

BEFORE THE EXPERT PANEL

UNDER

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

AND

IN THE MATTER

of an application for approvals by Westhaven Residential Limited Partnership ("**Applicant**") in relation to the proposed urban development at 188 Beaumont Street, Auckland ("**Application**")

MEMORANDUM OF COUNSEL ON BEHALF OF
WESTHAVEN RESIDENTIAL LIMITED PARTNERSHIP

28 SEPTEMBER 2026

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MAY IT PLEASE THE PANEL:**Introduction**

1. This memorandum of counsel is filed in response to the Panel's requests for further information as set out in Minute 14 dated 23 September 2026 ("**Minute 14**").
2. The Panel requested further information from the Applicant on proposed section 224(c) compliance conditions and references to the Auckland Unitary Plan throughout the Application and the Council's Policy Planning Memorandum. A response to these matters is provided below.

Section 224(c) compliance conditions

3. The Panel observed at paragraph [3] of Minute 14 that the Applicant has not proposed any compliance conditions that must be met before a subdivision certificate is issued under section 224(c) of the Resource Management Act 1991 ("**RMA**").
4. The Applicant does not consider that such conditions are required because the boundary adjustment simply updates the legal boundary between two existing properties so that it reflects the development as built. It does not create an additional development site or require any subdivision-specific physical works. Similarly, the unit title subdivision simply divides the completed development into principal units, accessory units and common property for ownership purposes; it does not authorise or require further construction.
5. All building, servicing and infrastructure works are already addressed through the land-use conditions. The subdivision plans, boundaries and any required easements will be addressed through the proposed section 223 conditions. The unit title subdivision will also remain subject to the separate certification requirements under section 224(f) of the RMA, the Building Act 2004 and the Unit Titles Act 2010.
6. A section 224(c) certificate will still be required. However, as there are no additional subdivision works or other subdivision-specific obligations to be completed or certified at that stage, the Applicant considers that separate section 224(c) compliance conditions are unnecessary.

Auckland Unitary Plan

7. The Panel at paragraph [5] of Minute 14 has requested that the Applicant confirm whether the references to the Auckland Unitary Plan (Operative in Part) in the Application all correspond to the Auckland Unitary Plan (Operative) without amendment.
8. The Applicant confirms that all references to the Auckland Unitary Plan (Operative in Part) in the Application can now be read as references to the Auckland Unitary Plan (Operative). The planning assessment provided in the Application remains valid.

DATED: 28 September 2026



Simon Pilkinton | Alice Gilbert

Counsel for Westhaven Residential Limited Partnership