

To: Downtown Carpark Site Development Expert Panel – C/- Environmental Protection Authority

From: Karl Cook / Pamela Santos – Barker & Associates Limited

Date: 21 May 2026

Re: Downtown Carpark Site Development [FTAA- 2512-1158] – Response to Planning Comments Received

1.0 Introduction

1.1 This memorandum has been prepared to address comments and concerns pertaining to planning matters raised by the persons or groups set out in section 53(2) of the Fast-track Approvals Act 2024 ('FTAA') within their comments on the application by Precinct Properties New Zealand Limited ('Precinct') for the Downtown Carpark Site Development ('the Project/Proposal'). References to "Attachments" are to those provided with the Applicant's Legal Memorandum dated 21 May 2026.

2.0 Auckland Council

2.1 Information gaps

2.1.1 The Council's planning comments (Sarah Wilson) identify a range of matters considered to be "remaining information gaps" that Ms Wilson considers should be addressed prior to determination of the application. The Council has invited the Panel to request this information from Precinct.

2.1.2 The identified 'information gaps' include:

- **Economics assessment** including lack of the quantification of the benefits for Ngāti Whātua Ōrākei; consideration of the baseline; office market assessment; and cost benefit analysis;
- **Comparative shading assessment**;
- **Infrastructure servicing** as it relates to adverse construction traffic effects relating to infrastructure extensions; wastewater servicing; lack of noise and vibration effects assessment with respect to infrastructure works;
- **Wind mitigation**;
- **Flood barrier** design details and maintenance strategy; and
- **Transport matters** including the design of the hotel pick up and drop off (PUDO); adequacy of the PUDO management plan; effects on the closure of existing service lane to Aon and HSBC; construction staging capacity; and management of access beneath the Lower Hobson Street flyover.

2.1.3 We note that these matters were substantially responded to, as considered relevant, in the Planning Addendum dated 7 April 2026, and in the nine supporting attachments to the legal memorandum of the same date. We do not agree that there are any information gaps on these topics. We summarise our response on each of these matters as raised in Council's s53 response below.

Economics Assessment

- 2.1.4 Rather than an ‘information gap’, we understand that the Council does not agree with the applicant’s economic assessment and the modelling within that assessment. In our view, this does not mean insufficient information has been provided. This matter is addressed further in the economic response by Messrs Heath and Osbourne in **Attachment I** and in the Legal Memorandum. We note that a memorandum from Ngāti Whātua Ōrākei is provided (refer to **Attachment D**) addressing benefits for Ngāti Whātua Ōrākei. In relation to comments from Mr Yeoman on a planning baseline and plan-enabled capacity, we note that he concedes there is no permitted baseline yet he goes on to approach that part of the economic evaluation from a permitted baseline perspective. Our view is that that resource consent is required for a development on an overall basis rather than for components that exceed one or more standards. Further, Mr Yeoman seems to conflate the concept of plan-enabled capacity in the NPS-UD with a baseline for assessing economic benefits in a manner that is not supported by any identified provisions in the FTAA.

Comparative Shading Assessment

- 2.1.5 As above, Ms Wilson, in reliance on Council’s Principal Urban Designer, Mr Denalap, does not agree with the applicant’s position regarding comparative shading assessments. This is addressed in section 4.0 of the ‘*Downtown Carpark Site Development [FTAA-2512-1158] - Planning Addendum*’ prepared by Barker & Associates dated 7 April 2026. In our view, comparative shading diagrams are not necessary to assess the application and the shading effects provided with the application and subsequent addendum have been assessed comprehensively and in-the-round. This is further addressed in the urban design response by Mr McIndoe in **Attachment J** and within the Legal Memorandum.

Infrastructure Servicing

- 2.1.6 The matters relating to infrastructure servicing are not considered to be an ‘information gap’ for the following reasons:
- In consultation with Watercare, the application has demonstrated that there are viable solutions for servicing wastewater disposal from the project. The final wastewater discharge solution will be confirmed at detailed design stage following ongoing consultation with Watercare through the Engineering Plan Approval process. A condition of consent is offered in this regard.
 - From a planning perspective, the implementation of either Options 1 and 4 (as preferred by Watercare, noting the different position taken by Auckland Transport (AT)) can be undertaken as a permitted activity under the Auckland Unitary Plan (Operative in Part) (AUP(OP)). Therefore, the condition requiring confirmation of the final wastewater solution is appropriate, noting that further engagement with Watercare and Auckland Transport is ongoing, and Watercare approval is required at detailed design stage.
 - It is noted that there are other processes such as Corridor Access Request (CAR) that deal with works within Auckland Transport road corridor.

Wind mitigation

- 2.1.7 The Council have raised concerns regarding the feasibility of the proposed trees to mitigate wind effects as well as the reliance on third party approval (Auckland Transport and M-Social) for this

mitigation. With regards to the feasibility of the trees, this has been addressed in item 23 the Architecture and Landscape addendum titled '*Section 67 Request for Information*' prepared by Warren and Mahoney Architects New Zealand Ltd (WAM) dated 2 April 2026. In our view, the feasibility of these trees has been addressed sufficiently however further commentary is provided in the response prepared by WAM in **Attachment R**.

- 2.1.8 In terms of the reliance on third party approval for the proposed trees as wind mitigation, Holmes have undertaken further testing for the wind mitigation effect of a mitigation measure involving a 5m porous screen along the boundary adjacent to the M-Social as an alternative to the trees. This is addressed further in the wind engineering response prepared by Mr Verhaeghe in **Attachment L**. In summary, the 5m wind screen will produce a similar or even greater mitigation effect compared to the proposed trees. It is still the applicant's intention to implement the trees in the first instance subject to approval from M-Social and Auckland Transport. However, if approval cannot be obtained, the proposed wind screen will be implemented and a condition of consent is proposed in this regard.
- 2.1.9 Overall, having regard to the additional testing undertaken by Mr Verhaeghe, this matter is not considered an 'information gap'.

Flood barrier

- 2.1.10 In terms of the flood barrier design details and maintenance strategy, the Council have raised concerns regarding the lack of finalised flood barrier design and accompanying assessment. To provide flood protection to the basement car park over the next 100 years, a flood barrier at the northern entrance is proposed and designed to minimum 3.6 m RL (NZVD2016). An outline of the draft flood barrier management plan is included as **Attachment T**. Conditions of consent are proposed for the final barrier details including submission of a flood barrier management plan to be certified by Council and implemented prior to occupation. This approach was discussed with Council at a meeting on 18 May 2026, where agreement was reached to this approach, subject to refinement of the draft flood barrier management plan and associated conditions of consent.
- 2.1.11 In summary, the proposed flood barrier, along with an associated management plan, will appropriately manage risks, including residual risks, of the identified natural hazards to the timeframe in the framework in the National Policy Statement for Natural Hazards 2025 (NPS-NH) and AUP (OP) (including in Plan Change 120 (PC120)). This matter is therefore not considered an 'information gap'.

Transport Matters

- 2.1.12 The transport matters identified in Council's planning comments and AT memo are not considered to be an 'information gap'. The Council and AT are concerned with effects arising from construction and the hotel pick up and drop off element of the proposal as opposed to the adequacy of the information that has been provided. These matters have been comprehensively addressed in the Application, the addendum transport report dated 7 April 2026 and in the s55 transport response by Mr Shepherd in **Attachment F**.

2.2 Response to Auckland Council Section 85 Assessment

- 2.2.1 Within Ms Wilson's planning comments, nine adverse impacts are identified that could collectively be sufficiently significant to outweigh the project's benefits. Ms Wilson notes that the potential

effects of concern relate largely to areas where there are information gaps with the Application (refer above) and that these matters require resolution to ensure a clearly informed proportionality assessment between the benefits and the adverse impacts.

- 2.2.2 The table below provides our summary response to each of the proportionality assessments provided by the Council for the adverse impacts raised, noting that additional assessment is provided below on adverse effects (section 3.0), objectives and policies (section 4.0) and consent conditions (section 5.0).

Table 1. Response to Section 85 Assessment.

Summary of Auckland Council Assessment	Planning Response
Landscape and waterfront amenity effects The proposed height of the towers and exceedances to the harbour edge height control plan result in significant adverse landscape effects on the broader cityscape, particularly in views from the west.	Comprehensive assessments of landscape and waterfront amenity effects are provided with the application and in responses to comments under section 55. We do not consider that any adverse impacts arising from the proposed height of the towers are out of proportion with the significant regional benefits of the project.
Shading effects The proposal results in loss of remaining areas of sun to three public open spaces (St Patrick's Square, Takutai Square and Te Komititanga) that are well used during the time of sunlight loss.	Comprehensive assessments of shading effects are provided within the application and in responses to comments under section 55. We do not consider that any adverse shading impacts arising from the proposal are out of proportion with the significant regional benefits of the project noting the city centre context of the development.
Wind effects with mitigation Adverse pedestrian amenity effects resulting from the proposed development.	Comprehensive assessments of wind effects are provided within the application and in responses to comments under section 55. While the proposal results in Category D wind conditions in a limited number of locations, the effects arising from this are not significant and will not be out of proportion to the significant regional benefits of the project.
Wind effects if mitigation is not feasible or deliverable Council questions the feasibility of the proposed trees for wind mitigation and reliance on third party approval for its implementation.	The feasibility of the trees for wind mitigation has been addressed within the Application and in responses to comments under section 55. It is acknowledged that the proposed trees rely on third party approval for implementation. It has been demonstrated in the wind conditions memo in the responses to comments under section 55 that a 5m porous screen along the boundary to M-Social will produce a similar or even greater mitigation effect compared to the proposed trees. While it is still the applicant's intention to

	implement the trees in the first instance (subject to approval from M-Social and Auckland Transport), a condition of consent is proposed to implement the wind screen if approval for the trees cannot be obtained. Having regard to this, we consider the wind mitigation to be feasible and deliverable such that the wind effects are not out of proportion with the significant regional benefits of the Project
Construction traffic effects Information gaps have been identified in the Application that do not enable an informed conclusion on the scale of adverse effects that would occur to the transport network as a result of construction works.	As addressed in the application and the applicant's s55 response, potential adverse construction traffic effects from the proposal are not significant and can be managed subject to the implementation of the Construction Traffic Management Plan such that they are not out of proportion with the significant regional benefits of the project.
Public realm design and operational road safety and network efficiency effects Potential safety impacts pertaining to the design of the proposed hotel pick up and drop off facility.	The proposed PUDO is considered an improvement compared to the existing Customs Street West frontage. Careful consideration has been given to the design of the access to and layout of the PUDO. Potential safety impacts will be managed through implementation of the PUDO management plan. Overall, we do not consider that any adverse impacts arising from the PUDO are out of proportion with the significant regional benefits of the project.
Noise effects Effective delivery of mitigation to address noise effects on M-Social has not been demonstrated. In addition, no evidence has been provided that Kindercare are set to vacate their premises prior to demolition commencing.	It is acknowledged that the proposal results in residual construction noise effects, including to the M-Social hotel, however these are not significant in the context of the city centre environment. Overall, we do not consider adverse noise impacts arising from the construction works to be out of proportion to the significant regional benefits of the project.
Flood natural hazard resilience The proposal does not include a finalised barrier design and therefore effects cannot be assessed.	The issue pertaining to flood natural hazard resilience is addressed above, following a meeting with Auckland Council. A draft flood barrier management plan is attached to the Applicant's response and consent conditions requiring the flood barrier and associated management plan are proposed.

	Overall, it has been demonstrated that the flood risks to people and property will not be a significant adverse impact to the extent that any flood hazards arising from the project will not be out of proportion to the project's benefits.
Infrastructure delivery Wastewater capacity is insufficient to cater for the development.	Several options have been demonstrated to address the limitations in Watercare's wastewater network that services the site. Discussions with Watercare (and Auckland Transport, to the extent it may be affected) are ongoing, the detailed design will be addressed as part of the usual EPA approval process and a condition of consent is proposed to ensure any upgrades are in place prior to building occupation. The wastewater capacity issue is thus not out of proportion with the significant regional benefits of the Project.

2.3 FTAA assessment summary

- 2.3.1 In summary, based on the expert assessments provided with the Application and as outlined above and in the further assessment provided in section 3.0 below, we do not agree with the Council's planning comments concluding that the potential adverse impacts may be, either individually or collectively, out of proportion to the significant regional benefits of the Project.
- 2.3.2 In relation to benefits, we note that the Project will deliver substantial and enduring regional benefits. These include:
- The economic impact estimated to contribute to \$1.64 billion into the Auckland economy, with 11,914 FTE years of employment generated over the eight-year development period.
 - Expected contribution of approximately \$650 million to regional household incomes and will stimulate significant local business activity, particularly in the tourism, retail and hospitality sectors. The development will also catalyse further private sector investment in the surrounding areas, enhancing Auckland's economic growth.
 - Transforming the urban form of Auckland's city centre replacing the existing carpark building with a high-quality, architecturally designed mixed-use precinct. It introduces a new network of laneways, which will improve connectivity between the city centre and waterfront while activating the street edges with retail, hospitality, and civic uses. The development will create a vibrant, pedestrian-oriented environment, significantly enhancing the public realm, legibility, and, safety of the city centre.
 - The inclusion of Te Urunga Hau (Urban Room) as a major new public space provides a memorable, inclusive, and culturally layered gathering place. The design expresses mana whenua values and Te Aranga Design Principles, integrating Māori narratives and identity within the built environment. This contributes to a stronger sense of place, belonging, and cultural recognition for Tāmaki Makaurau's residents and visitors.

- Positive contribution to Auckland’s skyline and urban environment. The two slender towers and articulated podiums form a coherent composition that provides a visually distinctive and culturally resonant landmark with strong mana whenua narratives while integrating with the city’s broader built form. The development establishes human-scale frontages, active edges, and enhanced street interfaces, creating a high-quality urban design outcome.
- The range of uses—comprising office, residential (apartment and hotel), retail, and civic spaces—will deliver long-term economic benefits, including job creation during construction and operation, growth in tourism and hospitality activity, and support for city-centre business functions. By intensifying land use in a strategic, transit-accessible location, the Project aligns with the Auckland Plan 2050’s compact city strategy and NPS-UD directives for efficient urban growth.
- The Project supports low-carbon, transit-oriented growth by its immediate proximity to the Lower Albert Street bus interchange, Waitemata Station, and ferry terminals, thereby encouraging low carbon travel choices. Enhanced pedestrian connections, landscaping, and laneways improve walkability and amenity, while energy-efficient design, reduced vehicle reliance, and resilient infrastructure contribute to environmental sustainability and climate-adaptive urban form.
- The Project is being developed in partnership with Ngāti Whātua Ōrākei Whai Rawa Limited. The partnership will create a development that not only recognises and pays respect to Ngāti Whātua Ōrākei values and connection to the site as tangata whenua, but will actively involve their people in that process. The partnership will also enable Ngāti Whātua Ōrākei to benefit financially, allowing it to acquire an interest in the limited partnership that Precinct will form to hold the office component of the development and facilitate joint venture arrangements. Further, Ngāti Whātua Ōrākei will lead an opportunity for other iwi and hapū around Aotearoa to invest in the development, allowing the economic benefits of the project to extend to other tribes.

2.3.3 In reliance on the comprehensive assessment of effects and suite of mitigation measures, including proposed conditions of consent, and having regard to the city centre context of the development, we consider that potential impacts will be minor overall with the exception of construction and noise where impacts are expected to be moderate. These are summarised in the following section.

3.0 Adverse Effects

3.0.1 Comments received from parties, including Auckland Council, address aspects of the effects assessment provided within the application, particularly in relation to built form, height and waterfront character, shading, public realm, wind, development engineering including infrastructure servicing and natural hazards, operational traffic, construction traffic, construction noise and vibration, dust and air quality, geotechnical, land stability and groundwater dewatering and diversion, and built heritage. We have reviewed these and confirm the conclusions reached within the Assessment of Environmental Effects submitted with the application. The following comments are provided in response to the matters raised that are in contention between the applicant and the persons/entities.

3.1 Built form, height and waterfront character

- 3.1.2 Council are concerned that the proposed height of the towers will replace the planned, gradual transition down to the harbour edge with a steeper, dominant new plane that will become the de facto control, nullify the AUP (OP) transition, and result in abrupt height changes against the Viaduct Harbour Precinct. In Council's view, Tower 1 verticality is seen as oppositional to the maunga and Te Waitemata.
- 3.1.3 We disagree with Council's assessment and maintain our assessment of the Harbour Edge Height Control Plane (HEHCP) infringement set out in the Assessment of Environmental Effects report lodged with the application.
- 3.1.4 In relation to concerns raised by Mr Quin with the National Coastal Policy Statement, we consider that the Council fails to properly acknowledge the highly modified City Centre context of the site. The policy direction in the AUP (OP) enables the greatest building heights and density in Auckland to occur in the City Centre core. The Site is located within a Special Height Area where the greatest building heights are enabled. Building height on the site is managed by the AUP (OP) St Patrick's Sunlight Admission Control, and moderated by the HEHCP.
- 3.1.5 In our view, the proposal has been designed to result in a built form that can sit comfortably in its neighbourhood and surrounding public open space including the harbour, Viaduct Harbour Precinct and wider urban landscape setting for the following key reasons:
- The towers have been designed to achieve a height transition from the core central business district to the waterfront. The stepdown in height from T1 to T2 and the location of T2 closer to Quay Street contributes to the transition.
 - Views between the harbour and city centre will be retained despite through the gaps between the towers. The towers are separated by approximately 15m with a setback of at least 10m from HSBC and Aon buildings which contributes to north south views across the Site.
 - The podium buildings have been designed to provide human scale with the towers above setback from the street frontage to ensure the development is consistent with the scale, visual harmony and form of the existing streetscape including the Viaduct Harbour Precinct.
- 3.1.6 This matter is addressed further by Mr Jones in the landscape response in **Attachment K** and Mr McIndoe urban design response in **Attachment J**.

3.2 Shading

- 3.2.1 Council are concerned that the proposal results in loss of remaining areas of sun to three public open spaces (St Patrick's Square, Takutai Square and Te Komititanga) that are well used during the time of sunlight loss. This matter is addressed by Mr McIndoe in the urban design response in **Attachment J**, noting that shade in open spaces is expected as the city develops and that sunlight at these times are not protected by the AUP (OP).
- 3.2.2 In terms of the comparative shading, this is addressed further in section 2.1.5 above.

3.3 Public realm (PUDO and universal design)

- 3.3.1 Council are concerned that the proposed PUDO results in a less successful public realm along Customs Street West. This matter is addressed by Mr McIndoe in the urban design response in **Attachment J**. Overall, Mr McIndoe considers that the proposed PUDO provides activation and presents high quality design subject to finalised landscape design including landscape buffer, paving differentiation, surface treatment, and any kerb, planter or level-change details.
- 3.3.2 Universal design matters raised by Council include detailed clearances at entrances/egress points along the Lower Hobson Street elevation, provision and location of the accessible lift, lighting and pedestrian safety issues and provision of accessible residential apartments. These matters have been addressed in the universal design & landscape response prepared by WAM in **Attachment R** and the CPTED response by Mr Wallace in **Attachment P**.

3.4 Wind

- 3.4.1 Council are concerned that with the exception of the infringement to Location 18, the proposal results in adverse effects on pedestrian amenity. Council also raised concerns regarding the feasibility of the mitigation proposed in particular reliance on third party approval for wind mitigation.
- 3.4.2 We disagree with Council's assessment that the resulting wind conditions results in adverse pedestrian amenity effects. It is important to put these infringements in context in terms of its location and intended use. With this in mind and having regard to the wind engineering response by Mr Verhaeghe in **Attachment L**, we note the following:
- Location 9: In terms of safety criteria, gust speed was found to be 26m/s and therefore marginally above the 25m/s threshold. However, this is similar to the existing conditions (i.e., without the Project) except a slight shift of the area of peak gustiness further south (closer to Podium 2) as a result of the proposed development.
 - Location 8, 9 and 42 (Lower Hobson Street): Conditions remain in Category D which is windier than the Category C conditions normally required for a footpath. However, these conditions are similar or calmer than existing conditions, in particular slightly further north of these locations.
 - Location 18 (Urban Room): Category D conditions occur in this area under the bridge between T1 and T2. This condition is local only and occurs in a walking transitional area (i.e., not for gathering). In addition, it is noted that conditions are only marginally windier than the Category C conditions normally needed for a walking area.
 - Location 26 (Customs Street West): Category D conditions occur in this area due to a local airflow acceleration between the block to the north and the trees to the south. It is noted that these conditions remain local only.
- 3.4.2 It is highlighted that while the proposal results in Category D conditions in the locations noted above, Category D conditions do not mean that conditions will always be windy and uncomfortable for pedestrians. It means during a year there will be more days when conditions would feel windy for walking than for an area of Category C conditions, noting also that Category D conditions are not considered a safety issue. Category D conditions are also not unusual on the waterfront around building corners.

- 3.4.3 In terms of Location 52 (Sturdee Street Public Space), this is not referred to in the Application as an infringement given the current use of this space. Council acknowledges that the Category C conditions would be appropriate for the current configuration but not appropriate for the future planned function of the space with the removal of the Flyover and public realm enhancements proposed by Council. In our view, it is not appropriate to assess the proposal against the future planned function of this space as this is reliant on future resource consents.
- 3.4.4 In terms of the feasibility of trees for wind mitigation and reliance on third party approval in order to implement the mitigation, this is discussed further in sections 2.1.7-2.1.9 above.
- 3.4.5 When assessing RMA approvals under the FTAA, greatest weight must be given to the purpose of the FTAA – namely facilitating the delivery of infrastructure and development projects with significant regional or national benefits. While the proposal results in Category D wind conditions, these are not significant and are considered appropriate in the context of the FTAA having regard to the significant regional benefits of the project.

3.5 Built heritage

- 3.5.1 Council are supportive of the demolition of the pedestrian footbridge that connects the Downtown Carpark building to 204 Quay Street, the former Auckland Harbour Board building however recommends conditions of consent that are not supported by the applicant.
- 3.5.2 We consider that there is adequate information with the Application to determine any effects noting that correspondence with Heritage New Zealand Pouhere Taonga indicates support of the proposal. The recommended engagement of suitably qualified and experienced heritage specialist to supervise all heritage related works on site and the preparation of a Heritage Construction Management Plan to be certified by Council will add unnecessary cost and step to the consenting process noting the proposed works are relatively minor.

3.6 Development engineering

Wastewater servicing

- 3.6.1 Council are concerned that wastewater network options are unresolved given the differing priorities of Watercare and AT. This matter relating to wastewater servicing is addressed in section 2.1.6 above. In summary, the application has demonstrated that there are several feasible solutions to service the proposal, and a condition of consent is proposed to ensure any wastewater upgrades are in place prior to building occupation.

Natural hazards (flood and coastal hazards)

- 3.6.2 This is addressed in section 2.10-2.11 above. In summary, the proposed flood barrier, along with an associated management plan, will appropriately manage risks, including residual risks, of the identified natural hazards over a 100-year timeframe.

3.7 Operational traffic (PUDO)

- 3.8.1 Council and AT are concerned that the proposed PUDO has not been adequately designed and therefore likely result in road safety risks and transport network efficient effects that are potentially significant.

- 3.8.2 This matter is addressed in the transport response by Mr Shepherd in **Attachment F**. A peer review of the proposed PUDO has been undertaken by My Hughes and included in **Attachment G**. Overall, the proposed PUDO is considered an improvement compared to the existing Customs Street West frontage with significant lower vehicle volumes and the replacement of wide, high-speed entries with narrower, speed-calmed crossings including improved intervisibility and active staff control. The PUDO management plan has been updated following the peer review undertaken to address concerns raised by AT.

3.8 Construction traffic

- 3.9.1 Council and AT are concerned that there remain information gaps that do not enable an informed conclusion on the scale of adverse effects that would occur on the transport network as a result of the proposed construction works. These include management details for the Lower Hobson Street site access, evidence of construction staging capacity, understanding of the bus network effects of closure of the service lane and infrastructure construction traffic effects.
- 3.9.2 Concerns raised by other parties largely relate to additional conditions of consent (or modifications to the consent conditions) however there are no notable areas of disagreement. These are addressed in the updated conditions of consent in **Attachment V** with specific commentary where conditions have been accepted, accepted in part or rejected.
- 3.9.3 Construction traffic matters raised by the Council, AT and the persons/entities have been comprehensively addressed by the transport response by Mr Shepherd in **Attachment F**. We confirm that we have reviewed this assessment and maintain our conclusion that potential adverse construction traffic effects from the proposal can be managed subject to the implementation of the Construction Traffic Management Plan.

3.9 Construction noise and vibration

- 3.10.1 Council's key concern relate to the proposed mitigation at M-Social which is outside the applicant's control and therefore may not be achievable. Ms Wilson is also concerned about the absence of evidence that KinderCare will vacate their premises prior to demolition works commencing.
- 3.10.2 Key concerns raised by other parties such as Millenium & Copthorne Hotels New Zealand Limited (M-Social/MCK), Body Corporate 199380 (The Sebel) and Quattro RE Limited (Quattro) relate to the proposed approach to the conditions whereby compliance with the relevant noise and vibration standards is required in the first instance and if a construction activity cannot meet the standards, then a 'Schedule' approach is to be adopted. The parties have suggested that that rather than the two-tier system proposed, a three-tier system would be more appropriate.
- 3.10.2 Construction noise and vibration matters raised by the Council and other parties are addressed by the acoustic response by Mr King in **Attachment H**. The following comments are made from a planning perspective:
- In relation to M-Social:
 - As addressed by Mr King, all practical steps have been undertaken to minimise construction noise effects on M-Social through the proposed methodology, equipment selection, mitigation and management measures. Compliance with AUP standards is

predicted for most activities, a mechanism for a BPO approach to non-compliances is proposed and any residual construction noise effects are considered to be moderate.

- Noise levels above 40 dB L_{Aeq} would only occur in approximately three to five guestrooms at any one time during the closest works, which is approximately 2-3% of all guestrooms. While this will have an effect on day sleepers, this is not considered a significant or unreasonable effect. While management of guests within the hotel is acknowledged as being outside the applicant's control, it has been identified as a measure that could be adopted to manage any residual effects.
- In reliance on Mr King's advice, the proposed three tier system proposed by Mr Styles for commenters is considered unnecessary as it adds complexity to the conditions without material benefit in the management of effects. However, several changes have been proposed to the conditions to ensure the process for all Schedules is rigorous and is worded to ensure effects are minimised as far as practicable.
- A condition is proposed requiring proof to be provided to Council that KinderCare has vacated prior to the commencement of demolition works. Refer to Condition 45A.

3.10.3 When assessing RMA approvals under the FTAA, greatest weight must be given to the purpose of the FTAA – namely facilitating the delivery of infrastructure and development projects with significant regional or national benefits. While the proposal results in residual construction noise effects to M-Social, these are not significant in the context of the city centre hotel and are considered reasonable in the context of the FTAA having regard to the significant regional benefits of the project.

3.10 Dust and air quality

3.11.1 Council generally concurs with the air quality assessment provided with the Application however considers that continuous real-time PM10/TSP monitoring is warranted given the site's close proximity to sensitive receivers.

3.11.2 We consider that some components of the recommended dust monitoring regime to be inappropriate and excessive. However, we acknowledge the presence of sensitive activities within the HSBC building/AON house podium levels that could be exposed to dust from demolition and in this regard propose a modified dust monitoring regime as follows:

- Use of two PM10 (or TSP) monitors at or near the site boundary, rather than three monitors as fixed locations, as proposed by Council.
- Monitoring of wind is not required in the Auckland Council recommendations but would provide useful information for dust management and investigation of elevated dust levels and we recommend including wind monitoring at one location.
- Monitoring to be conducted during the demolition phase only (Council has recommended also monitoring during basement excavation).

3.11.3 This matter is addressed further in the air quality response by Mr Pene in **Attachment M**.

3.11 Geotechnical, land stability and groundwater dewatering and diversion

- 3.12.1 Council generally concurs with the geotechnical and groundwater assessment provided with the Application and concludes that there are no significant geotechnical and groundwater impacts subject to the conditions recommended by the Council. The conditions recommended by Auckland Council have largely been accepted and are addressed in the updated conditions of consent in **Attachment V** with specific commentary where conditions have been accepted, accepted in part or rejected.
- 3.12.2 Comments received from MCK identified information gaps in the geotechnical and structural assessments provided by the Applicant to MCK. These have been addressed in the structural response by Mr Mackenzie in **Attachment O** and in the geotechnical response by Mr Millar and Mr Wilkinson in **Attachment N**. Overall, there are several conditions already proposed in the updated set of conditions that will provide the necessary protections to the existing M-Social structures. The majority of the items requested by M-Social are matters covered by normal processes of peer review and Building Consent.

4.0 Objectives and Policies

- 4.1 A comprehensive assessment of the relevant objectives and policies of the AUP(OP) has been provided in the Application. We have reviewed this assessment in response to the matters raised in comments and the information provided in response.
- 4.2 We confirm the conclusions reached within the Assessment of Environmental Effects and supporting analysis of objectives and policies submitted with the application.

5.0 Conditions of Consent

- 5.1 The proposed consent conditions are based on standard Auckland Council wording for the various consents and permits sought in the application. It is also based on engagement with relevant parties including Auckland Council and AT. In addition, the proposed consent conditions for this project are an adaptation of the consent conditions from other large scale City Centre projects but have been updated to reflect the specific works proposed in this project.
- 5.2 The key elements of the approach taken in the proposed consent conditions include:
- Appropriate management of adverse construction and operational effects, including providing mitigation to address adverse effects;
 - Inclusion of management plans, including a Community Liaison Group and Council certification process.
 - Provide for monitoring where necessary.
- 5.3 **Attachment V** contains an updated set of conditions, with tracked change and clean versions provided. Responses to comments made on the conditions that were included in the application are provided in comments boxes in the tracked change version of the updated conditions. This includes comments on suggested changes that are accepted, either in whole and in part, and comments (including reasons) identifying where changes sought by commenters are not agreed.

- 5.4 In summary, we consider that the proposed updated conditions provide a comprehensive suite of measures to ensure that the effects if the Project are appropriately avoided, remedied or mitigated. Several changes are proposed in response to the comments provided.

6.0 Other Matters

A number of additional matters were raised within the comments received, and the following responses are provided:

6.1 Loss of parking

- 6.1.1 There is a Development Agreement in place between the Council and Precinct for the Downtown Carpark Site Development Project. The intent of the Development Agreement is for the Council to sell the carpark to Precinct for the purpose of demolishing the existing building and redeveloping the site. The loss of parking is therefore a consequence of the Development Agreement and is not an effect arising from the proposal.

6.2 Property value reduction / loss of income

- 6.2.1 Property value changes including any potential loss of income are potential implications of effects are not considered relevant in determining resource consent approvals as they can result in double counting effects.

6.3 CLG participation of other parties

Kyndryl and Sebel requested that the following additional parties be included in the CLG:

- Bodies Corporate 33640 / 321390 / 32191 / 336459 / 383524 / 378969 / 323876 / 321393 / 321389 The Parc (The Parc) (Various addresses)
- Body Corporate 199318 The Point (The Point)
- Body Corporate 326496 Lighter Quay (Lighter Quay North)
- Body Corporate 358939 Lighter Quay Halsey (Lighter Quay Halsey)
- Body Corporate 343562 Lighter Quay Stratis (Lighter Quay Stratis)
- Body Corporate 198900 (The Quays) (95-97 Customs Street West, Auckland Central)

This is not accepted and considered unnecessary as these parties are not considered adjacent parties under section 53(2) of the FTAA. Notwithstanding, potential construction effects on the wider network including these parties have been adequately addressed in the Application and overall effects can be managed with appropriate management plans in place.

6.4 Comparative shading

- 6.4.1 This has been addressed further in section 2.1.5 above.

6.5 Height infringement

- 6.5.1 Ms Wilson does not agree with the applicant's position regarding compliance with the general building height (Standard H8.6.2). This has been addressed comprehensively in sections 2.2-2.3 of the '*Downtown Carpark Site Development [FTAA-2512-1158] - Planning Addendum*' prepared by Barker & Associates dated 7 April 2026.

6.6 Permitted baseline

- 6.6.1 The construction of a new building in the City Centre Zone requires consent and therefore is not a permitted baseline that can be usefully applied to the proposal.

6.7 Operational waste management plan

- 6.7.1 Council has commented that the Application needs to be neutral in terms of waste service provider type and flexible in terms of methodology in order to future proof the consent should service provider or methodology need to change for any reason. This approach is accepted and the Draft Operational Waste Management Plan has been updated to address Council's comments (refer to **Attachment T**).