processing facility, the only remaining hazardous facility in the Wynyard Precinct (using anhydrous ammonia as a refrigerant). The Applicant's position is that while ammonia presents potential toxicity risks in the event of an accidental release, it has a

[70] AEE, at Appendix 18: Wind Tunnel Investigation Report.
[71] AEE, at section 10.15.
[72] AEE, at Appendix 22: Noise and Vibration Assessment, sections 2 and 5.
[73] AEE, at section 10.4.4 and Appendix 22, section 6.

strong, pungent odour at low concentrations, enabling early detection well before harmful exposure levels are reached. Fire and explosion risks are classified as secondary to toxicity risk and are comparatively low.[74] A draft Ammonia Emergency Response and Evacuation Plan has been prepared, and the Applicant considers the development appropriate from a hazardous industry and public safety perspective.[75]

23.5 Lighting is treated by the Applicant as a permitted activity compliance matter and its position is that lighting can be designed to comply with the relevant permitted activity standards in the AUP. These standards are captured in the proposed consent conditions to ensure compliance will be achieved.[76]

Comments received and Applicant response

23.6 Council's technical experts agreed with the Applicant's assessments in relation to these amenity effects and agreed that, subject to the implementation of the proposed mitigation measures, the publicly accessible areas meet AUP wind comfort and safety criteria,[77] operational noise is expected to comply with the relevant AUP noise standards,[78] that residents and occupants will not be exposed to unacceptable hazardous facilities risk;[79] and that lighting effects will comply with the relevant AUP lighting standards.[80]

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Evaluation and Findings

23.7 In light of the assessment above and subject to the proposed conditions in **Appendix B**, the Panel considers that these effects are acceptable and will not give rise to significant adverse impacts.

[74] AEE, at section 10.13.
[75] AEE at Appendix 24: Hazardous Facilities Risk and draft Ammonia Emergency Response and Evacuation Plan.
[76] AEE, at section 7.4.1.
[77] Memorandum of Strategic and Planning Matters for Auckland Council dated 28 July 2026, at [113].
[78] As above, at [123].
As above, at [128].
[80] As above, at [131].

24. CONSTRUCTION EFFECTS – EARTHWORKS, GEOTECHNICAL, GROUNDWATER, CONSTRUCTION NOISE AND VIBRATION, CONTAMINATED LAND

Summary of Applicant's position

24.1 The Applicant's position is that erosion and sediment effects during earthworks will be managed through the Erosion and Sediment Control Plan,[81] including through stabilised construction accesses, a perimeter bund, stormwater inlet protection at street catchpits, separate treatment of contaminated dewatering discharge, and dust suppression by water spraying. Overall, the adverse effects of earthworks are assessed as less than minor.[82]

24.2 The geotechnical report by Initia[83] provides a detailed analysis of subsurface conditions beneath the Site and a suite of recommendations for the detailed design of earthworks, lift pit excavations, design considerations for liquefaction effects and foundation design options for the proposed building, together with recommended methodologies during the construction phase to ensure that land and slope stability is maintained. Based on this report, it is considered that any adverse geotechnical and land instability effects will be avoided or mitigated to be less than minor.[84]

24.3 The Applicant relies on the report prepared by Initia to conclude that the temporary groundwater take and permanent diversion effects will be negligible, such that no specific groundwater or settlement monitoring conditions are considered necessary.[85]

24.4 The Marshall Day Acoustics assessment predicts that construction noise will exceed the 75 dB LAeq daytime limit by up to 25 dB at the adjoining Orams Marine site during vibrated casing/sheet piling works (approximately 4.5 - 5 months), reducing as works progress, but compliance will be achieved at all other occupied buildings since they are more than 70m away from the Site. Vibration is predicted to comply with building protection limits everywhere, with occasional perceptible vibration amenity impacts limited to Orams Marine workers. Written approval has been obtained from Orams Marine such that these adverse effects must be disregarded. A final

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[81] AEE, at Appendix 10: Erosion and Sediment Control Plan.
[82] AEE, at section 10.2.1.
[83] AEE, at Appendix 11: Geotechnical Assessment Report.
[84] AEE, at section 10.2.2.
[85] AEE, at section 10.3 and Appendix 11: Geotechnical Assessment Report.

Construction Noise and Vibration Management Plan (**CNVMP**) is proposed as a condition of consent.[86]

24.5 The Ground Contamination Assessment and Site Management Plan (**SMP**) identified HAIL-related contamination from historical Mobil bulk fuel storage and the primary contamination risks identified were exposure to contaminated soils and groundwater during deep excavations, management of surplus spoil, management of surface water and groundwater discharges, and the potential for vapour intrusion into the completed building.[87] The Application states that risks from deep excavation, surplus soil disposal, contaminated discharge and vapour intrusion will be managed through the SMP and related consent conditions, resulting in less than minor effects.[88]

Comments received and Applicant response

24.6 Auckland Council's earthworks and erosion and sediment control expert, Mr Byrne, generally agreed with the Applicant's assessment and supported the proposed erosion and sediment control measures. However, he recommended two additional conditions requiring a Pumping and Dewatering Management Plan (**PDMP**) and a Chemical Treatment Management Plan (**CTMP**). Council's Development Engineer considered the principal issue to be management and coordination of earthworks and construction activities and did not recommend conditions beyond the Applicant's proposed Construction Site Management Plan.[89] The Applicant did not agree with the proposed PDMP condition but agreed to an amended version of the CTMP in response to Council comments.[90]

24.7 On geotechnical and land stability, Council's expert (Mr Sigurnjak) considered the Geotechnical Assessment Report generally suitable but noted some uncertainty regarding lateral variability of reclamation fill and liquefiable deposits, transitional soil behaviour, groundwater conditions (including tidal influences), and detailed foundation performance. He concludes that these can be addressed through additional site investigations, refined liquefaction assessment, detailed foundation and groundwater design and construction monitoring and recommended

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[86] AEE, at section 10.4.1 and Appendix 22: Noise and Vibration Assessment.
[87] AEE at section 10.9.
[88] AEE, at section 10.9 and Appendix 13: Detailed Site Investigation & Site Management Plan.
[89] Memorandum of Strategic and Planning Matters for Auckland Council dated 28 July 2026, at [137]-[140], Annexure 10: Regional Earthworks at sections 6.3 and Annexure 11: Development Engineering, at sections 3 and 6.
[90] Attachment A1 of the Applicant's Memorandum of Counsel – Response to Comments dated 4 August 2026, at pages 9 and 10.

conditions to secure these matters, including certification by a chartered professional engineer.[91] The Applicant does not consider these conditions to be necessary.[92]

24.8 The main groundwater effects arise out of the temporary groundwater take and diversion that is required to facilitate construction of the two deep core excavations associated with the development. Temporary cut-off walls and dewatering systems are proposed to manage groundwater inflows and minimise groundwater drawdown beyond the excavation areas. Council's groundwater expert generally accepted the Applicant's assessment on these matters but proposed a number of amendments to conditions including requiring visual inspections of surrounding land and structures during excavation, plus contingency measures if damage occurred.[93] These were generally accepted by the Applicant with some minor modifications.[94]

24.9 On construction noise and vibration, Council concluded that effects can be appropriately managed through the CNVMP. It also acknowledged the written approval from Orams Marine such that the predicted exceedances at that site can be disregarded. Overall, the Council agreed that the Application will not result in significant adverse construction noise and vibration effects.[95]

24.10 Council's expert agreed with the Applicant's measures to manage contamination through further vapour investigation, construction management controls, appropriate disposal/treatment of contaminated materials, and building design mitigation.[96]

Evaluation and Findings

24.11 Overall, the experts are broadly in agreement that construction related effects can be managed to an appropriate level through management plans and consent conditions, but there remains some disagreement in relation to the appropriateness of a PDMP condition, and the wording of conditions

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[91] Memorandum of Strategic and Planning Matters for Auckland Council dated 28 July 2026, at [146]-[148] and Annexure 12: Geotechnical at sections 6 and 8.
[92] Attachment A1 of the Applicant's Memorandum of Counsel – Response to Comments dated 4 August 2026 at pages 11 and 12.
[93] Memorandum of Strategic and Planning Matters for Auckland Council dated 28 July 2026 at [152]–[159] and Annexure 13: Groundwater, at sections 6 and 9.
[94] Attachment A1 of the Applicant's Memorandum of Counsel – Response to Comments dated 4 August 2026 at pages 13 and 14.
[95] Memorandum of Strategic and Planning Matters for Auckland Council dated 28 July 2026, at [163]-[167] and Annexure 13: Groundwater at sections 6 and Annexure 14, at sections 5 and 7.
[96] Memorandum of Strategic and Planning Matters for Auckland Council dated 28 July 2026, at [124]-[128] and Annexure 8: Contamination & Hazardous Facilities Risk, at sections 4 and 5.

relating to the CTMP, geotechnical matters, groundwater, and contamination.

24.12 The Panel considers that a PDMP is necessary to ensure that sediment-laden water generated during excavations is managed in accordance with best-practice methodologies and the Panel has adopted the Council's proposed condition wording on this matter.

24.13 The Panel has also made updates to the construction conditions. In particular it supports the Council's proposed wording for the CTMP and has inserted geotechnical conditions to address some of the uncertainties raised by the Council expert which require additional work to be undertaken; including further geotechnical investigation and a refined liquefaction assessment, detailed foundation design, groundwater and excavation design and the preparation of a construction monitoring plan. There is also the requirement that all geotechnical works are to be carried out by a Chartered Professional (Geotechnical) Engineer and that a geotechnical completion certificate is provided to the Council.

24.14 Subject to these conditions, the Panel is satisfied that construction effects will be appropriately managed.

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25. INFRASTRUCTURE CAPACITY AND OTHER ENVIRONMENTAL EFFECTS – WASTEWATER, WATER SUPPLY, STORMWATER, WASTE MANAGEMENT AND COASTAL HAZARDS

Summary of Applicant's position

25.1 In terms of wastewater, Tonkin & Taylor's capacity assessment indicates the existing wastewater lines have sufficient capacity, though the report noted that CCTV investigations requested by Watercare will be conducted to confirm this.[97] The Applicant's position is that, with an alternative solution to be developed with Watercare if needed, adequate servicing will be achieved, and overall wastewater servicing and infrastructure capacity effects are assessed as less than minor.[98]

25.2 The Tonkin & Taylor report also confirmed that the existing water supply adequately services the proposed development.[99] Feedback received from Watercare during the referral stage indicated that the network could support

[97] AEE, at Appendix 9: Civil Preliminary Design Report and Engineering Drawings at section 3.
[98] AEE, at section 10.5.1.
[99] AEE, at Appendix 9: Civil Preliminary Design Report and Engineering Drawings at section 4.4.

an estimated peak hourly demand increase of 6.6 L/s. Based on current design, the Applicant is now estimating a peak hourly demand increase of 7.4 L/s, however Tonkin & Taylor are of the view that this small increase will not have a material impact on the ability of the network to service the development.[100]

25.3 There are two separate existing stormwater networks within proximity of the Site. The Tonkin & Taylor report estimates there will be a 17 L/s increase to stormwater flow into the network when applying a 2.1°C climate change allowance to a 1 in 10-year ARI storm event (as required in the Auckland Council Stormwater Code of Practice). Two of the five stormwater pipes that service the development will not have adequate capacity to service peak runoff during a 1 in 10-year ARI storm. The Applicant's position, confirmed in pre-application discussions with Healthy Waters, is that the network has adequate capacity and that stormwater treatment is not required.[101]

25.4 In terms of waste management, five dedicated refuse areas totalling approximately 98m² are proposed, exceeding the minimum 65.5m² operational requirement. Therefore, the Applicant's position is that the waste management system is appropriately designed to accommodate anticipated volumes and will operate without adverse effects on site functionality or surrounding amenity.[102] A Waste Management and Minimisation Plan was submitted as part of the Application and is proposed as a condition of consent.[103]

25.5 The resilience component of Plan Change 120 (**PC120**) to the AUP introduced a new risk management system to strengthen the management of natural hazard risks, including coastal erosion and inundation.[104] Applying the risk assessment matrix in Table E36.3.1B.1 of the AUP, activities that are sensitive and potentially sensitive to natural hazards are "potentially tolerable" and activities less sensitive to natural hazards are "acceptable". The Applicant's Coastal and Flood Hazard Risk Assessment states that the proposed development is considered potentially tolerable

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[100] AEE, at section 10.5.1 and Appendix 9: Civil Preliminary Design Report and Engineering Drawings at section 4.5.
[101] AEE, at section 10.5.1 and Appendix 9: Civil Preliminary Design Report and Engineering Drawings at sections 2.3 – 2.7.
[102] AEE, at section 10.14.
[103] AEE, at Appendix 25: Waste Management and Minimisation Plan.
[104] Introduced via Plan Change 120.

and concludes there is appropriate risk management in place to reduce risk to tolerable levels (ie risks are low).[105]

25.6 The Applicant considers the proposed design and floor levels will avoid coastal inundation and rainfall flooding for the 1% AEP events over the next 100 years and the Project has been designed to take account of the effects of climate change with a proposed adaptation response. The Climate Change Adaptation condition involves undertaking an assessment of the flood risk and potential adaptation response if flooding takes place at 3.1 mRL (metres Relative Level) in the loading zone of the building. The Application states that a potential adaptation response could be to raise floor levels by placing a concrete slab overlay on relevant parts of the building.[106]

25.7 For life safety risks, the Coastal and Flood Hazard Risk Assessment concludes this to be low due to both safe egress/refuge in the short to medium term with a transition to safe refuge in the longer term with the establishment of a stay in place protocol for residents and vertical evacuation for ground floor occupants.[107]

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Comments received and Applicant response

25.8 Watercare considers that the Project can be serviced by the existing water supply and wastewater networks, subject to further investigation to confirm downstream wastewater capacity. Watercare originally recommended a condition requiring a CCTV and topographic survey of the downstream wastewater network to confirm the capacity, size and condition of existing infrastructure. However, these investigations have now been completed and this condition has been deleted by the Applicant.

25.9 Watercare has also recommended a condition requiring the consent holder to design and construct connections to the public water supply and wastewater reticulation networks in accordance with the requirements of the water supply and wastewater utility provider. This was opposed by the Applicant on the basis that it was not necessary given Watercare's confirmation that there is sufficient capacity in the water and wastewater

[105] AEE, at Appendix 12: Coastal and Flood Hazard and Risk Assessment, at section 6.1.1.4.
[106] AEE, at section 10.6.2.
[107] AEE, at section 10.6.2 and Appendix 12: Coastal and Flood Hazard and Risk Assessment, at section 7.2.

network to service the development.[108] However, the Applicant agreed to capture some of the intent of the condition in the advice notes.

25.10 In relation to stormwater, Council's Healthy Waters experts agree that the existing public stormwater network has adequate capacity to service the proposed development and that the Application meets the relevant stormwater management requirements. As the Site is already almost entirely covered by impervious surfaces, both the Council and Applicant experts agree that there will not be a material increase in stormwater runoff, and stormwater treatment or attenuation is not required.[109]

25.11 Council's Waste Management expert assessed the proposed Waste Management and Minimisation Plan as comprehensive and generally sufficient. However, further clarification and refinement was sought in relation to the operation and management of the proposed waste chutes; confirmation that residential and commercial waste streams will be clearly separated; and the retention of flexibility to accommodate future waste collection providers.[110] Other than amending the Waste Management and Minimisation Plan condition to specifically address 'capacity', the Applicant disagrees with these changes on the basis they are already adequately addressed by the existing proposed conditions.[111]

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25.12 The Council agreed that the Project will not exacerbate coastal erosion or increase hazard exposure on adjoining properties however Auckland Transport and Council's Development Engineer questioned whether the Applicant's reliance on a "safe refuge" strategy for managing coastal inundation was appropriate, or whether "safe egress" should instead be required.[112] The Healthy Waters expert also proposed some amendments to the Flood and Coastal Inundation Management Plan condition which were supported by the Council.

25.13 The Applicant maintains that safe refuge is an appropriate response to potential coastal hazard risk highlighting that when safe refuge is required, the building is appropriately designed to ensure there is no risk to life, injury or significant property damage.[113] While the Applicant generally agrees

[108] Memorandum of Strategic and Planning Matters for Auckland Council dated 28 July 2026, at [174]-[180] and Annexure 15: Watercare Services Limited Memo.
[109] Memorandum of Strategic and Planning Matters for Auckland Council dated 28 July 2026, at [184]-[187].
[110] Memorandum of Strategic and Planning Matters for Auckland Council dated 28 July 2026, at [202].
[111] Attachment A1 of the Applicant's Memorandum of Counsel – Response to Comments dated 4 August 2026, at page 27.
[112] Memorandum of Strategic and Planning Matters for Auckland Council dated 28 July 2026, at [191]-[198].
[113] Memorandum of Counsel – Response to Comments dated 4 August 2026, Attachment G: Coastal Hazards Memorandum, at pages 1 and 2.

with the intent of the Flood and Coastal Inundation Management Plan it made a number of amendments to the wording proposed by Healthy Waters to better align the condition with that proposed at lodgement.

Evaluation and Findings

25.14 Overall, the Panel considers the potential adverse effects in relation to water supply and wastewater, stormwater, waste management and coastal hazards are acceptable, subject to the conditions proposed in **Appendix B**.

25.15 On wastewater and water supply the Panel supports the condition and advice note proposed by Watercare to require the Applicant remains responsible for ensuring there is sufficient capacity in the water supply and wastewater infrastructure for the Project.

25.16 In relation to the Waste Management Plan condition the Panel considers this plan should address the remaining matters identified by Council's Waste Planning specialist, including the operation and management of the proposed waste chutes, confirmation that residential and commercial waste streams will remain clearly separated, retaining flexibility for future waste collection providers, consideration of additional cardboard, glass and organic waste capacity, and confirmation that the final waste servicing arrangements remain compatible with the approved loading and servicing facilities.

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25.17 On the issue of safe refuge versus safe egress, the Panel accepts the Applicant's position that safe refuge is an appropriate response to the coastal hazard risk at this location, subject to:

(a) implementation of a Flood and Coastal Inundation Management Plan addressing the matters raised by Healthy Waters; and

(b) registration of a covenant on the Record of Title identifying the flood and coastal inundation hazards and requiring that the Management Plan be maintained at all times.

25.18 While acknowledging the concern raised by Auckland Transport and the Council's Development Engineer as to whether safe egress should be required, the Panel considers the building design, climate change adaptation response condition and consent conditions relating to the Flood and Coastal Inundation Management Plan (including the covenant on the

Record of Title) appropriately manage the coastal inundation risk such that safe refuge is an acceptable strategy in the circumstances.

26. TRANSPORT EFFECTS

Summary of Applicant's position

26.1 The Integrated Transport Assessment (**ITA**) prepared by Parlane & Associates concludes that operational traffic generation effects will be less than minor and can be safely accommodated without mitigation.

26.2 The ITA assessed several non-compliances with the AUP (including a bicycle parking shortfall, a loading space shortfall (by one space), a 6.8m parking building aisle width (as opposed to 7.1m), a 2.3m instead of 2.5m headroom clearance for some parking spaces, a non-compliant access gradient and access width, a shortfall in accessible carparks (6 instead of 11 required) and non-compliance with the Precinct provisions for establishing access to Beaumont Street).[114] Overall it concluded that these non-compliances will have less than minor effects.[115]

26.3 In terms of construction traffic, the ITA states that for most of the construction period this will be fewer than 30 trucks per day or 4 trucks per hour which is insufficient to have any noticeable impact on existing traffic flows. This will rise to approximately 60 trucks per day (about 8 per hour) during a three-month peak phase, a volume the ITA considers insufficient to create noticeable impacts on traffic capacity or safety. It also notes these effects will be of short duration and very localised in nature.[116]

26.4 The Applicant submitted a draft Construction Traffic Management Plan (**CTMP**) as part of the Application and a final CTMP is proposed as a condition of consent.

Comments received and Applicant response

26.5 Auckland Transport generally accepted the Applicant's assessment but identified a number of matters requiring further mitigation or refinement. These related to pedestrian crossing provision, basement access safety, management of the canopy projection into the public realm, building

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[114] Appendix 19: Integrated Transport Assessment, at section 6.6.
[115] Appendix 19: Integrated Transport Assessment, at section 11 and AEE section 10.7.1.
[116] Appendix 19: Integrated Transport Assessment, at section 10.1 and AEE section 10.7.2.

openings, the Site Travel Management Plan (**STMP**), and CTMP conditions, and the appropriateness of the proposed parking supply.[117]

26.6 Council's traffic engineers agreed that the Project would have less than minor network-level effects but did not support the application in its lodged form due to unresolved issues with visitor bicycle parking provision, the number of loading spaces (considering a minimum of three necessary) and the lack of evidence that heavy vehicles could manoeuvre independently within the loading area.[118]

26.7 The Applicant's transport expert, Mr Parlane, responded to each of these points in his Transport Memorandum.[119] In summary:

(a) On the pedestrian crossing, Mr Parlane did not consider a formal pedestrian crossing necessary given insufficient forecast pedestrian demand and a safe informal crossing point.

(b) On visitor bicycle parking, the ground floor plan has been amended to provide 12 bicycle parking spaces, achieving compliance with the AUP standard.

(c) On the position of the basement ramp, Mr Parlane continued to support the location applied for but proposed a new condition requiring a car detection system and roller shutter door to warn footpath users of exiting vehicles.

(d) On building openings, Mr Parlane explained the transformer/switch-gear room doors cannot be contained within the Site however stated they provide only infrequent, scheduled access, and this arrangement is common for service access doors, including other Wynyard Quarter buildings.

(e) On construction site access, Mr Parlane explained that with the proposed construction methodology, it is not feasible to utilise Jellicoe Street exclusively throughout the construction period and doing so could pose a safety risk. Mr Parlane maintains that construction site access is appropriate from Beaumont Street.

(f) On temporary bus stop relocation, Mr Parlane agreed to a condition to require a 30m bus stop to be designed in accordance with

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[117] Annexure 19 – Auckland Transport Memo and AEE, at [208]-[210].
[118] Annexure 20 – Traffic Engineering Memo and AEE, at [211]-[217].
[119] Memorandum of Counsel dated 4 August 2026, Attachment D: Transport Memorandum.

Auckland Transport standards. This was reflected in the proposed advice notes.

(g) On reversing manoeuvres, Mr Parlane disagreed with Auckland Transport's suggestion that all construction vehicles should undertake reversing manoeuvring within the site to minimise safety risks and maintained his position that construction vehicle movements will be appropriately managed through the CTMP.

(h) On the Site Travel Management Plan, Mr Parlane argues six-monthly monitoring is disproportionate given the retail component's very small scale (approximately six employees).

(i) On loading spaces, Mr Parlane's assessment concluded two spaces (with a booking system) is sufficient to accommodate the anticipated servicing requirements of the development, notwithstanding the Council's requirement for three.

(j) In relation to truck tracking Mr Parlane confirmed the median island design has been shortened so rubbish trucks no longer track over it.

(k) On parking numbers, Mr Parlane continues to support the quantity of parking spaces. His view is that the proposed number of car parks does not create peak hour trips in the same way that parking at offices does, because people will often leave their cars when they are not using them. This is particularly relevant in the context of the Project given its location in Wynyard Quarter, which he considers is well-connected to public transport, employment and amenities, enabling residents to undertake a substantial proportion of their daily trips by walking, cycling or public transport rather than driving.

(l) In terms of the CTMP conditions, Mr Parlane agreed to the new condition proposed by Auckland Council requiring the consent holder to be responsible for remedying damage that occurs during construction.

26.8 For completeness we record that Mr Parlane disagrees with the comments raised by Tim and Jenny Ellis that the Project will place increased pressure on the local road and limited public transport facilities on the basis that the transport assessment has assessed the effects on both the surrounding

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road network and public transport and concludes the potential adverse traffic effects of the Project are less than minor.[120]

Evaluation and Findings

26.9 The Panel agrees with the Council's characterisation of the outstanding transport issues as largely relating to the internal operation and functionality of the development rather than to the performance of the wider transport network.[121]

26.10 On the issues where there continues to be disagreement between the Council and Mr Parlane (provision of a pedestrian crossing, position of basement ramp, building openings, construction Site access, reverse manoeuvring, travel management monitoring requirements, number of loading spaces, number of car parking spaces), the Panel agrees with Mr Parlane's assessment in the Transport Memorandum dated 4 August 2026. The Panel also agrees with Mr Parlane's assessment of effects on local road and public transport facilities.

26.11 Overall, the Panel is satisfied that the transport effects will be appropriately managed through the design of the Project and the imposition of the CTMP condition.

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27. FINAL COMMENT ON THE ENVIRONMENTAL EFFECTS OF THE PROJECT

27.1 Having considered the actual and potential effects of the Project across all categories assessed above, the Panel finds that the amenity, construction, infrastructure capacity, coastal hazard and transport effects can all be appropriately managed through the conditions set out in **Appendix B** and do not, individually or collectively, give rise to adverse impacts of a significance that would engage the proportionality assessment under section 85(3) of the FTAA.

27.2 The principal area of contention remains the urban design, landscape and visual effects of the Tower Building, which the Panel has addressed in its findings above. After careful consideration of those effects and their

[120] Memorandum of Counsel dated 4 August 2026, Attachment D: Transport Memorandum, at section 13.
[121] Memorandum of Strategic and Planning Matters for Auckland Council dated 28 July 2026, at [216]-[217] and [228].

reduction through the redesign offered by the Applicant we do not, on balance, consider that they justify a decline of the approvals sought.

27.3 The Panel's overall proportionality assessment, weighing these effects against the Project's benefits, is set out in Part J: 'Overall Assessment'.

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PART F: REGIONAL OR NATIONAL BENEFITS OF THE PROJECT

28. INTRODUCTORY COMMENTS

28.1 Section 3 states that the purpose of the FTAA is to facilitate the delivery of infrastructure and development projects with "significant regional or national benefits". Under clause 17 of Schedule 5, when considering a consent application and conditions the Panel must "take into account" and give greatest weight to that purpose. There is, however, no requirement that the Panel reach a conclusion that granting approval will give effect to the purpose, or that the benefits of a project must be proven to be significant in a regional or national context.

28.2 Section 81(4) of the FTAA expressly requires the Panel to consider the *extent* of the Project's regional or national benefits. The assessed extent of benefits in relation to an approval sought is particularly relevant in the context of a decision to decline an approval. An approval may only be declined where the adverse impacts are *out of proportion* to the regional or national benefits.

28.3 As other Expert Panels have observed,[122] there is no specific definition of "significant regional or national benefits". However, the section 22 criteria, which relate to assessing a referral application made to the Minister, provide some guidance to panels when carrying out this assessment. Those criteria are:

> (2) For the purposes of subsection (1)(a), the Minister may consider –
>
> (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:

[122] Downtown Carpark Decision, above n 19, at [237].

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(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:

(ixa) will promote competition in the grocery industry:

(x) is consistent with local or regional planning documents, including spatial strategies:

(b) any other matters the Minister considers relevant.

28.4 Increasing the supply of housing is expressly included in this list, and that factor was highlighted by the Minister in his referral decision for this Project.[123] Section 81(2(aaa) requires the Panel to consider the Minister's reasons for accepting a project for referral, and we have done so. However, notwithstanding those reasons, and the Minister's finding that the Project is a development project that would have significant regional benefits in the Auckland region, the Panel remains tasked with assessing the extent of the Project's benefits on the basis of the information before it.

28.5 It is also important to note that there is no legal requirement, either in the FTAA itself or in relevant case law,[124] that requires the *extent* or magnitude of benefits to be evaluated in purely quantitative terms. Not all benefits are capable of being monetised, and those that can only be assessed in qualitative terms are equally relevant to the assessment. However they might be assessed, benefits should be *net benefits*, after consideration of costs.[125] We acknowledge that this requires Expert Panels to tread cautiously to ensure that there is no double counting of costs in the form of adverse impacts in addition to the application of costs against benefits. In our view, Expert Panels are more than capable of addressing that challenge.

28.6 This point is important when considering debate that has arisen in some FTAA Expert Panel decisions regarding the appropriateness or utility of different approaches to economic assessment. As we discuss later in the context of our findings on the benefits of the project, the FTAA is focused on *benefits*, not on economic activity. While an Economic Impact Assessment

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[123] Referral decision, above n 17.
[124] *Trans-Tasman Resources Limited v Taranaki-Whanganui Conservation Board*, [2021] NZSC 127, [2021] 1 NZLR 801, at [195]; citing *Trans-Tasman Resources Limited v Taranaki-Whanganui Conservation Board* [2020] NZCA 86, [2020] NZRMA 248, at [283].
[125] *Trans-Tasman Resources* (SC), as above, at [189]-[192].

(**EIA**) approach has dominated in FTAA applications to date, and provides important information regarding the scale of economic activity and its location (in a regional or national sense), it is clear to the Panel that economic activity does not always equate to economic benefit. In order to gain a better understanding of benefits (and costs in order to arrive at a net benefit position), the use of Cost Benefit Analysis (**CBA**), whether in full or in part, can provide important assistance to Expert Panels.

28.7 EIA vs CBA is not, in fact, an either/or proposition. Both have a role to play, and in reaching our findings we have endeavoured to understand the contribution of both approaches, notwithstanding submissions from the Applicant's legal counsel that CBA is neither necessary nor appropriate in this context and that EIA is the most appropriate method of evaluating the extent of benefits.[126]

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Summary of Applicant's position

28.8 The Applicant's AEE assessed the Project's benefits principally in terms of positive effects amounting to significant regional economic and social benefits.[127] It provided two assessments to support those claims: EIA prepared by Property Economics (**PE**) and a Wider Regional and National Economic Benefits Assessment prepared by Market Economics Consulting (**ME**).

28.9 The EIA commences with a "snapshot of key economic benefits", described as the quantitative economic impact of the Project on Auckland's regional economy. In summary:[128]

(a) Total direct expenditure (excluding land) of approximately $416m (comprising construction and development costs)[129] over the five-year development period;

(b) GDP net present value (**NPV**) ranging between $369m (at an 8% discount rate) and $459m (at a 2% sensitivity rate);

[126] Memorandum of Counsel on Behalf of Westhaven Residential Limited Partnership, dated 30 October 2026, at [28]-[32].
[127] AEE, at section 10.1.
[128] AEE, at section 10.1 and Appendix 16: Property Economics Economic Impact Assessment.
[129] This figure represents total direct expenditure of the development (excluding land) and comprises development costs and construction costs. Development costs are categorised in the report as "costs associated with the development of the land" whereas construction costs are the "built form costs". The EIA states that the development costs are separated out from construction costs due to the high level of capital (machinery) to labour ratio.

(c) Contribution of approximately 1,240 FTE jobs during the peak construction year within the Auckland region, with a total number of FTE years of approximately 3,400 over the development period (including both direct and indirect employment during that time).

28.10 The EIA also identified a range of qualitative economic benefits beyond the direct economic activity identified above, including:[130]

(a) Delivery of 210 residential apartments in a highly connected central city location, which the EIA characterises as a significant contribution to housing supply in the City Centre;

(b) Additional choice in the central location through providing a housing product with waterfront views and a high-quality mixed use living environment; improving market competitiveness through a meaningful increase in housing supply in the City Centre;

(c) Location in a highly connected and desirable area of the City Centre that is ideally placed to maximise the benefits of intensification, also supported by the taller height of the buildings;

(d) Agglomeration benefits, providing critical mass and an increased local population which will result in increased demand for local business and services, and increased retail expenditure and employment, which will be a net gain for the local economy. Growth from residential development is expected to act as a catalyst for further growth in the Wynyard Quarter;

(e) Flow on benefits including improved land use efficiency and more efficient use of infrastructure, support for climate change mitigation due to the Site's highly accessible location and the integration of climate adaptation features into the design.

28.11 Overall, the EIA concludes that enabling the Project under the FTAA would yield significant economic benefits for the regional economy and contribute to a well-functioning urban environment.[131]

28.12 The ME report authored by Mr Akehurst in support of the Application states that Orams Marine is the largest player in Auckland's and New Zealand's marine industry and that its ability to attract superyachts to New Zealand

[130] AEE, at section 10.1 and Appendix 16: Economic Impact Assessment, at section 7.1.
[131] AEE, at Appendix 16: Property Economics Economic Impact Assessment, at sections 2 and 7.

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with an adjacent residential accommodation offering is important to its continued success and global competitiveness. In fact, Mr Akehurst goes further and suggests that failure to secure the Project's approvals could place that competitiveness, and Orams Marine's commercial viability, at risk. In reaching this conclusion he relies on corporate evidence provided by the Orams Marine CEO,[132] and the commercial arrangements entered into between Orams Marine/the Applicant and Auckland Council by way of Development Agreement.[133] Under that Agreement, failure to obtain approvals could ultimately require Orams Marine to vacate the Site, with a consequent loss of development rights that could place the business at risk.

28.13 In relation to wider regional economic benefits that would otherwise be at risk, the ME report estimated that over 25 years, under two growth scenarios, Orams Marine could be expected to have the following impact on the regional economy.[134]

(a) Increase in household income in Auckland by a total of $663 million and over 27,000 MEC years of employment (conservative scenario);

(b) Under a high-performance scenario, these figures would rise to $835 million in additional household income and over 35,500 MEC years of employment.

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28.14 These claims, and those relating to the risks to commercial viability, were the subject of extensive questioning by the Panel as discussed in the context of our evaluation and findings.

Comments received and Applicant's response

28.15 The Minister for Economic Growth and Dr Martin, Auckland Council's independent economist, both concluded that the economic benefits are likely to be positive, though Dr Martin's support rests more on the scale/location of the Project than on the Applicant's EIA figures themselves.[135] He was critical of the EIA approach which focuses on economic impact that occurs from the construction of the development, with the main metrics used being indicative of economic activity, rather than directly measuring economic benefit. His view was that a CBA approach to quantification of costs and benefits would better assist the Panel than an

[132] AEE, at Appendix 32: Corporate Statements.
[133] AEE, at Appendix 17: Wider Regional and National Economic Benefits Assessment at sections 1 and 4.
[134] AEE, at section 10.1 (page 69).
[135] Letter from Hon Nicola Willis, Minister for Economic Growth; Memorandum of Strategic and Planning Matters for Auckland Council, Annexure 2: Economics Memo dated 17 July 2026, at page 3.

EIA alone. Dr Martin considered the most compelling benefits to be the non-monetised benefits, notably the supply of 210 residential apartments, which he considers to be regionally significant. He noted that the EIA provided no full evaluation of economic costs.[136]

28.16 The Applicant's economists and counsel defended the EIA approach as consistent with the statutory test and prior Expert Panel practice and an appropriate basis for assessing the Application's benefits.[137]

28.17 Dr Martin generally accepts that the residential component of the Project is relevant to supporting Orams Marine's competitiveness and that revenue generated from offshore sources for its services could be at risk if the industry in New Zealand falls behind the offering in other countries.[138]

28.18 Based on Dr Martin's assessment, and the planning assessment of non-economic benefits, the Council's conclusion overall is that the Project will generate substantial regional economic and social benefits that can be regarded as significant.

28.19 There was opposition to the economic narrative from a number of the Madden Street residents, who contend the economic benefits are overstated given the premium pricing of the apartments and the lack of affordable housing. The Waitematā Local Board also questioned the framing of this benefit as addressing "housing affordability" or contributing to a large permanent population, noting the apartments are unlikely to be affordable given their prime waterfront location and market price point, and may sit vacant much of the time or be used for short stays rather than by permanent residents.[139] None of these comments were supported by expert assessment.

28.20 The Applicant's response addressed these comments by noting that affordable housing provision is not itself a criterion under section 22 of the FTAA,[140] and that the Project contributes to the overall housing market function by increasing capacity, expanding choice and reducing competition for existing dwellings within that market segment.[141]

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[136] Annexure 2: Economics Memo as above, at pages 4 and 6.
[137] Memorandum of Counsel dated 4 August 2026, paragraphs 20 – 25 and Attachment C: Economic Memorandum.
[138] Memorandum of Strategic and Planning Matters for Auckland Council dated 28 July 2026, at page 53 and Annexure 2: Economics Memo, at page 2.
[139] Memorandum of Strategic and Planning Matters for Auckland Council, Annexure 21: Waitematā Local Board Comments (dated 15 July 2026).
[140] Memorandum of Counsel, dated 4 August 2026, at [14]-[16].
[141] As above, Attachment C: Economic Memorandum, at page 2.

Independent report commissioned by Panel

28.21 As recorded in Minute 5, the Panel commissioned Dr Tim Denne as a specialist technical adviser to provide an independent review of the economics assessments.[142] His report, in summary, questioned some of the Applicant's assumptions and conclusions, as follows:

(a) The EIA was undertaken in gross terms, assuming all GDP and employment impacts are additional with no regard to displacement that would occur if some or all resources would have otherwise been used for another activity;

(b) A number of benefits and costs have not been monetised (but could have been), in the context of an estimate of impact on wellbeing, ie public benefit. The FTAA's purpose is to facilitate projects with significant benefit; the generation of those benefits defines whether the specific economic activity is desirable, not the activity itself;

(c) The community receives a benefit when lives are made better because of the project. That assessment requires consideration of what would have happened without the project, ie a counterfactual scenario. This was not done;

(d) The EIA does not consider the relevance of foreign ownership and the extent to which some economic benefits will not occur in New Zealand;

(e) There is no quantitative assessment of the commercial viability risks to Orams Marine of the Project not being approved. Publicly available information as to the long-term growth outlook for Orams Marine makes it difficult to conclude that the business could be at risk such that the benefits of its future economic growth should be assessed as a benefit of the Project;

(f) While Dr Martin (for Council) and Dr Denne agree that 210 apartments is significant in a Local Board Area context (with an average of 254 apartments consented over the past 4 years), Dr Denne is not persuaded that that contribution equates to significant benefit across the wider Auckland region, which has seen consented

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[142] Economics peer review by Tim Denne, dated 25 August 2026.

residential buildings of over 16,500 per annum over the same period;

(g) Whether there are net benefits depends on the extent to which any surpluses (profit less cost of capital) remain with New Zealand owners, consumer surplus benefits via pricing of quality apartments in a desirable location, and external benefits (agglomeration, lower transport externalities etc) exceed the external costs of the apartments on other local residents. A net benefit to the developer and apartment owners is expected, but net benefit to the wider community depends on the estimated size of the adverse impacts;

(h) An attempt should be made to identify and quantify the costs and benefits under a CBA approach or, where that is not possible, that should be acknowledged. This should include a counterfactual scenario setting out what might be expected to happen absent the development, and the resulting economic impacts.

Requests for further information and Applicant response

28.22 The Panel sought further information in relation to the Development Agreement referred to in the ME report, which was provided in summary form by the Applicant following a non-publication order under section 42 of the RMA to protect commercially sensitive information. The redacted summary confirmed the following:

(a) The Development Agreement specifies the nature, form, bulk and general height parameters of the required residential development;

(b) The concept design is regulated by "essential outcomes" addressing matters such as building form, openings and ground floor activation, and comprises approximately 200 homes across the Beaumont Building (approximately 72 homes), the Marina Building (approximately 18 homes) and the Tower Building (approximately 110 homes), with any modifications (including as to height, bulk, location or external appearance) requiring the Council's written approval;

(c) The Development Agreement imposes a structured series of timing obligations, including a Project Commencement Requirements Sunset Date, a Works Commencement Sunset Date and a Practical

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Completion Sunset Date, with the Applicant's ability to extend some (but not all) of these dates in limited circumstances;

(d) Failure to meet these obligations does not automatically terminate the Development Agreement in every case but gives the Council a right to terminate following notice. This would also terminate the underlying ground lease and could require demolition or result in improvements vesting in the Council without compensation.

28.23 The Panel posed further questions following this response and arising out of Dr Denne's report, including as to the absence of a counterfactual scenario for the Site absent the Project, the treatment of foreign ownership in the economic assessment; the relevance of the Development Agreement to the commercial viability of Orams Marine and the regional significance of the Project's housing contribution. The Panel also sought a CBA approach to specific matters identified in Dr Denne's report, where possible.

28.24 The Applicant provided its comprehensive response to these matters in the following terms[143]:

(a) The most likely counterfactual is that the Site remains a carpark because development of the site is "commercially unviable under the height standard imposed by the AUP"[144] and "we cannot consider all hypothetical possibilities" such as a "different developer seeking resource consent with potentially lower upfront costs". The Applicant's legal counsel then advanced a permitted baseline argument to support the lack of a counterfactual, notwithstanding that a well-developed counterfactual would record a range of assumptions about consent requirements;

(b) The issue of foreign ownership is not relevant to the EIA or benefits assessment;

(c) The location of a FTAA project is critical to considering its regional significance, so it is not valid to minimise the benefit of 210 units in the City Centre/Wynyard Quarter location. These are premium apartments with a high capital outlay on a rare waterfront site, and

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[143] Memorandum of Counsel on Behalf of Westhaven Residential Limited Partnership, above n 126, Attachment A – Property Economics memorandum, and Attachment B – Market Economics memorandum.
[144] As above, Attachment A – Property Economics memorandum, at page 1, in reliance on Attachment I – Corporate Statements, at [9]-[12].

represent a genuine addition to Auckland's housing supply because they are within a scarce and distinct segment of the market;

(d) A CBA is not required or appropriate under the FTAA framework due to the "risk of obscuring important information to the Panel and misvaluing important factors (such as cultural, environmental and social) for FTAA consideration";[145]

(e) Nevertheless, an attempt has been made to calculate the costs and benefits identified by Dr Denne (set out in Appendix 1 to the PE memorandum).

28.25 In respect of Appendix 1, it is worth noting that the PE commentary makes the following observation: [146]

"… it is highly unlikely that any housing project would reach the level of being "regionally significant" when considered through a CBA".

28.26 Dr Denne provided brief further commentary on the Applicant's response, in the following terms[147]:

(a) While the updated PE and ME analyses provides some useful additional information, they still fail to adequately demonstrate how much of the economic activity attributed to the Project and to Orams Marine's future growth represents an additional net economic benefit, rather than activity that would occur elsewhere or under a different scenario;

(b) The counterfactual has only been partially examined; the claim that the Site would remain a carpark is not fully justified. No alternative use of the Site with a development that meets current restrictions has been examined, even if it would require resource consent;

(c) Total additional housing supply has been calculated in Appendix 1 (and found to be less than 210 apartments);

(d) The conclusion in Appendix 1 that the market value of the properties is $570m still regards that value as a benefit, but it has not been calculated net of the resource costs of construction;

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[145] Property Economics memorandum, above n 143, at page 4.
[146] Market Economics memorandum, above n 143, at page 6.
[147] T Denne, 188 Beaumont Street Fast-track Application: Review of Updated Economic Analyses, dated 10 November 2026.

(e) Assessment of possible housing market effects, transport savings and agglomeration benefits are useful;

(f) The ME further information on the relationship between the residential development and Orams Marine, including the Site remediation arrangements, helps explain the commercial rationale for the Project, but does not establish the extent to which Orams' future operations depend on it.

28.27 For the Council, Dr Martin agreed that the additional information provided by PE and ME is useful for the Panel. While he agrees that a full CBA is not required, he reiterates his disagreement with the Applicant's "*apparent reluctance to use economic analysis to inform [the Panel's ultimate balancing exercise] through a more systematic consideration of benefits and costs*".[148] He regards the "carpark" counterfactual as a plausible conclusion (while noting that the infeasibility of development is not proven), and restates his view that the Project is likely to be significant given "*the amount of development in the local board area in general, the lack of development specifically in the city centre, and a small number of developable sites in the city centre more generally*".

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28.28 Given the role of the City Centre in the regional economy, Dr Martin considers that a development that is significant in the City Centre is likely to generate benefits of regional significance, particularly where it contributes to housing supply in a relatively constrained and distinctive segment of the market. [149]

28.29 Finally, in relation to the issue of Orams Marine's commercial viability, Dr Martin concludes that the evidence provided by the Applicant does not appear to establish the extent to which the continued operation of Orams in New Zealand is dependent on the approval of the Application through the FTAA process.[150]

Evaluation and findings

28.30 As indicated in our introductory comments to this Part, the Panel does not accept the Applicant's view that only an EIA approach can properly provide Expert Panels with the assessment of benefits (and their extent) that they

[148] S Martin, Comments from Council's economics specialist in relation to the additional economic memoranda lodged by the Applicant, dated 9 November 2026.
[149] As above, at page 2.
[150] As above, at page 3.

must undertake. In our view each approach has a role to play, and we agree with Dr Martin that a reluctance to deploy at least some aspects of a CBA essentially hampers the task faced by Expert Panels by failing to provide a robust framework for assessment of costs and benefits in comparable terms. The Applicant has continued to rely on measures of gross economic activity and has given little attention to net benefits in economic terms.[151]

28.31 The gross economic activity measures themselves are not overly compelling in our view, particularly when compared with the economic activity generated by other FTAA projects that share similar context. The Downtown Carpark Development, for example, was a proposal advanced by Precinct Properties (one of the Applicant's partnership entities), located in the Auckland City Centre on a waterfront-adjacent site approximately 1-2km from the Project Site. The benefits were accepted as regionally significant, and nationally significant in aggregate, principally on the basis of an EIA (undertaken by PE) that quantified total direct expenditure over the development timeframe of approximately $1.635 billion, with regional GDP NPV of approximately $1.48 billion (at 8% discount rate) and approximately $1.98 billion at a 2% sensitivity rate.[152] This level of economic activity is an order of magnitude greater than that assessed for this Project.

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28.32 We remain concerned at the lack of effort to present the net economic position, notwithstanding the reluctant effort undertaken by PE to bring a CBA approach to the key benefits and costs identified by Dr Denne. Ultimately, the Panel considers that it has not been assisted in its task as well as it could have been by the Applicant and its economic advisers.

28.33 The Panel accepts that the Project will increase housing supply and choice within the City Centre and that this is a benefit of the Project. Dr Martin's view that this is regionally significant because of the role of the City Centre in the regional economy is somewhat compelling, but on balance, and having regard to the Applicant's acknowledgement that total *additional* supply would be less than 210 apartments,[153] we think the Project's housing contribution can only be regarded as a moderate contribution to overall housing supply within the region. In our view, the significance of this benefit has been overstated.

[151] As above, at page 3.
[152] Downtown Carpark Expert Panel Decision, 5 August 2026, sections 33 and 35.
[153] Property Economics memorandum, above n 143, at Appendix 1.

28.34 It is clear from the ME report and various responses provided by the Applicant to our questions and RFIs that Orams Marine has incurred substantial cost in remediating historic contamination on the Site and is reliant on this Project to provide an acceptable commercial return on that investment. To achieve that outcome, it has, in entering into the Development Agreement with its business partner Precinct Properties, accepted a level of commercial risk, including the risk that resource consent for the Project would be declined. If that were to occur, it appears that some conditions in the Development Agreement would not be met within the relevant time periods and that, ultimately, Auckland Council would be able to exercise its contractual remedies to terminate the Agreement and revoke the Applicant's development rights, leaving Orams/the Applicant with no ability to recoup its investment as intended.[154]

28.35 All this is acknowledged. But in the Panel's view, there has been little effort to demonstrate that the realisation of that risk could, in a causative sense, lead to commercial failure or other wider economic consequences of any magnitude such that we should take them into account in the extent of benefits analysis. We agree with Dr Martin's observations on this issue.

28.36 Similarly, while the ME report attempts to link the Project with projected growth in Orams Marine's business over the next 25 years, we consider that to be an overreach. Orams Marine is commercially successful for many reasons; while its ability to offer adjacent accommodation will clearly bolster its offering (and competitiveness), it is not clear that this Project represents the only means of achieving that bolstered offering.

28.37 At best, the Panel is prepared to accept that a decline of consent for the Project could potentially have an impact on the 25-year projected growth scenarios, all other things being equal and absent alternative commercial strategies to mitigate that impact (such as, for example re-negotiating the Development Agreement with Auckland Council). Beyond that, we are not persuaded that the alleged threat to commercial viability is relevant to the benefits assessment under the FTAA, or that potential risks to future projected growth have been sufficiently established. As Dr Denne observed, Orams' majority owner has publicly described Orams Marine as highly profitable, on a strong growth trajectory with a robust forward order

[154] Minute 10, dated 27 August 2026; Appendix B: Memorandum of Counsel in response to Minute 7, dated 24 August 2026.

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book, well-positioned for sustainable long-term growth.[155] These statements are difficult to reconcile with a claim that the viability of the business is at imminent risk, or that forecast future revenue generation would not occur.

28.38 In relation to other benefits that require qualitative evaluation, the Panel makes the following findings:

(a) The Project will make more efficient use of an existing under-utilised site in a strategic waterfront location within Wynyard Quarter, establishing a defined and somewhat active built edge to both Jellicoe and Beaumont Streets, and opening up public access to and along the coastal marine area at the western edge of the Site;

(b) The Project will support continued regeneration and development of the Wynyard Quarter, and support the Council's intensification policy direction for the City Centre, thereby giving effect to the NPS UD, in a manner that takes advantage of the 'marker building' intentions for the Site and the lack of viewshaft constraints;

(c) With its location within a relatively well-connected area of the City Centre, the Project creates benefits from more efficient utilisation of transport infrastructure and from reduced emissions in a climate change mitigation context as a result of reduced reliance on private vehicles by apartment residents;

(d) There are flow-on benefits from the Project, which will enable more people to live proximate to employment and economic activity. Additional residents will strengthen demand for local retail, hospitality and services.

28.39 Overall, the Panel finds that the extent of the benefits claimed for the Project can be appropriately described as moderate, rather than significant, in a regional context.

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[155] Economics peer review by Tim Denne dated 25 August 2026, section 2.3.2.

PART G: STATUTORY DOCUMENTS AND PLANNING FRAMEWORK

29. NATIONAL POLICY STATEMENTS

29.1 The AEE addressed the relevant statutory documents and identified relevant provisions. To avoid repetition, this section of the decision report focuses on the documents and provisions of particular relevance to the Application and the comments received. The Panel also relies on the findings we have made earlier in this decision in relation to effects and the conditions we have decided to impose in support of the conclusions reached on relevant planning provisions.

30. NATIONAL POLICY STATEMENTS

30.1 The relevant National Policy Statements that we must take into account are:

(a) National Policy Statement on Urban Development 2020 (**NPS UD**);

(b) New Zealand Coastal Policy Statement 2010 (**NZCPS**); and

(c) National Policy Statement for Natural Hazards 2025 (**NPS NH**).

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NPS UD

30.2 The overarching purpose of the NPS UD is to ensure our towns and cities are well-functioning urban environments that respond to the changing needs of diverse communities. Policy 3(a) includes the requirement to realise as much development capacity as possible in the city centre zone.

30.3 Section 13.2.1 of the AEE identifies and assesses the Application against the relevant provisions of the NPS UD, summarising that the project will add to development capacity for housing and contribute to well-functioning urban environments, and the Council agrees that the proposal is generally consistent with this statement.[156]

30.4 The Panel agrees with the Applicant's overall assessment of the Project against the objectives and policies of the NPS UD. The Site benefits from good access to a wide range of employment opportunities, services, amenities and public transport and the Wynyard Precinct's cycleway and walkway network. Access to regular bus services provides connectivity to Waitematā Train Station, rapid transit bus services and the Auckland

[156]Memorandum of Strategic and Planning Matters for Auckland Council, dated 28 July 2026, at [57].

Downtown Ferry, giving it good accessibility to jobs, community services and open space.

30.5 These attributes support a well-functioning urban environment and contribute to broader community outcomes (Objectives 1 and 3 and Policy 1). The mix of housing types will respond to the changing needs of communities and future generations (Objective 4) and provide short-term accommodation for customers utilising the services at Orams Marine. In addition, the proposal has also been designed to respond to current and future climate change effects (Objective 8).

NZCPS

30.6 The NZCPS states national policy for achieving the purpose of the RMA in relation to New Zealand's coastal environment. The AEE accepted that the NZCPS is relevant because the Site and broader Wynyard Quarter is reclaimed land that is surrounded on three sides by the sea and includes the coastal marine area further to the west and the north.

30.7 The AEE highlights that the natural character of the coastal environment is already highly modified given the urbanised setting and the former marine-industrial character of the site. It concludes the proposed development will not erode the natural character of the coastal environment but will be consistent with the surrounding character of the water's edge (NZCPS Objective 2 and Policy 13).

30.8 Council's planning memorandum does not specifically consider consistency with the NZCPS. However, the Council's coastal processes expert expressly references NZCPS Policy 25 (avoiding increased risk from development in coastal hazard areas over at least the next 100 years) and Policy 24 (requiring coastal hazard assessments based on best available information) and considers the Applicant's coastal erosion assessment to be proportionate and appropriate for the location.[157]

30.9 The Panel considers that the dispute between the Applicant and the Council in relation to the adequacy of the long-term safe-refuge strategy for coastal inundation is relevant to NZCPS Policy 25, which requires that risk from coastal hazards not be increased over at least a 100-year timeframe.

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[157] Annexure 17 – Coastal Specialist Memo, at section 6.1.

However, in our view that divergence of opinion does not alter the Project's general consistency with the NZCPS.

NPS NH

30.10 The NPS NH came into force on 15 January 2026 and applies to flooding, landslips, coastal erosion, coastal inundation, active faults, liquefaction and tsunami.

30.11 Applying the NPS NH risk matrix, the geotechnical report confirms there are no known active faults or landslip/landslide hazards at the site requiring a risk assessment, and for liquefaction the risk is assessed as 'low' in both a 1-in-500-year earthquake scenario (unlikely likelihood, minor consequence) and a rarer 1-in-500-to-1-in-5,000-year event (rare likelihood, moderate consequence).[158]

30.12 The coastal and flood hazard risk assessment confirms the Project is low risk for both coastal inundation and flooding over the next 100 years in terms of building damage and life safety. There is a medium risk of property damage for the maximum credible tsunami with flood depths of around 1.8m that include sea level rise for the high emission scenario at 2130, but with the safe refuge plan the assessment concludes the risk for injury or fatality is low.[159]

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30.13 Council did not dispute the Applicant's NPS NH risk assessment or its conclusions on geotechnical hazards, flooding, or tsunami risk, however it flagged an unresolved information gap around whether the safe refuge approach adequately satisfies the NPS NH's risk-based approach.[160]

30.14 With reference to the risk levels identified in the relevant technical reports, the Panel considers the Project to be consistent with the overall objective of the NPS NH that “natural hazard risk to people and property associated with subdivision use and development is managed using a risk-based proportionate approach” (Objective 2.1).

31. NATIONAL ENVIRONMENTAL STANDARDS

31.1 The Application requires consent as a Restricted Discretionary Activity under Regulation 10 of the National Environmental Standard for Assessing

[158] AEE, at section 13.3.1, Appendix 11: Geotechnical Assessment at section 5.6.
[159] AEE, at section 13.3.1, Appendix 11: Geotechnical Assessment; and Appendix 12: Coastal and Flood Hazard Risk Assessment, at section 6.2.
[160] Memorandum of Strategic and Planning Matters for Auckland Council dated 28 July 2026, at [60].

and Managing Contaminants in Soil to Protect Human Health 2011 (**NESCS**) because contaminants are present above the applicable standards for the protection of human health and the site requires remediation.[161]

31.2 The Detailed Site Investigation and Site Management Plan[162] sets out the mitigation measures and health and safety practices to be implemented during the handling of contaminated soils and remediation of the site. Conditions of consent are proposed to ensure these measures are implemented, do not result in significant risks to human health and accord with the NESCS.

31.3 Council's contamination expert generally agrees with the findings and concludes that the contamination risks from the site's former industrial use can be appropriately managed through the Site Management Plan, further vapour investigations, construction management measures and the recommended consent conditions.[163]

31.4 The Panel accepts the Applicant's conclusion regarding consistency with the NESCS.

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32. REGIONAL AND DISTRICT PLANNING FRAMEWORK – GENERAL COMMENTS

32.1 As required by Schedule 5, clause 5(1)(h) of the FTAA, an assessment of the relevant statutory plans has been included within the AEE, principally in section 13.4, with the full objectives and policies assessment provided in Appendix 30. We have reviewed that material, together with the Council comments and the Applicant's response.

32.2 Before addressing the key matters in the following sections, the Panel notes that the Application was prepared under the Auckland Unitary Plan (Operative in Part). The AUP became fully operative on 23 July 2026, after the Application was lodged. The Applicant and Council confirmed in their responses to Minute 14 that all references to the Auckland Unitary Plan (Operative in Part) can now be read as references to the Auckland Unitary

[161] Memorandum of Strategic and Planning Matters for Auckland Council dated 28 July 2026, Annexure 8 – Contamination and Hazardous Facilities Risk at page 4.
[162] AEE, Appendix 13.
[163] Memorandum of Strategic and Planning Matters for Auckland Council dated 28 July 2026 at paragraph 171 and Annexure 8: Contamination and Hazardous Facilities Risk at section 5.

Plan (Operative) and that their respective planning assessments remain valid.[164]

Plan Change 79 and Plan Change 120

32.3 The two plan changes to the AUP of relevance to this Application at the time of lodgement were Plan Change 79 (**PC79**) and Plan Change 120 (**PC120**). PC79 was settled by way of consent order in May 2026 and its provisions have been incorporated within the AUP.

32.4 PC120 was publicly notified on 3 November 2025 to manage housing intensification and to strengthen the natural hazards provisions. While the City Centre zone is excluded from the housing intensification component of PC120, as it was previously addressed through PC78, the Site is affected by the resilience component of PC120. Certain rules regarding natural hazards have immediate legal effect from 3 November 2025. This required the Application to address the notified amendments to objectives and policies which seek to provide a more targeted approach to natural hazard management in the Auckland region.

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32.5 PC120 triggered several additional consenting and assessment requirements for the Site given its location and land use activities within the coastal inundation hazard area, high flood hazard area, the 1% AEP floodplain/flood prone areas and resulting non-complying and discretionary activity status for certain buildings, retaining walls and other structures. The AEE concludes the proposal is nonetheless consistent with the objectives and policies introduced by PC120. Council's expert generally supported the Applicant's PC120 risk assessment but had some reservations as to whether the proposed approach relating to safe egress and safe refuge fully satisfies the intent of the PC120 provisions.

32.6 The Panel generally accepts the Applicant's assessment in relation to PC120 and refers to its findings in Part E: 'Effects of the Project on the Environment' above in relation to the safe refuge issue.

AUP Regional Policy Statement (RPS)

32.7 The Applicant's AEE concludes that the Application is generally consistent with the RPS, and supportive of the provisions relating to urbanisation. It finds consistency with Chapter B2 (Urban Growth and Form) on the basis

[164] Memorandum of Counsel on Behalf of Westhaven Residential Limited Partnership, dated 28 September 2026, at [7]-[8]; Auckland Council Response to Expert Panel Minute 14, dated 28 September 2026, at [10]-[12].

that the Project involves a high-quality mixed-use development, new public realm and coastal access, and it supports public transport effectiveness; with Chapter B3 (Infrastructure, Transport and Energy) through efficient use of existing infrastructure investment; with Chapter B6 (Mana Whenua) through iwi consultation and engagement; and with Chapter B10 (Environmental Risk) because flood, coastal hazard and contamination risks have been assessed and are managed to a low or negligible level through building design and the employment of a Site Management Plan.[165]

32.8 The Council agrees the proposal is broadly consistent with the relevant provisions of Chapter B2 of the RPS but may not fully respond to the intrinsic qualities and physical characteristics of the site and its setting (Objective B2.3.1(1)(a)); may not adequately recognise the specific locational requirements of certain industrial activities (Objective B2.5.1(3)(d)); and may not avoid, remedy, or mitigate significant adverse effects on open spaces and recreation facilities (Policy B2.7.2(7)), due to the identified infringements.[166]

32.9 Apart from Chapter B2, the Council generally agrees that matters relating to Chapters B3 and B6 have been adequately assessed. With regards to Chapter B10, it was the Council's assessment that the information provided generally demonstrates consistency with the relevant provisions, however, they consider there is an information gap with the proposed reliance on a safe refuge approach as the long-term response to the risk of coastal inundation. [167]

32.10 We agree that the proposal generally aligns with Chapter B2, specifically aligning with Objectives B2.2.1(1A), (1), (4) and (5); Policy B2.2.2(5); and Objectives B2.4.1(1) and (3). With regards to the inconsistencies noted by the Council in relation to the quality built environment provisions in B2.3, the commercial and industrial growth provisions in B2.5, and the open-space and recreation-facility provisions in B2.7, we find that the revised design resulting in a reduction to the perceived bulk and dominance of the Tower Building adequately responds to the intrinsic qualities and physical characteristics of the Project's setting. Our findings on this are discussed further in Part E: 'Effects of the Project on the Environment'.

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[165] AEE, at sections 13.4.2 and 13.4.3.
[166] Memorandum of Strategic and Planning Matters for Auckland Council dated 28 July 2026 at [63]-[64].
[167] As above, at [65].

32.11 Further, the locational requirements of marine-related activities will continue to be enabled along the western edge of the Wynard Precinct and there is sufficient land supply for marine activities and marine retail to operate. Lastly, the building design will not result in significant adverse shading effects on the adjoining open space amenity at Silo Park.

32.12 We find that the further justification given with regards to the appropriateness of safe refuge as the long-term response to the coastal inundation risk is satisfactory because egress from the property can be permitted for a number of decades before egress will become unsafe for a period of hours; at which point the building has been appropriately designed to ensure there is no risk to life, injury or significant property damage. In doing so, this design response improves resilience to the effects of climate change. We therefore conclude that the Project is consistent with the relevant environmental risk outcomes of Chapter B10.

AUP Regional and District Objectives and Policies

32.13 The Application assesses the Project against the following identified relevant provisions contained in the Regional and District Plan provisions:

(a) Chapter E7 Taking, Using, Damming and Diversion of Water and Drilling;

(b) Chapters E11 and E12 - Land Disturbance - Regional and District;

(c) Chapter E23 - Signs;

(d) Chapter E25 - Noise and Vibration;

(e) Chapter E27 - Transport;

(f) Chapter E30 - Contaminated Land;

(g) Chapter E36 - Natural Hazards and Flooding;

(h) Chapter E38 - Subdivision Urban;

(i) Chapter E40 - Temporary Activities;

(j) Chapter H8 - Business City Centre Zone;

(k) Chapter I214 Wynyard Precinct.

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32.14 Overall, the AEE concludes the proposal is consistent with, and not contrary to, the applicable AUP provisions. It finds consistency with the transport, contaminated land, and natural hazards chapters given the integrated transport design, Site Management Plan and risk mitigation measures, and with the City Centre zone objectives due to the high-quality, well-connected design. For the Wynyard Precinct, it acknowledges the buildings exceed standard height controls but argues this aligns with the precinct's marker-building policy, which anticipates site-specific taller buildings of high architectural quality, making the mixed-use development an appropriate outcome for Sub-precincts C and E overall.[168]

32.15 Council agrees the proposal is broadly consistent with the AUP but identifies specific tension in the Wynyard Precinct provisions arising from the proposed building bulk and height, the reduction in marine and port floorspace opportunities, and the loss of open space amenity at Silo Park. As outlined above, Council's Policy Planner maintains the proposal is inconsistent with the objectives and policies supporting marine and port activities at this location however Council notes its overall recommendation weighs these impacts against benefits rather than resting on planning inconsistency alone.[169]

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32.16 Overall, there is substantial agreement in respect of most AUP chapters, however, the key outstanding policy issues relate to the lack of marine floorspace within the proposal and the height of the Tower Building, above the maximum height standards specified in the Wynyard Precinct provisions.

32.17 The memorandum prepared by the Council's Policy Planning expert Ms Lucas concludes that the proposal is contrary to objectives and policies of both the underlying zone and the Wynyard Precinct because it fails to provide for the intended marine and port-related activities in this location. Further, as the building heights exceed the development height anticipated within the Wynyard Precinct, Ms Lucas considers the proposal is contrary to the Precinct's policy direction to transition height down to the coastal edge.[170]

[168] AEE, at page 37.
[169] Memorandum of Strategic and Planning Matters for Auckland Council, dated 28 July 2026, at [66]-[68] and [79]-[80].
[170] Annexure 1: Policy Planning, at section 6.

32.18 As discussed in Part E: 'Effects of the Project on the Environment', Ms Skidmore, the independent urban design expert appointed by the Panel, likewise considered that the Tower Building does not achieve a suitable transition in height from the core of the City centre down to the harbour edge which is a direct tension with policies I214.3(3)(b) and I214.3(3)(d) of the AUP.[171]

32.19 The Applicant acknowledges that the marine floorspace and maximum height standards are infringed but contends the Project is not contrary to the objectives and policies, when read as a whole. On marine use, it considers that the precinct provisions protect the marine industry's function at a precinct-wide scale rather than requiring marine activity on every site, relying on economic evidence that existing marine floorspace elsewhere in the Wynyard Quarter exceeds demand for 15 years and that marine activities are relocating away from waterfront locations. On height, it argues the Site's marker-building status and the Tower's articulated, stepped form achieve the transition and landmark outcomes the policies seek, notwithstanding the numerical exceedance.[172] The Applicant's legal submissions add that even if inconsistency were found, section 85(4) of the FTAA would prevent that alone from justifying a decline under section 85(3).[173]

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Discussion of key issues - marine floorspace and height

32.20 In our view, the two key matters in contention are inconsistency with the AUP provisions relating to marine floorspace and height, including the appropriateness of the height transition from the city centre.

32.21 Before setting out our findings on that assessment, we first provide some further background on the marine floorspace requirements and the Wynyard Precinct height controls in the context of the Wynyard Precinct provisions.

Wynyard Precinct Provisions

32.22 The Panel notes that the purpose of the Wynyard Precinct is to:

> provide for the comprehensive and integrated redevelopment of this large brownfields area while enabling the continued operation of marine industry and hazardous industry.

[171] RA Skidmore Urban Design Limited, Advice to Consenting Panel, 25 August 2026, at [7.4].
[172] Attachment E, Planning Memorandum, 4 August 2026, sections 1 – 3 and Tables 1 and 2.
[173] Applicant's Memorandum of Counsel – Response to Comments dated 4 August 2026, at [44]-[45].

32.23 Further, the precinct provisions acknowledge that the well-established marine and port related activities in the precinct are evolving and that the environment is now characterised by a mix of activities and development, with a marine focus along the western edge of the precinct, where it will continue to play an important economic and social role for the area.

32.24 The Panel observes that the Site is located within two sub-precincts, being sub-precinct C and sub-precinct E. The purpose of each sub-precinct area is not specifically discussed within the provisions, as is often the case in other AUP precincts. In considering the key activities proposed for the Site, dwellings or visitor accommodation requires resource consent as a non-complying activity in sub-precinct C and as a restricted discretionary activity in sub-precinct E.[174] Food and beverage greater than 100m^2 gross floor area per site is a discretionary activity in sub-precinct C and a restricted discretionary activity in sub-precinct E.[175] Retail tenancies with sizes ranging between 176m^2 – 265m^2 across the ground level of the building is a non-complying activity in sub-precinct C and a restricted discretionary activity in sub-precinct E.[176]

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Marine Floorspace Requirements

32.25 In relation to the land use activities sought to be established on the Site, we note that the majority of the Site is subject to an additional activity restriction (Precinct Plan 7) which limits the portion of the Site located within sub-precinct E (measuring an area of 75m wide by 45m deep) to marine and port activities and marine retail only, and to a height of 18m above ground level. Notably, this is the only location within the Wynyard Precinct that is subject to this rule.

32.26 The Panel is conscious that despite the above planning provisions, the Development Agreement between Auckland Council (as Lessor) and the Applicant specifies the nature, form, bulk and general height parameters of a required residential development for the land, although the summary of

[174] Activities marked # in I214.4(3) Activity table are deemed to be risk-sensitive activities and are subject to additional assessment. Within Area 1 and Area 3 shown on Precinct plan 10, the activity status of activities marked * in the activity table applies until the date when all hazardous industry located within Sub-precinct F discontinue operation. After that time, those activities are permitted unless an alternative activity status not marked * is shown.
[175] As above.
[176] As above.

the Development Agreement provided by the Applicant to the Panel did not provide all of those details.[177]

32.27 Specifically, as discussed in Part F above, the Development Agreement requires a residential apartment building comprising approximately 200 homes within three primary building elements and a shared carparking podium as follows:

(a) Beaumont Building — approximately 72 homes;

(b) Marina Building — approximately 18 homes;

(c) Tower Building — approximately 110 homes.

32.28 The Development Agreement does not appear to require the Applicant to provide for any marine or port related activity or retail to occur on the Site.

Height controls

32.29 The Wynyard Precinct provisions set out a range of heights, which were established with reference to the Wynyard Quarter Urban Design Framework, although we note that the maximum height limits have been exceeded in recent times by a number of individual development projects through resource consents.[178]

32.30 This pattern has led to requests for further building height being sought across Wynyard Precinct through recent plan change processes, including the current direction by the Government to revisit the height limits in this location, as well as across the City Centre.

32.31 PC78 received a number of submissions seeking increased heights in the Wynyard Precinct, including from Eke Panuku. Orams Marine also submitted on PC78 to increase the height standards for the Site from 10m/52m/31m (52m being the existing marker building site) to 25m/72.5m/35m and incorporating a 10m setback from the harbour edge to properly recognise the unique location, vibrancy, and existing and planned development of the Wynyard Precinct. It was the only submitter seeking a height increase for the Site through PC78.[179]

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[177] Memorandum of Counsel on behalf of Westhaven Residential Limited Partnership dated 24 August 2026, Attachment A – Response to Panel Minute 7, at [12]. Refer also to Part F of this Decision for further discussion in relation to the Development Agreement.
[178] Urban Design, Landscape and Visual Effects – Joint Witness Statement, dated 11 September 2026, at [5.2(a)]; Memorandum of Counsel, above n 126, Attachment F – Planning Memorandum, at Appendix 1.
[179] Minute 10, Appendix C, at [5].

32.32 The Independent Hearings Panel (**IHP**) recommendations on the PC78 – Business City Centre Zone and its precincts (including the Wynyard Precinct) were provided to the Council on 8 May 2025. With regard to a height increase on the Orams site, the IHP recommended:[180]

> an increase to 18m for the western portion which is largely consistent along the harbour's edge through Sub-precinct C and reinforces the approach of building heights stepping down to the harbour's edge, **and 62m for the central marker building** to uphold its primacy in the hierarchy of visual legibility. We would not recommend an increase for the eastern portion to maintain Precinct height consistency with the adjacent site to the east (emphasis added).

32.33 All recommendations of the IHP on the City Centre provisions were adopted by the Council for the reasons set out in the IHP Recommendation Report.[181]

32.34 More recently, in February 2026, the Policy, Planning and Development Committee endorsed the preparation of a plan change to enable a building height and built form review, the realignment of public open space and Council-owned development sites, and other relevant changes to the Wynyard Precinct provisions.

32.35 The Applicant's memorandum of counsel dated 19 August 2026 provided some commentary on this prospective plan change[182] and the Panel subsequently issued a request for further information from the Council.[183] The Council response confirmed that: [184]

(a) The Site is not identified as a location where an indicative 80m marker building height is being investigated. The review process currently anticipates an indicative maximum height of 62m for the central marker building on the Site;

(b) the Applicant was not consulted on the Wynyard Precinct built form review regarding a height uplift on the Site, but is regarded as a key stakeholder for the proposed plan change; and

(c) that the plan change is indicatively expected to be publicly notified in November 2026, subject to a plan stop exemption from the Minister.

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[180] PC78 – Recommendation Report Hearing Topics City Centre, City Centre Precincts and relevant Qualifying Matters, at [682].
[181] Auckland Unitary Plan – Proposed Plan Change 78 – Decisions on Independent Hearing Panel recommendations for City Centre dated 22 May 2025, Item 7.
[182] Memorandum of Counsel dated 19 August 2026, at [9]-[13].
[183] Minute 7 dated 17 August 2026, at [8].
[184] Minute 10, Appendix C, at [12]-[18].

32.36 A Council staff review of the precinct provisions that led to this process confirmed that:[185]

> The current built form controls are outdated, and are inconsistent with other parts of the city centre. In addition, recent resource consent applications and approvals that have sought to exceed the existing height and floor area ratio controls have demonstrated that some additional height can be accommodated without challenging the Precinct's key built form principles.
>
> Staff recommend that the built form provisions are modified, while retaining the core approach of generally lower building heights around the coastal edges and taller buildings in the interior. Simpler standards that control building heights and form, such as setbacks from road for parts of buildings over 31m and floorplate dimensions for taller buildings that will help to integrate new development with the existing mid-rise development pattern of the precinct will be investigated as the plan change provisions are finalised.
>
> Staff also recommend an uplift in building height controls for the central part of the precinct from 31m to 45m (an additional three to four storeys) and an increase to the 'marker' building sites that are undeveloped from 62m to 80m (an additional five storeys) to highlight their location on the waterfront and park axis. The recommended height controls are consistent with the original design principles for Wynyard precinct, and would not infringe any existing maunga viewshafts.

32.37 The Auckland Deal, signed by Central Government and Auckland Council on 10 April 2026, also provides useful context to the issue of height. The Deal sets out how the parties will align planning, infrastructure investment and economic development over the coming decades.

32.38 The parties have agreed to work together on priority growth areas, and the Auckland City Centre is identified as Growth Area 3. The Deal provides for the Council, supported by Central Government, to revitalise the City Centre as an economic hub and thriving residential precinct, leveraging the City Rail Link, private investment and public realm renewal.[186] This will involve the implementation and completion of the Wynyard Quarter development, including the waterfront park (referred to as the headland park) as part of the Waterfront transformation programme.

32.39 In response to the Auckland Deal, the Minister Responsible for Resource Management Reform investigated specified AUP provisions applying in Auckland's City Centre, concluding that they constrain development capacity and that amending them could support additional housing, employment, productivity and economic benefits in the City Centre.

32.40 Of direct relevance to the Wynyard Precinct, the investigation report recommends enabling unlimited height under the general building-height standard across most of the City Centre Zone, unless another height

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[185] Policy, Planning and Development Committee dated 2 July 2026, Item 8.3, at [28]-[30].
[186] Auckland Deal Schedule April 2026, at page 14.

restriction applies; removing the maximum tower dimension, boundary setback and separation standards and the maximum east-west tower dimension standard; removing building frontage heights and setback from boundary requirements and removing site-intensity/floor area ratio standards.[187]

32.41 The Government sought feedback on the recommendations in the investigation report and is currently deciding whether to make regulations to remove or modify the specified provisions of the AUP.

Evaluation and findings

32.42 Wynyard Quarter is an evolving environment, which is characterised by a mix of activities comprising office, residential, restaurants / cafes, high-quality open space and a marine focus along the western edge. As the foregoing discussion illustrates, the current direction of the Council, the Government and some landowners is for enabling more height and intensification in the City Centre zone, including across Wynyard Precinct.

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32.43 In Part E: ' Effects of the Project on the Environment', we accept that the over-height component of the Tower Building gives rise to adverse urban design, landscape and visual effects, and that this is a key concern of this Application. We also accept the evidence presented to us by Ms Skidmore (and the Council experts) that the Tower Building component of the Application does not achieve a suitable transition from the core of the City centre and is therefore inconsistent with policies I214.3(3)(b) and I214.3(3)(d).[188]

32.44 However, ultimately the urban design and landscape experts, including Ms Skidmore, have determined that the recent changes made to the form, scale and mass of the proposed buildings are acceptable, and we accept that conclusion. The ongoing evolution of the height environment in the Wynyard Quarter is relevant in that context.

32.45 In relation to the marine floorspace infringements, the Panel accepts the Applicant's economic evidence that there is sufficient land supply of marine and port related activity land for the next 15 years in the Wynyard Precinct, such that the loss of this discrete area of marine floorspace does not

[187] MCERT – Auckland Unitary Plan – Options for increasing development capacity, economic growth and employment in the city centre – Report of Investigations dated September 2026, page 3.
[188] RA Skidmore Urban Design Limited, Advice to Consenting Panel, 25 August 2026, at [7.4].

undermine the Precinct's continued function as a location for marine and port activities.[189]

32.46 Overall, while the Panel maintains some concerns regarding the height of the Tower Building, we do not consider those concerns to be so significant as to alter our overall assessment, namely that the Project will be generally consistent with the objectives and policies of the Wynard Precinct and the City Centre zone, when read against the AUP as a whole. We further find that the proposed building heights, built form and scale of the revised design appropriately reflect the marine attributes of the precinct, and complement the existing environment and central area as they continue to evolve.

32.47 In reaching that view, we have had regard to the Site's identification within the Wynard Precinct framework as a location anticipated to accommodate a 'marker building' of greater height; the design refinements to the Tower Building's form, scale and mass following expert conferencing, and the current direction of the Council towards enabling greater height and intensification in the City Centre zone, including across Wynard Precinct, which provides relevant context for assessing the significance of the height-related concerns.

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33. PLANNING DOCUMENTS RECOGNISED BY A RELEVANT IWI AUTHORITY AND LODGED WITH THE COUNCIL

33.1 An application for a resource consent must include an assessment of the activity against any relevant provisions of a planning document recognised by a relevant iwi authority and lodged with a local authority.[190]

33.2 The Applicant has identified and assessed the relevant iwi management plans in section 9 of the AEE and concludes that the Project can be constructed and operated in a manner that is generally consistent with the environmental outcomes sought by planning documents recognised by relevant iwi authorities and lodged with Auckland Council.[191]

33.3 Overall, the Panel accepts the Applicant's assessment. No issues or concerns have been raised by either Council in relation to that assessment,

[189] Property Economics, Economic Impact Assessment, at page 7.
[190] FTAA schedule 5, clause 5(1)(h) and clause 5(2)(g).
[191] AEE, at section 9.2.7.

nor by the relevant iwi authorities or Treaty settlement entities who were invited to provide comments on the Application and did not do so.

34. OTHER RELEVANT DOCUMENTS

34.1 Section 13.6 of the AEE separately assesses the proposal against non-statutory strategic and design documents relevant to the site. These included the following:

(a) Auckland Plan 2050;

(b) Auckland Future Development Strategy 2023-2053;

(c) Emissions Reduction Plan;

(d) Auckland Climate Plan 2020;

(e) Transport Emissions Reduction Pathway;

(f) Auckland Central City Masterplan 2020;

(g) Waterfront Plan 2012; and

(h) Wynyard Quarter Urban Design Framework.

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34.2 The AEE concludes that the Application is consistent with each of these documents. Council's planning memorandum does not address these documents and those conclusions are therefore undisputed. The Panel has undertaken its own assessment of the Project against these non-statutory documents and agrees with the Applicant's assessment.

35. PART 2 OF THE RMA

35.1 Clause 5(1)(g) of Schedule 5 of the FTAA requires an assessment of the Project against sections 5, 6 and 7 of the RMA.

35.2 The Applicant addressed Part 2 of the RMA in section 15.5.1 of the AEE concluding (in summary) that:

> The Project is complementary to the objectives set out in section 5 because it delivers high-quality mixed-use development within the city centre without unreasonably disrupting surrounding amenity, contributes to economic development and housing needs, supports community wellbeing, and better integrates transport and land use given its proximity to public transport infrastructure, while including measures to safeguard the life-supporting capacity of air, water, soil and ecosystems and to avoid, remedy or mitigate adverse effect.
>
> Relevant matters of national importance (section 6) have been recognised and provided for. In particular section 6(a) is satisfied because the coastal environment

at this location is already highly modified, section 6(d) is satisfied through the proposed 7m publicly accessible open space along the western edge providing public access to and appreciation of the coastal marine area, and section 6(h) is satisfied through the design response to geotechnical, flood and coastal inundation hazards. The AEE concludes that no issues arise under sections 6(b), (c), (e), (f) or (g) because there are no outstanding natural features or landscapes, indigenous vegetation or habitats, historic heritage, or protected customary rights affected.

The Project is consistent with the other matters in section 7 because the development represents an efficient use of land, will enhance rather than diminish amenity values and environmental quality, and has had regard to climate change effects through its accessible location and natural hazard assessment.

35.3 In light of the conclusions reached on the effects of the Application and in the context of the relevant planning provisions and the conditions, the Panel finds that the Application is consistent with Part 2.

36. OVERALL CONCLUSION ON THE STATUTORY INSTRUMENTS AND POLICY AND PLANNING DOCUMENTS INCLUDING IWI PLANNING DOCUMENTS

36.1 We bear in mind that a Panel may not form the view that an 'adverse impact' meets the decline threshold section 85(3)(b) solely on the basis that it is inconsistent with or contrary to a provision of a specified Act or any other document that a Panel must take into account or otherwise consider. We set out next our overall conclusion on the consistency of the Project with the regional and district planning documents taking in account other findings made in this decision.

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36.2 Having reviewed the Applicant's assessment against the relevant statutory instruments and planning documents, and having considered the comments received and the Applicant's response, the Panel reaches the following overall conclusions on the consistency of the Project with the applicable planning framework:

(a) The Project is consistent with the NPS UD, which supports realising as much development capacity as possible in city centre zone.

(b) The Project is generally consistent with the NZCPS, noting the already highly modified character of the coastal environment at this location. The Panel considers the safe-refuge strategy for coastal inundation adequately satisfies NZCPS Policy 25, and does not alter the proposal's overall consistency with the NZCPS.

(c) The Project is consistent with the NPS NH. Natural hazard risks have been assessed using a risk-based, proportionate approach and are at a low level for all identified hazards.

(d) The Project is consistent with the NESCS and the contamination risks from the site's former industrial use can be appropriately managed through the Site Management Plan and consent conditions.

(e) The Project is broadly consistent with the RPS and the AUP regional and district objectives and policies across most chapters, including the transport, contaminated land, natural hazards, and City Centre Zone provisions. As detailed in our findings above, the principal area of tension relates to the Wynyard Precinct provisions, in particular: the exceedance of the height controls, inconsistency with the AUP provisions that contemplate a transition of height down from the City Centre to the harbour edge; and the absence of marine and port-related floorspace. However, having regard to the Site's identification within the Precinct provisions as a location anticipated to accommodate a 'marker building' of greater height, the design refinements to the Tower Building made following expert conferencing, the Applicant's economic evidence that sufficient marine and port-related land supply will remain available in the Precinct for the next 15 years, and the ongoing momentum for enabling greater height in the relevant AUP provisions, the Panel does not consider these matters, individually or together, significant enough to alter its overall assessment of the Project's consistency with the RPS and the AUP.

(f) PC120 has been assessed and the Panel accepts the Applicant's conclusions on consistency, including that relating to the matter of safe refuge.

(g) The Panel accepts the Applicant's assessment that the Project is generally consistent with the relevant iwi planning documents. No contrary views were received from iwi authorities or Treaty settlement entities.

(h) The Project is consistent with the other relevant non-statutory documents assessed in the AEE. Those conclusions are undisputed.

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(i) The Panel finds the Application is consistent with Part 2 of the RMA, having regard to its conclusions on effects and the conditions imposed.

36.3 Overall, the Application is broadly consistent with the applicable statutory instruments, the RPS, the AUP and the relevant planning documents. Although areas of tension arise from the proposed building bulk and height, and the reduction in marine and port activity opportunities within Sub-precinct C and E, under section 85(4) of the FTAA, these inconsistencies cannot alone support a finding that an adverse impact meets the decline threshold under section 85(3)(b). They are therefore weighed in the Panel's overall proportionality assessment in Part J: 'Overall Assessment'.

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PART H: CONDITIONS

37. INTRODUCTION: FTAA GENERAL REQUIREMENTS FOR CONDITIONS

37.1 The Panel must decide whether to set conditions on an approval (section 81). The statutory requirements on what conditions are set is determined by what approvals are being sought. Importantly, section 81(3) provides that the Panel must not set a condition that is more onerous than necessary to address the reason for which it is set.

37.2 The Panel considered the proposed wording of conditions when assessing the environmental effects of the Project. In this section we comment on the drafting of the conditions, noting the reasons for any substantive amendments we have made to them.

37.3 Generally speaking, a resource consent condition must:[43]

(a) be for a resource management purpose, not an ulterior one;

(b) fairly and reasonably relate to the development authorised by the resource consent or designation; and

(c) not be so unreasonable that a reasonable planning authority, duly appreciating its statutory duties could not have approved it.

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37.4 The underlying purpose of the conditions of a resource consent is to manage environmental effects by setting outcomes required and how these outcomes are to be achieved.

37.5 All conditions must be clear, certain and enforceable.[192] To the extent the final set contains minor errors, the Panel notes it has powers under section 89 of the FTAA to make minor corrections.

38. CONSENT APPROVAL CONDITIONS

38.1 In addition to the FTAA sections on conditions noted in Part C: 'Legal Context' above, for resource consents clause 18 of Schedule 5 applies. The key provisions of Parts 6 and 10 of the RMA for the purposes of this Application with respect to conditions of consent comprise sections 108, 108AA and 220.

[192] *Summerset Village (Lower Hutt) Ltd v Hutt City Council* [2020] NZEnvC 31, at [156].

38.2 Section 108 of the RMA provides a relatively broad power to impose conditions, which is qualified by section 108AA and case law principles. Section 220 specifies the conditions that may be imposed on a subdivision consent.

Discussion

38.3 Following the first round of comments from parties, we were generally satisfied with the conditions as proposed by the Applicant (following responses to feedback from invited parties). The limited matters remaining in dispute included Council recommendations requiring additional conditions addressing geotechnical matters, a requirement that an easement be registered as a formal legal mechanism to secure public access across the 7m setback on the western boundary, additional wording associated with the CTMP, whether a PDMP condition is required, and whether it was necessary to impose a condition requiring wastewater and water supply design and connection to service the Project. The extent of the Flood and Coastal Inundation Management Plan requirements, including whether there should be a covenant on the Record of Title identifying that the site is subject to flood hazards and coastal inundation was also in contention. Council also considered that matters relating to maintenance, cleaning and contingency arrangements for the Waste Management Plan, as well as guidance and training matters should also inform the decision.

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38.4 We find ourselves in agreement with the Council's expert memoranda in relation to the matters outlined above. We have subsequently adopted the Council's recommended wording and made further amendments to the draft conditions as discussed below.

38.5 Specifically, we agree with the Council's proposed wording for the CTMP and we have imposed additional geotechnical conditions to address some of the uncertainties raised by the Council expert which require additional work be undertaken; including further geotechnical investigation and a refined liquefaction assessment, detailed foundation design, groundwater and excavation design and the preparation of a Construction Monitoring Plan. We have also added a requirement that all geotechnical works are to be carried out by a Chartered Professional (Geotechnical) Engineer and that a geotechnical completion certificate be provided to the Council. Given the nature and the proximity of the Project to the coastal marine area, we have imposed a requirement for the preparation of a PDMP and we have

required the Flood and Coastal Inundation Management Plan as per the recommendations of the Council specialist memo, including the need for a covenant to be registered on the Record of Title. For consistency, we have also imposed a condition requiring the Project be connected to the public water and wastewater supply. We also considered that it was important to add the additional operational and management requirements identified by the Council relating to the Waste Management Plan.

38.6 With regards to the imposition of the 7m setback easement on the subdivision decision, we note that there is a lack of certainty from both Council and members of the public that this space would be set aside for public access. This matter was raised in comments received from parties located in the adjacent neighbourhood. The Panel considered that the proposed public access is a positive benefit of the Project, and we find that imposing an easement restriction on the affected land would provide certainty of outcome to both adjacent residents and the Council alike. This set of conditions will require the management and maintenance of this public access area, including all of the landscaping and infrastructure as well as the associated signage, which adds to the overall public benefit of this space.

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38.7 Lastly, we enquired of the Council what section 224(c) conditions they considered would be appropriate to impose on the subdivision consent, as none were proposed by the Applicant and this information was not forthcoming in earlier Council expert memoranda. In response to Minute 14, the Council provided the Panel with a suite of standard subdivision consent conditions for our consideration.

38.8 Despite the Applicant's position that no subdivision-specific conditions are necessary,[193] we have imposed conditions on the unit title subdivision component of the Project as we consider it is appropriate to ensure that connections are made to the public wastewater, water supply and stormwater reticulation networks to serve the Project, along with the provision for utilities, such as telecommunications and electricity and for a new vehicle crossing to be constructed for the Project. The final condition requires the subdivision consent be implemented in accordance with the approved land use consent and complied with on a continuing basis, which requires the imposition of a consent notice on the Record of Title.

[193] Memorandum of Counsel dated 28 September 2026, at [6].

38.9 A suite of minor wording amendments were also made to the remaining proposed conditions to improve the readability of the conditions and provide for more certain and enforceable outcomes.

38.10 A copy of the Panel's draft conditions was circulated on XXX to the Applicant and invited parties, which included the date set by us for which comments on the draft conditions must be received by the EPA, with a copy of a draft decision document for each approval.[47]

38.11 Comments were received from the following parties by XXX indicating no issues with the draft conditions:

[To be added following receipt of comments on the draft conditions]

38.12 Substantive comments were provided by:

[To be added following receipt of comments on the draft conditions]

Findings on conditions

38.13 We are satisfied that the final consent conditions are appropriate and meet the requirements of sections 83 and 84 FTAA.

38.14 Finally, we record that the commentary offered by the Council in response to proposed conditions, and the agreement reached between the Council and the Applicant on a number of the conditions, has been very helpful to the Panel.

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39. PARTIES' COMMENTS ON DRAFT CONDITIONS AND APPLICANT'S RESPONSE

Comments from the Minister for Māori Crown Relations: Te Arawhiti and Minister of Māori Development

39.1 Under section 72 FTAA the Panel invites comment from the Ministers for Māori Crown Relations: Te Arawhiti and Māori Development on this draft decision and draft conditions. [To update following receipt of comments on draft decision]

40. REMAINING CONDITION ISSUES

40.1 [To update following the receipt of comments on the draft conditions]

41. CONCLUSION REGARDING CONDITIONS

41.1 The consent approval conditions we have imposed are set out in **Appendix B** to this Decision.

41.2 The Panel is satisfied that the conditions achieve the legal requirements discussed earlier in this section of the decision report, and that they are appropriate to mitigate and manage the effects of the Project.

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PART I: RECORD OF DECISION ON PRINCIPAL ISSUES IN CONTENTION

42. PRINCIPAL ISSUES IN CONTENTION

42.1 The principal issues in contention are discussed in Part E: 'Effects of the Project on the Environment', Part F: 'Regional or National Benefits of the Project' and Part G: 'Statutory Documents and Planning Framework' of this Decision. In these Parts we assessed the extent of the regional and national benefits of the Project and its effects, and the extent to which the Project is consistent with the relevant statutory planning documents.

42.2 The principal issues that the Project gives rise to are:

(a) The extent of the Project's economic benefits, including the adequacy of the economic evidence and the relevance of a cost-benefit analysis, the Project's overall contribution to housing supply and choice; and the relevance of any risk to the commercial viability of Orams Marine consequent on a decline of consent;

(b) The extent of the agglomeration or flow-on benefits claimed in relation to urban development, intensification and continued transformation of Wynyard Quarter, including in relation to transport and climate change mitigation;

(c) The urban design, landscape and visual effects of the Tower Building, including its height, bulk, architectural modulation, the provision of public access to the western waterfront, visual effects on the skyline and potential shading effects on Silo Park and neighbouring properties;

(d) The appropriateness of conditions that address effects relating to earthworks and sediment control, geotechnical matters, wastewater and water supply and waste management;

(e) Whether the safe-refuge strategy (instead of safe egress) adequately addresses natural hazard risk and the appropriateness of the Flood and Coastal Inundation Management Plan condition and proposed covenant;

(f) Transport effects, including the appropriateness of the proposed 261 car parking spaces and consistency with the Wynyard Precinct transport objectives, the need for a pedestrian crossing, building

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openings and associated safety risks for pedestrians and cyclists, the number of loading spaces, construction site access and methodology, temporary bus stop relocation, reverse manoeuvring during construction, Site Travel Management Plan monitoring requirements, and effects on the local road network and public transport capacity;

(g) Consistency with the Wynyard Precinct planning provisions in the AUP, including the exceedance of the standard height controls and whether the Tower Building achieves an appropriate transition of height down to the harbour edge and consistency with the Wynyard Precinct provisions that seek to maintain and support marine and port-related activities given the loss of marine and port-related development opportunities within Sub-precinct C.

42.3 Our overall findings in relation to the principal issues are set out below in Part J: 'Overall Assessment'.

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PART J: OVERALL ASSESSMENT

43. OVERALL ASSESSMENT

43.1 The Panel may decline an approval under section 85(3) only if, in complying with section 81(3), it forms the view that there are one or more adverse impacts in relation to the approval sought and that those adverse impacts are sufficiently significant to be out of proportion to the Project's regional or national benefits, even after taking into account conditions or modification agreed to or proposed by the Applicant to avoid, remedy, mitigate, offset or compensate for those impacts:

43.2 Our findings do not establish sufficient grounds to justify declining this Application. That is not to say the Project will not have adverse effects. As discussed in the preceding sections, we have found that the Project will have adverse effects in relation to the height, bulk, urban design, landscape and visual effects of the Tower Building, particularly when viewed from the west, notwithstanding the redesigned proposal provided by the Applicant following expert conferencing. There will also be some amenity, construction and transport-related effects that we are satisfied can be appropriately managed through the final conditions. We have also considered the effects on infrastructure capacity and coastal hazards and conclude that these are acceptable, subject to the conditions.

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43.3 After taking into account the revised conclusions of experts for Auckland Council and experts appointed by the Panel, we have weighed the adverse impacts against the benefits, and we are satisfied that they are not sufficiently significant to be out of proportion to the Project's benefits in terms of section 85(3), notwithstanding our finding that the benefits may not be regarded as significant in a regional context.

43.4 We have also considered whether the Project's tension with the AUP and the Wynyard Precinct planning provisions, including the exceedance of standard height controls and the absence of marine and port-related floorspace, changes that assessment, but in our view it does not. The FTAA does not require the Panel to decline a project because it conflicts with a plan standard, and section 85(4) expressly prevents the Panel from treating inconsistency with a planning provision as sufficient in itself to meet the decline threshold. As recent FTAA Expert Panel decisions have

reiterated,[194] the key consideration is whether the adverse impacts associated with that inconsistency are objectively significant and out of proportion to the Project's benefits and, in this case, we do not think they are.

43.5 The Panel does not consider the regional benefits to be significant, notwithstanding the reasons given for referral by the Minister and the extensive economic assessment provided by the Applicant. At best, in our view, the regional benefits can be described as moderate. Taken together they comprise a modest contribution to quality housing supply in a City Centre location that may result in a slight decrease in apartment prices over time, a contribution towards the ongoing regeneration of Wynyard Quarter, and a residential offering directly adjacent to Orams Marine which will assist to keep it internationally competitive.

43.6 The Project is supported by the NPS-UD, is consistent with the NZCPS, NESCS and NPSNH, and the relevant iwi planning documents. It is broadly consistent with the AUP objectives and policies.

43.7 Regardless of the finding we have made about the extent of benefits, we consider that the Project can be said to be in partial accord with the purpose of the FTAA insofar as it relates to facilitation of delivery of development projects. We are also satisfied that it accords with the purpose of the RMA.

43.8 In our view, there is no basis on which to decline any of the approvals sought.

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[194] See for example Downtown Carpark decision, above n 19, at [548].

PART K: RECORD OF PANEL'S DECISION ON APPROVALS

44. DECISION ON RESOURCE CONSENT APPROVALS

44.1 The Panel has considered the Application and supporting information, the comments received on it and on the draft conditions, as well as the further information provided as a result of comments received from other participants and the subsequent refinement of the Application.

44.2 We thank all those who commented for their contributions. Overall, the Panel is satisfied that the matters set out in section 81 of the FTAA have been addressed appropriately and that the purpose of the FTAA is at least partially achieved by this Decision, notwithstanding our conclusion on the extent of benefits offered by the Project.

44.3 In reaching that view, the Panel has had regard to the actual and potential effects on the environment of allowing the activity, as set out above. The Panel has also had regard to the relevant planning documents.

44.4 The Panel determines to grant the approvals sought subject to the Conditions attached as **Appendix B** to this Decision.

44.5 As required by section 99 of the FTAA the persons listed in that section are entitled to appeal and must commence any appeals within the 20-working day period from the day this Decision is published under section 88(3).

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Table of Abbreviations

Abbreviation	Definition
AEE	Assessment of Environmental Effects prepared by Barker & Associates Limited
Applicant	Westhaven Residential Limited Partnership
Application	The substantive application for approvals by Westhaven Residential Limited Partnership for the Project
AT	Auckland Transport
AUP	Auckland Unitary Plan
Body Corporate	30 Madden Body Corporate
CBA	Cost-benefit analysis
CNVMP	Construction Noise and Vibration Management Plan
Council	Auckland Council
CTMP	Construction Traffic Management Plan
Development Agreement	The residential development agreement entered into between Auckland Council and the (now) Applicant dated 30 June 2021, as varied.
EIA	Economic Impact Assessment
ERP	Emissions Reduction Plan
FTAA	Fast-track Approvals Act 2024
HAIL	Hazardous Activities and Industries List
IHP	Independent Hearings Panel
ITA	Integrated Transport Assessment prepared by Parlane & Associates
JWS	Joint Witness Statement on urban design, landscape and visual effects dated 11 September 2026

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MACA	Marine and Coastal Area (Takutai Moana) Act 2011
NESCS	National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NPS NH	National Policy Statement for Natural Hazards 2025
NPS UD	National Policy Statement on Urban Development 2020
NPV	Net Present Value
NZCPS	New Zealand Coastal Policy Statement 2010
PC78	Plan Change 78
PC79	Plan Change 79
PC120	Plan Change 120
Project	The residential-led mixed use building that is the subject of the Application comprising 210 residential apartments, ground floor retail and ancillary car parking including enabling earthworks and installation of underground infrastructure at 188 Beaumont Street, Auckland
Project area	in line with the FTAA, means the whole or any part of the geographical location in which the Project is to be undertaken
RMA	Resource Management Act 1991
RPS	Regional Policy Statement (AUP)
Section 18 Report	Treaty settlements and other obligations (section 18) report for 188 Beaumont Street dated 16 December 2025
Site	188 Beaumont Street, Auckland Central
SMP	Site Management Plan
STMP	Site Travel Management Plan
TERP	Transport Emissions Reduction Pathway

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UDIA	Urban Designers Institute Aotearoa
UDLVA	Urban Design and Landscape Assessment
VHHL	Viaduct Harbour Holdings Limited

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APPENDIX A – RECORD OF PANEL PROCEDURE AND COMMENTS ON THE APPLICATION

1. This Appendix provides a record of:

   (a) Part 1: Panel Procedure; and

   (b) Part 2: Comments on the Application

PART 1: PANEL PROCEDURE

2. In considering the Application, the Panel records the following procedural events which are detailed below:

   (a) Site visit;

   (b) Persons invited to comment;

   (c) Appointment of special and/or technical advisors;

   (d) Requests for further information;

   (e) Suspensions;

   (f) Scheduled events;

   (g) Procedural matters associated with expert conferencing in the context of Treaty settlements and other arrangements; and

   (h) Timing of the Panel decision.

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Site visit

3. Following the appointment of Panel members on 8 June 2026, the Panel members undertook a site visit on 23 June 2026. We were accompanied by the Applicant team. The site visit also covered the North Wharf, Silo Park, Hamer Street and Jellicoe Street/Marina Pier viewpoints. Full details of the site visit are recorded in Minute 1 dated 25 June 2026 and referenced in the Decision above.

Persons invited to comment

4. In Minute 2 dated 29 June 2026, the Panel determined the parties from whom comments on the Application would be sought pursuant to section 53 of the FTAA. Responses were due by 28 July 2026 but due to an administrative error specified parties were not sent their invitation to

comment until 16 July 2026. These parties were given until 13 August 2026 to comment, with the Panel exercising its discretion under section 81(6) to accept those later comments.[195]

5. On 4 August 2026, the Panel released Minute 4, advising the Applicant that six late submissions had been received and inviting the Applicant to comment. The Applicant advised the Panel that it would abide by the Panel's decision in relation to these late comments[196] and on 14 August 2026 the Panel issued Minute 6 confirming the exercise of its discretion to accept late comments from six parties under section 81(6) of the FTAA.

6. A summary of the comments received is provided in Part B of this Appendix.

7. On 4 August 2026 and 19 August 2026, the Applicant provided a response to the various section 53 comments received. A summary of its response is included in Part B of this Appendix.

8. On 27 August 2026, the Panel issued Minute 9 in which it reconsidered its earlier decision (recorded in Minute 6) not to accept the comment submitted by the 30 Madden Body Corporate. Having received further information explaining the circumstances of the late filing, including that the Body Corporate had received an email from the EPA on 17 July 2026 that it reasonably interpreted as extending the deadline to 13 August 2026, the Panel exercised its discretion to accept the Body Corporate's comments. The Applicant provided its response to the Body Corporate's comments in its memorandum of Counsel dated 28 August 2026.

Appointment of special and/or technical advisors

9. In Minute 5 dated 12 August 2026 the Panel advised/confirmed its decision to appoint Dr Tim Denne (Economist) and Rebecca Skidmore (Urban Designer/Landscape Architect) as technical advisors to review economic and urban design/landscape assessments, identify information gaps, and participate in expert conferencing (if requested). The Panel also appointed Lisa Bazalo (Lawyer) as special advisor for decision-writing support. As recorded in Minute 9, the expert reports commissioned from Dr Denne and Ms Skidmore were finalised on 25 August 2026.

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[195] Minute 3, dated 17 July 2026.
[196] Memorandum of counsel on behalf of Westhaven Residential Limited Partnership, dated 13 August 2026.

10. In Minute 13, dated 2 September 2026, the Panel appointed Ian Munro as specialist facilitator for expert conferencing on urban design, landscape and visual matters.

Requests for further information

11. Separately from the Panel's own requests for further information discussed below, Auckland Council issued a request for further information to the Applicant under section 67 of the RMA on 24 June 2026, as part of its engagement with, and assessment of, the Application ahead of filing its comments.[197] The request identified a series of information gaps across groundwater/geotechnical, landscape, urban design (including daylight, sunlight and shading), policy planning, and coastal inundation/transport matters. The Applicant's response is spread across several documents filed alongside the memorandum dated 4 August 2026.[198]

12. In Minute 7, dated 17 August 2026, the Panel issued a request for further information in relation to the actions taken by Auckland Council to progress a plan change for Wynyard Precinct and the content of the Residential Development Agreement entered into between Auckland Council and the Applicant.[199]

13. The Applicant responded to Minute 7 by way of two memoranda on 24 August 2026.[200] The first sought a non-publication order under section 42 of the RMA to protect commercially sensitive information contained in the response relating to the Development Agreement. The second attached a redacted version of the response for public release.

14. In Minute 8, dated 25 August 2026, the Panel determined it was appropriate to make the non-publication order sought, subject to receiving confirmation that Auckland Council (the counterparty to the Agreement) consented to the proposed disclosure. In Minute 10, dated 27 August 2026, the Panel confirmed the non-publication order under section 42 of the RMA, having received the necessary confirmations from the Applicant and Auckland

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[197] Section 67 request to applicant issued as Appendix 23 to the Auckland Council comments on the Application.
[198] Attachments A – G of the Applicant's Memorandum of Counsel – Response to Comments dated 4 August 2026 provides the Applicant's response to the 'information gaps' identified by the Council in its section 67 request. For example, within "Attachment A1 – Response to Council Proposed Conditions" there is a supplementary document titled "FTAA – Section 67 Response – Building Materials, Colours and Finishes."
[199] Minute 7, dated 17 August 2026.
[200] Memorandum of Counsel, dated 24 August 2026 (seeking non-publication order) and Second Memorandum of Counsel, dated 24 August 2026 (attaching redacted information).

Council. The redacted version of the Applicant's response was released as Appendix B to Minute 10.[201]

15. Minute 10 also contained the Council response to Minute 7 (Appendix C), as summarised in Part H: 'Approvals relating to the Resource Management Act' above.[202]

16. In Minute 12, dated 2 September 2026, the Panel issued a further request for information to the Applicant and Auckland Council arising out of the expert reports prepared by Dr Denne and Ms Skidmore and the information provided in response to Minute 7. The request addressed matters including cost benefit analysis of some benefits, use of a counterfactual, the treatment of foreign ownership in the economic assessment, the commercial viability of Orams Marine and the relevance of the Development Agreement, the regional significance of the Project's housing contribution, and urban design and landscape information gaps identified by Ms Skidmore. The Panel also raised several questions arising from the Applicant's response to Minute 7 regarding the form, bulk and height parameters of the development required under the Development Agreement.[203]

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17. The Council provided its response to the request made in paragraph 7 of Minute 12 by providing a list to the Panel of all consented buildings in the precinct that are over the current height limit or were granted consent in exceedance of the relevant height controls in place at the time.[204] The Applicant subsequently identified some additional buildings and agreed to update their Design and Landscape Assessment (Appendix 1, Figure 5) to reflect this information.

18. The Applicant provided its response to Minute 12 on 30 October 2026.

19. On 23 September 2026 the Panel issued Minute 14 requesting further information from the Applicant and Council in relation to conditions and the validity of the planning assessment in light of the AUP becoming fully operative on 23 July 2026, after the AEE and the Council's Planning Policy Memorandum was prepared.[205] The Applicant and Council provided their respective responses to Minute 14 on 28 September 2026.

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[201] Minute 10, Appendix B – Memorandum of Counsel in response to Minute 7 dated 24 August 2026.
[202] Minute 10, Appendix C – Auckland Council Response to Expert Panel Minute 7 Questions dated: 24 August 2026.
[203] Minute 12, dated 2 September 2026.
[204] Auckland Council email, dated 8 September 2026. Note that this was also provided by the Applicant in visual form in the Memorandum of Counsel, above n 126, Attachment F – Planning Memorandum, at Appendix 1.
[205] Minute 14, dated 23 September 2026.

20. On 3 November 2026, the Panel issued Minute 15, notifying that it had accepted the Applicant's request to resume processing of the Application as at 11:59pm on 30 October 2026.

21. The Panel has been greatly assisted in its task by the timely and detailed responses to the information requests it has made.

Suspensions

22. On 31 August 2026, at the Applicant's request, the Panel granted a suspension of processing of the application pursuant to section 64 of the FTAA. The purpose of the suspension was to allow the Applicant additional time to respond to the expert reports commissioned by the Panel and the Panel's requests for further information, and for those responses to be filed after expert conferencing on urban design, landscape and visual matters had occurred.[206]

23. The Applicant consented to the Panel and administrative staff continuing to work on the application during the suspension period and to expert conferencing proceeding notwithstanding the suspension.[207] Due to expert availability the Applicant was not in a position to file a request to resume processing by 11 September 2026 as originally intended. The Applicant formally requested the suspension be lifted on 30 October 2026 and the Panel granted that request by Minute 15, dated 3 November 2026.

Expert conferencing

24. In Minute 13, dated 2 September 2026, the Panel directed expert conferencing on urban design, landscape and visual matters. The Panel appointed Mr Ian Munro, an urban designer with extensive experience as an expert witness, hearing commissioner and Fast Track panel member, as specialist facilitator. [208]

25. The Conference took place on Friday 11 September 2026 and involved an urban design, landscape and visual expert for the Applicant (Rachel de Lambert), the Applicant's architect (Blair Johnson), the Panel-appointed expert (Rebecca Skidmore) and Auckland Council representatives (Michelle Chan, Sheerin Samsudeen and Gabrielle Howdle). A signed Joint

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[206] Minute 11, dated 31 August 2026.
[207] Minute 11, dated 31 August 2026.
[208] Minute 13, dated 2 September 2026.

Witness Statement dated 11 September 2026 was filed following the Conference.[209]

Procedural matters associated with expert conferencing in the context of Treaty settlements and other arrangements

26. Schedule 3, clause 5 of the FTAA establishes the procedural requirements in context of Treaty settlements and other arrangements. It includes a requirement for the Panel to comply with any procedural arrangements relating to Treaty settlements, iwi participation legislation, or joint management agreements that govern matters such as the appointment of decision-makers, notice, or consultation with iwi or hapū. It also sets out the process for obtaining agreement to adopt a modified arrangement.

27. As the Panel did not conduct a hearing these provisions were only engaged insofar as they related to expert conferencing. Overall, the Panel is satisfied that it has complied with the procedural requirements in relation to Treaty settlements and met its obligations under clause 5 Schedule 3 of the FTAA.

Timing of the Panel decision

28. In accordance with the Panel Convenor Minute 2 dated 8 June 2026 the original timeframe for the Panel to issue its decision was 13 October 2026. However, due to the suspension period, this date was subsequently amended to 14 December 2026.

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[209] Urban Design, Landscape and Visual Effects – Joint Witness Statement, dated 11 September 2026.

PART 2: COMMENTS ON THE APPLICATION

Summary of comments received

1. Comments on the Application were received on time from the following parties:

    (a) Auckland Council;

    (b) Hon Simon Watts, Minister of Climate Change;

    (c) Hon Chris Bishop, Minister for Infrastructure;

    (d) Hon Nicola Willis, Minister for Economic Growth;

    (e) Hon Chris Penk, Minister for Building and Construction;

    (f) Hon James Meager, Acting Minister for Māori Crown Relations / Māori Development;

    (g) John Dennehy;

    (h) Tino Management Limited (Delia King);

    (i) J M Courtney Trustees Limited;

    (j) Tim and Jenny Ellis;

    (k) Anthony Quirk;

    (l) The Martin Kunz Living Trust (Martin Kunz & Coriamber Hogan); and

    (m) Sandra Cameron and Hamish Caithness.

2. Comments were also received and accepted out of time, pursuant to the Panel's discretion under section 81(6) of the FTAA, from the following parties:[210]

    (a) Richard Greissman;

    (b) Rob and Robyn Pryor;

    (c) Helen MacDonald and David Bassett;

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[210] The comments from Richard Greissman and Rob and Robyn Pryor were accepted by the Panel in Minute 4, dated 4 August 2026. The Panel exercised its discretion to accept comments from the remaining parties in Minute 6, dated 14 August 2026. Comments that were received on or after 5 August 2026 were not accepted by the Panel.

(d) Philip Chapman;

(e) Jane McDougall (for Estate of JG Hamer & J L McDougall);

(f) Peter Gordon;

(g) David Vial and Richard Reid; and

(h) Peter Jacobs.

3. Comments on the Application fall into three broad categories:

(a) Auckland Council, including comments from Council experts, Watercare, Healthy Waters, Auckland Transport (**AT**) and the Waitematā Local Board;

(b) Ministers of the Crown; and

(c) Nearby residents and owners.

4. A concise summary of those comments is provided below for completeness.

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Auckland Council comments

5. Auckland Council's comments comprised a Memorandum of Strategic and Planning Matters, supported by 23 annexures addressing policy planning, economics, urban design, landscape, wind, operational noise, contamination and hazardous facilities, lighting, earthworks, development engineering, geotechnical matters, groundwater, construction noise, waste and healthy waterways, coastal matters, Auckland Transport, traffic, and Waitematā Local Board comments, together with the Council's section 67 further information request to the Applicant and its response to the Panel's Minute 2 questions.

6. The Council experts identified a number of adverse impacts on built form, visual amenity, landscape character, public realm amenity, and marine/port-related development opportunities. Overall, the Council provided qualified support for the Application, concluding that adverse impacts are not significantly disproportionate to regional benefits, while identifying unresolved concerns regarding the adequacy of the economic evidence, the design and height of the Tower Building, adverse landscape and visual amenity effects, shading of Silo Park, transport and servicing shortfalls, and public access arrangements.[211]

[211] Memorandum of Strategic and Planning Matters for Auckland Council, dated 28 July 2026, at [223]-[256].

Waitematā Local Board comments

7. The Waitematā Local Board questioned whether the apartments will meaningfully contribute to housing affordability or increase the permanent residential population; the appropriateness of residential intensification in an area subject to flood and coastal inundation risk; the extent of height exceedances and associated effects on built form, shading, wind and amenity; the provision of 261 car parking spaces and its potential inconsistency with the Wynyard Precinct provisions and City Centre transport objectives; shortfalls in bicycle parking, loading spaces and accessible parking; and the absence of visible sustainability initiatives such as solar energy and green roof design. The Local Board's comments were considered by the Council alongside the technical assessments.[212]

Comments from Ministers of the Crown

8. The Minister of Climate Change expressed broad support for the Application, noting that the proposed development addresses climate adaptation through its design treatment for the adaptive ground floor and services.[213]

9. The Minister for Infrastructure also expressed broad support for the Application, noting the importance of infrastructure for growth and prosperity.[214]

10. The Minister for Economic Growth commented on the economic assessment provided by the Applicant and concluded that the Project may deliver regional economic benefits through construction activity and increased housing supply, consistent with section 22(2)(a)(iv) of the FTAA.[215]

11. The Minister for Building and Construction acknowledged that the proposed development is expected to make a significant contribution to housing supply and construction activity. He noted outcomes align with the Government's objective of increasing housing supply and improving the efficiency and productivity of the construction sector.[216]

12. The Acting Minister for Māori Crown Relations: Te Arawhiti and Acting Minister for Māori Development supported the Application, subject to any comments received from the relevant Māori groups and encouraged the

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[212] As above, at [218]-[219] and Annexure 21 – Waitematā Local Board Comments.
[213] Letter from Hon Simon Watts, Minister of Climate Change.
[214] Letter from Hon Chris Bishop, Minister for Infrastructure.
[215] Letter from Hon Nicola Willis, Minister for Economic Growth.
[216] Letter from Hon Chris Penk, Minister for Building and Construction.

Panel to have regard to the statutory acknowledgements and Treaty settlement interests identified for the Application.[217]

Nearby residents and owners

13. Comments were received from a number of parties who were invited to comment under section 53(2)(h) and (i) of the FTAA. A number of these were nearby residents and owners of the 30 Madden Street apartment complex. The key concerns relate to the urban design, visual and landscape effects of the Application, particularly in relation to the Tower Building. A number of these parties do not oppose the development altogether, but they simply seek that the height of the development is confined to 62m. A summary of the comments raised is provided below.

14. Anthony Quirk raised concerns as to the inconsistency between the proposed 23-storey Tower Building and the height allowances previously communicated to residents in the area, noting that it is clearly at odds with the previous outline of permitted developments in Wynyard Quarter.[218]

15. JM Courtney Trustees Limited sought that development should be strictly confined to the 62m marker building height in the AUP, raising concerns in relation to an unjustified height escalation from 62m to 80m, the degradation of the Wynyard Precinct's environmental character, a failure to apply human-scale design principles, and inconsistency with transit-oriented goals given the proposed provision of 261 carparks which undermines local carbon-reduction and pedestrian first policies.[219]

16. John Dennehy commented that the height of the proposed Tower Building was inappropriate to the area.[220]

17. Sandra Cameron and Hamish Caithness opposed the Application on grounds of excessive height and visual dominance, shading and loss of sunlight, over development in Wynyard Quarter, inadequate response to urban design principles, public access and amenity concerns (in relation to the proposed 7m setback from the western water edge), insufficient mitigation of adverse effects and overstated benefits. They sought that the development be strictly confined to 62m.[221]

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[217] Letter from Hon James Meager, Acting Minister for Māori Crown Relations: Te Arawhiti and Acting Minister for Māori Development.
[218] Submission of Anthony Quirk.
[219] Submission of J M Courtney Trustees Limited.
[220] Submission of John Dennehy.
[221] Submission of Sandra Cameron and Hamish Caithness.

18. Martin Kunz & Coriamber Hogan on behalf of the Martin Kunz Living Trust opposed the height of the Tower Building, raising concerns around shading and loss of sunlight during winter, excessive height and visual dominance, adverse effects on residential amenity, a precedent for overdevelopment, inadequate response to urban design principles, and a lack of significant regional housing benefits given the premium nature of the proposed apartments. They also sought that the development be strictly confined to 62m.[222]

19. Tim and Jenny Ellis oppose the increase in height from the previously permitted 62m to just over 81m, noting that this amounts to an increase of almost a quarter. They hold concerns about the resulting prominence over the Wynyard Quarter Precinct and effect on the Auckland skyline, and adverse effects of shade and loss of sunlight, together with increased pressure on local roads and public transport.[223]

20. Tino Management Limited raised concerns as to the height of the tower exceeding the allowable height and the resulting shadowing over the surrounding area, noting that the area was originally planned for lower-rise residential scale.[224]

21. David Vial and Richard Reid submitted that the Application should be declined on the basis that it does not meet the assessment criteria to deliver significant regional or national benefits, given the relatively small number of above-average priced apartments proposed. They also raised concerns in relation to height, size and shading.[225]

22. Helen MacDonald and David Bassett urged the Panel to reject the Application, endorsing and adopting the submissions made by Rob and Robyn Pryor and Richard Greissman.[226]

23. Jane McDougall, for the Estate of J G Hamer and J L McDougall, objected to height of the proposed 81.35m Tower Building, noting that Auckland Council was preparing a plan change to the Wynyard Precinct and submitting that this was the appropriate avenue for determination of the building height at 188 Beaumont Street.[227]

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[222] Submission of The Martin Kunz Living Trust.
[223] Comments from Tim and Jenny Ellis.
[224] Comments from Delia King (for Tino Management Limited).
[225] Comments from David Vial and Richard Reid.
[226] Comments from Helen MacDonald and David Bassett.
[227] Comments from Jane McDougall, for Estate of J G Hamer and J L McDougall.

24. Peter Gordon urged the Panel to reject the Application and questioned why a further ~20m height increase (following a recent, unwelcome rise from 52m to 62m) qualifies as a matter of national significance. He contends that the development mainly serves offshore super yacht owners, includes excessive car parking and is misleadingly labelled "mixed use" and "marine industry" despite being predominantly luxury residential. He also raised concerns about the height of the Tower Building being out of character near the waterfront, and about resulting shading, wind effects, and traffic/congestion impacts, including interference with his building's solar installation plans.[228]

25. Peter Jacobs, a long-standing resident and former business owner in the Wynyard Quarter area, opposes the proposed height increase from 62m to ~80m. He is concerned the Application could set a precedent for further height increases elsewhere in Wynyard Quarter, with cumulative effects on sunlight, wind, views and residential amenity, and raises concerns about the planning process appearing to favour close cooperation between the Council and major landowners rather than remaining open, balanced and independent.[229]

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26. Philip Chapman objected to the use of the Fast-track process for the Application and to the height of the proposed tower which he considers undermines the carefully planned character of the waterfront precinct. He requests that the application be declined and assessed instead through the standard consenting process against the current 62m limit.[230]

27. Richard Greissman, a retired structural engineer and nearby property owner, urged the Panel to reject the Application and assess it under the established 62m height guideline. He commented that the proposed 215 luxury apartments would not address Auckland's affordable housing shortage and that the Application does not meet the significant regional or national benefits test. He also refers to an internal Ministry for the Environment review said to have recommended the referral Application be declined under section 22 of the FTAA.[231]

28. Rob and Robyn Pryor oppose the development on the basis of its excessive height, arguing the proposed 81.35m tower is out of scale with the surrounding built environment and visually dominates the western waterfront.

[228] Comments from Peter Gordon.
[229] Comments from Peter Jacobs.
[230] Comments from Philip Chapman.
[231] Comments from Richard Greissman.

They draw on Mr Pryor's professional experience as a registered landscape architect and raise concerns about adverse effects on residential amenity and increased shading. They also questioned whether the Project would deliver significant regional benefits given the apartments will be premium/high-end rather than addressing housing need and they seek that the development should be confined to the 62m marker building limit.[232]

30 Madden St Body Corporate

29. The Panel originally declined to accept the comments from 30 Madden Body Corporate (**Body Corporate**) due to those comments being received out of time but the Panel subsequently agreed to accept those comments in Minute 9.[233]

30. The matters raised by the Body Corporate in their memorandum dated 5 August 2026 relate to the Wynyard Precinct planning provisions and conditions for the management of construction effects.

31. The Body Corporate's central objection is that the Application exceeds the operative controls, citing an 84.05m tower against a 62m height limit and a 3.2:1 floor area ratio against the permitted 2.2:1. It says this threatens outlook, shading and amenity for itself and neighbouring sites and undermines the carefully negotiated Wynyard Precinct Plan framework. The Body Corporate sought a number of specific conditions addressing construction primarily relating to construction management.[234]

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[232] Comments from Robert James Pryor and Robyn Joy Pryor.
[233] Minute 6, dated 14 August 2026; and Minute 9, dated 27 August 2026.
[234] Comments from 30 Madden Body Corporate.

APPENDIX B – CONDITIONS

(Overleaf)

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