

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

FTAA-2512-1158

UNDER

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

AND

IN THE MATTER

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

**MEMORANDUM OF COUNSEL ON BEHALF OF PRECINCT TO REQUEST
AMENDMENTS TO DECISION DOCUMENTS UNDER SECTION 89 OF THE FTAA**

25 AUGUST 2026

**Russell
McLeagh**

Counsel instructed:
B J Matheson KC
Richmond Chambers
PO Box 1008
Auckland 1140

Solicitors acting:
S H Pilkinton | L G C McLeay
P [REDACTED]
E [REDACTED]
F [REDACTED]
PO Box 8
DX CX10085
Auckland

MAY IT PLEASE THE PANEL:

1. On 5 August 2026, the Expert Panel ("**Panel**") issued its final decision documents on the Application under section 88(1) of the FTAA, and determined to grant resource consent for the Project, subject to conditions ("**Decision**").
2. Under section 89 of the FTAA, the Panel may issue an amendment to a decision to correct minor mistakes or defects within 20 working days after issuing a decision.
3. In reviewing the Decision, Precinct has identified a small number of minor mistakes or defects. These are explained below and are set out in **Appendix One** attached with proposed amendments shown in red. Precinct would be grateful if these minor errors could be corrected by the Panel using the process under section 89 of the FTAA.

Incorrect cross-references

4. There are 13 incorrect cross-references in the general conditions of the Decision. These are numbering errors that have arisen during the finalisation of the Decision, in which references to condition numbers do not correspond to the intended conditions.
5. We respectfully submit these errors need to be amended for the conditions to function as intended and there is a risk of misinterpretation if corrections are not made.

Incorrect formatting

6. We consider the formatting at condition 38 needs amendment. Conditions currently labelled as 38(h), (i) and (ii) should be sub-points of condition 38(g), rather than stand-alone points. They describe specific signage requirements required by condition 38(g). Correcting this will subsequently require the lettering of conditions 38(i) through to 38(z) to be updated.

Minor wording amendments

7. We also consider the wording in conditions 42(n), 184 and 232 requires minor amendments:
 - (a) In condition 42(n), "and" should be "to", so the reference reads "conditions 112 to 114".

- (b) In condition 184, "be" should be "by", so the sentence reads "approved by Auckland Transport".
- (c) In condition 232, the negative sign has been omitted in "RL 17.2m", which should read "-RL 17.2m".

Attachments

- 8. Finally in respect of the Attachments, two reports in Attachment 1 have incorrect dates, including one with an incorrect revision number. The correct information is shown in the schedule below. The row containing the Draft Construction Noise and Vibration Management Plan Rp 007 20230126 should be deleted because it is a duplicate.
- 9. Attachment 2 contains 12 drawings with incorrect revision numbers and dates. The correct information is shown in the schedule below.
- 10. Precinct appreciates the significant efforts of the Panel and would be grateful if these minor amendments could be corrected in accordance with section 89 of the FTAA.

DATED: 25 August 2026



Simon Pilkinton / Lydia McLeay
Counsel for Precinct

APPENDIX ONE – MINOR CORRECTIONS SOUGHT

General Conditions – incorrect citation	
Condition	Amendment sought
8(d)	Consult with the CLG on the development and content of the Management Plans listed in condition 7e <u>7f</u> by providing a draft of each management plan to the CLG for review and feedback, and consider any feedback received and provide reasons for any feedback not incorporated into the final version of the plan(s). [...]
8(e)	Provide details of and consult with the CLG regarding any amendments being proposed to any of the Management Plans listed in Condition 7e <u>7f</u> . This includes amendments that are being sought by certification from the Council.
8(f)	Provide an update at least every 2 months (or as otherwise agreed by the CLG) during construction of the Project setting out associated compliance with the consent conditions and any other relevant requirements of the Management Plans in Condition 7e <u>7f</u> including responses to compliance concerns raised by CLG members at the previous meeting.
34(j)	Include a Site plan(s) identifying erosion and sediment control devices, storage tanks, pumping and chemical treatment devices / structures, materials, plant and machinery storage areas as well as loading and unloading scenarios for each stage(s) of works, whilst taking into account the requirement of condition 34d <u>34g</u> [...]
38(b)	An outline of the Site clearance, demolition and construction programme as required in condition 34d <u>34g</u> .
38(n)	The location of any contractor parking area(s) of light vehicles and access for dropping off tools, which should include reference to the detail requested within the CMP. No access of non-Construction Vehicles, as defined in condition 38(ii) <u>38k</u> of these consents, must be permitted through the managed access proposed beneath the flyover into Lower Hobson Street unless arranged within designated arrival windows that do not conflict with truck movements and do not exceed a maximum of 24 vehicles per hour (for the avoidance of doubt, this includes non-construction vehicles and construction vehicles);
69	[...] The finalised set of drawings must ensure that the building's proposed architectural treatment and finished appearance is consistent with the plans and information referenced at condition 1, with the exception of any changes made to accommodate condition 69f <u>69g</u> above.

General Conditions – incorrect citation	
116(a)	a summary of the consultation undertaken with each identified receiver, including providing information in condition 112(a) – (e) <u>(f)</u> to the identified receiver for review and feedback no less than 10 working days prior to the scheduled activity commencing; and
140	Prior to the lodgement of structure building consents, the Consent Holder must identify and locate all public and private services, basements and foundations in proximity (beyond the extent of any ground anchors and the zone of influence of any retaining) to the proposed earthworks and anchors. This must inform the detailed Basement Retaining Wall Design (condition 143 <u>142</u>), and anchor geometry must be designed to avoid effects on buried services and neighbouring foundations and retaining walls.
144	Certification from a suitably qualified geotechnical engineering professional (SQEP) must be provided to the Council confirming that the Basement Retaining Wall works have been completed in accordance with the approved design details as required by conditions 140, 141, 142, 143 and 153 <u>148</u> within 10 working days following completion. Written certification must be in the form of a geotechnical completion report, or any other form acceptable to the council.
153	Certification from a suitably qualified geotechnical engineering professional (SQGEP) must be provided to the Council confirming that the earthworks have been completed in accordance with the approved construction methodology as required by condition 153-148 within 10 working days following completion. Written certification must be in the form of a geotechnical completion report, or any other form acceptable to the council.
167	The Council must be notified as soon as practicable in the event of any significant discharge to air, which results in or has the potential to result in a breach of air quality conditions listed in conditions 165-167 <u>162 – 166</u> or cause significant adverse effects on the environment. The following information must be supplied:
193(i)	Have regard to any emergency response procedures developed in accordance with the Flood Barrier Management Plan (Condition 130 <u>127h</u>), such as communicating to the Dock Manager / concierge or inserting information or updates into the automated booking system if access is temporarily restricted to prevent large vehicles arriving and being unable to access. [...]

General Conditions – incorrect formatting	
Condition	Amendment sought
38(g),(h), (i),(ii)	g. Location of traffic signs and measures for advanced notice of any disruptions to the surrounding transport network during demolition and construction (including but not limited to) the removal of the Lower Hobson Street footbridge, and the removal of the Downtown Carpark Ramp across Customs Street West. This must include (at a minimum) the following: h. (i) Variable Message Signage (“VMS”) on Quay Street to the east warning of the removal of the Lower Hobson Street pedestrian bridge works to enable motorists to make an informed decision as to choose another route; (i) (ii) Signage warning of road closures for works involving the removal of the vehicle access ramp from the existing Downtown Car Park for at least 14 days prior to the works commencing; and (ii) (iii) Advanced advertising and notification, including (but not limited to) the use of radio, social media, use of VMS on the wider network, and other options to inform the travelling public of alternative travel arrangements or use of different routes to avoid the area.

General Conditions – minor wording amendments and other errors	
Condition	Amendment sought
42(n)	Procedures for preparing a Schedule to the CNVMP in accordance with conditions 112 and to 114;
184	[...] <i>New vehicle crossings are subject to approval be by Auckland Transport prior to construction.</i>
232	The bulk excavation for the basement must not extend below a bulk excavation level at RL -12.4m. This allows for construction of the lower basement level (B04) founded at RL -10.32m as defined by the architectural drawings listed in Condition 1, plus allowance for nominal over dig and construction of the slab, basecourse and any subsoil drainage below the basement. This excludes any local excavations away from the basement perimeter for minor structures, such as lift pit shafts, sumps or water tanks etc., which should not extend below RL 17.2m <u>-17.2m.</u>

Attachment 1: Table of Reports – minor amendments				
Report title	Amendment sought			
Architecture & Landscape Report	Warren and Mahoney	B <u>C</u>	03/10/25	21 May 2026
Draft Construction Traffic Management Plan R6C251106	Flow Transportation Specialists		06 November 2025	21 May 2026
Draft Construction Noise and Vibration Management Plan Rp 007 20230126	Draft Construction Noise and Vibration Management Plan Rp 007 20230126	Marshall Day Acoustics	-	6 November 2025

Attachment 2: Drawings				
<i>Drawings – Architecture</i>	Amendment sought			
General Arrangement – Floor Plan – Basement 04 FTA-10-096	Warren and Mahoney	C <u>D</u>	03/10/25	19/05/2026
General Arrangement – Floor Plan – Basement 03 FTA-10-097	Warren and Mahoney	C <u>D</u>	03/10/25	19/05/2026
General Arrangement – Floor Plan – Basement 02 FTA-10-098	Warren and Mahoney	C <u>D</u>	03/10/25	19/05/2026
General Arrangement – Floor Plan –	Warren and Mahoney	C <u>D</u>	03/10/25	19/05/2026

Attachment 2: Drawings			
Basement 01 FTA-10-099			
General Arrangement – Floor Plan – Level 00 FTA-10- 100	Warren and Mahoney	C-D	03/10/25 <u>19/05/2026</u>
Podium 03 – Building Elevations FTA-22-005	Warren and Mahoney	C-D	03/10/25 <u>19/05/2026</u>
Street Elevations FTA-23-001	Warren and Mahoney	C-D	03/10/25 <u>19/05/2026</u>
<i>Drawings – Landscape</i>	Amendment sought		
Landscape Concept Ground Level Plan Existing Context L01.003	Warren and Mahoney	I-J	03/10/25 <u>21/05/2026</u>
Landscape Concept Combined Levels Plan Existing Context L01.004	Warren and Mahoney	I-J	03/10/25 <u>21/05/2026</u>
Levels Strategy L01.005	Warren and Mahoney	I-J	03/10/25 <u>21/05/2026</u>
Landscape Concept Te Urunga Hau L01.101	Warren and Mahoney	G-H	03/10/25 <u>21/05/2026</u>
Landscape Sections Te Urunga Hau L20.101	Warren and Mahoney	F-G	03/10/25 <u>21/05/2026</u>