

**BEFORE THE WAITAKERE DISTRICT COURT – NEW COURTHOUSE EXPERT
PANEL**

In the matter of

of the Fast-Track Approvals Act 2024 (the *FTAA*) and the deliberations and draft decision of the Expert Panel appointed under section 50 and Schedule 3 of the *FTAA* to:

- (a) Designate an area of land at 14 Edmonton Road, Henderson, Auckland to enable development and operation of land and buildings on the site for judicial and court purposes.

Expert Panel

Heather Ash
(*Chair*)

Lisa Mein
(*Member*)

Bronwyn Rhynd
(*Member*)

***Comments received
under Section 53 of the
FTAA:***

22 January 2026

***Details of any hearing
under Section 57 of the
FTAA:***

No hearing was held by the Panel

**Record of Draft Decision of the Expert Consenting Panel
under Section 87 of the
Fast-Track Approvals Act 2024**

Dated 5 March 2026

Decision: Approval is granted subject to conditions

Date of Draft Decision:

5 March 2026

Date of Issue:

5 March 2026

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DRAFT

[DRAFT] DECISION MADE BY THE PANEL: WAITAKERE DISTRICT COURT – NEW COURTHOUSE

PART A: EXECUTIVE SUMMARY

- 1 This is an Application for a Notice of Requirement (NoR) by the Minister for Justice to develop a new Waitakere District Court at Henderson. This comprises:
 - (a) The designation of an area of approximately 4,435m² located at 14 Edmonton Road, Henderson (**Site**).¹
 - (b) The purpose of the designation is to enable development and buildings for judicial, court, tribunal and related purposes including collection of fines and reparation, administration, support, custodial services and ancillary activities.
- 2 The designation would provide for the construction and ongoing operation of a new Justice Facility to replace the existing Waitakere District Courthouse at 9-11 Ratanui Street, Henderson which is no longer fit for purpose.
- 3 The Application was made as a referred project under section 13 of the FTAA and approved by the Minister on 16 June 2025. On 20 November 2025 an expert panel was appointed to determine the Application (**Panel**).
- 4 The development of a new Waitakere District Courthouse has been identified as a priority project in the central government sector plan – specifically the Ministry of Justice high priority 10 year Infrastructure Investment Plan. The Panel has assessed the Application applying the relevant statutory criteria within the purpose and context of the FTAA.² An Outline Plan of Works is not sought as part of this Notice of Requirement and is proposed to be provided in parallel with the Building Consent process.
- 5 The Panel received comments from parties invited to comment, including Auckland Council, Watercare Services Ltd, Ministers of Economic Growth, Infrastructure, Crown Relations, Corrections and Police along with the adjacent neighbour - The Alderman. The Applicant provided a response to those comments. The comments and response raised a number of matters for our consideration, including in relation to building design, traffic, landscaping, construction, flooding and stormwater. The Panel has carefully reviewed all of that information.
- 6 In terms of the statutory tests for approving an NoR, Schedule 5 clause 24 sets out the criteria and other matters for assessment of the Application. The Panel is required to take into account the purpose of the FTAA, the provisions of Part 8 of the RMA which direct decision-making on designations. The Panel finds that effects on the environment of allowing the requirement will be appropriately managed by the Panels' recommended conditions and that adequate consideration has been given to alternative sites and methods of undertaking the work and that the works are reasonably necessary for achieving the objectives of the Minister for Justice for the new Waitakere District Courthouse.

¹ Legally described as Lot 1 DP564257. A record of the title is provided as Appendix 1 to the Application.

² FTAA and Schedule 5 of the FTAA

- 7 Schedule 5, clause 17 sets out the criteria and other matters for assessment of resource consent applications. The other relevant statutory criteria will be satisfied taking into account the range of mitigation and management measures provided through the conditions to be attached to the NoR.
- 8 The Panel considers that, having considered all relevant matters, the Project meets the purpose of the FTAA.
- 9 The Panel therefore **grants approval** for the Application subject to the conditions in **Appendix A**.
- 10 This decision is made in accordance with section 87 FTAA. This decision covers all the approvals sought under the substantive Application. This decision document includes:
- 10.1 The decision – throughout and summarised in Part N;
 - 10.2 The reason for the decision – throughout and summarised in Part N;
 - 10.3 A statement of the principal issues in contention – Part I and summarised in Part N;
 - 10.4 The main findings of the principal issues in contention – Part I and summarised in Part N;

PART B: OVERVIEW OF THE APPLICATION AND PROCEDURE

Application

Applicant

- 11 The Minister of Justice, on behalf of the Requiring Authority, is the authorised person for the Waitakere District Court – New Courthouse as set out in section 42 of the FTAA.

Site and surrounding environment

- 12 The Site for the proposed designation is located at 14 Edmonton Road, Henderson and was purchased by the Minister of Justice in 2023 specifically to accommodate a new courthouse for Waitakere. The Applicant provides a detailed description of the site and surrounding environment³.
- 13 The Panel has summarised the following features and characteristics of the Site and surrounding area as described in the Application. The Site is located on the corner of Edmonton Road and Alderman Drive, adjacent to the roundabout as shown in Figure 1 below.

³ NoR Part 6.1 and 6.2



Figure 1: Locality Plan. Source: Auckland Council GeoMaps Viewer)

- 14 The site has operated as a public carpark (known as the "Falls Carpark") for the last 30 years providing approximately 52 carparks. The site currently has some temporary activities on it, such as Ecomatters Bike Hub and a pump track, as well as the carparking managed by Auckland Transport. Access to the site is from both Edmonton Road and Alderman Drive. There is a right of way easement extending approximately 20 metres into the site for the benefit of Falls Park and parking access/service for The Alderman. There are two Notable Kauri trees in the north-west corner of the site.
- 15 The site is located within a statutory acknowledgement area, over the Te-Wai-o-Pareira/Henderson creek and tributaries. Takapu stream is a tributary of Te-Wai-o-Pareira and runs through the middle of the project area (piped underground) before joining Oratia Stream (another tributary) to the north of the site.
- 16 The surrounding environment consists of "The Alderman" historic hotel, adjacent to the proposed designation which leads to Falls Park. The property opposite the site on Alderman Drive is a carpark owned and managed by Auckland Council. To the north of the site there is a driveway leading to the Korean Presbyterian Church property. There is a range of residential properties on both sides of Edmonton Road and in Takapu Street which is directly opposite the site.
- 17 The site is zoned Business – Metropolitan Centre Zone under the Auckland Unitary Plan (Operative in Part) (AUP (OP)) with a small portion zoned Open Space Informal Recreation Zone as shown in Figure 2 below:



Figure 3: AUP(OP) Site Zoning at applies to the designation boundary. Source: Auckland Council Unitary Plan Viewer.

- 18 The Metropolitan Centre Zone is intended for development of commercial, residential and civic activities⁴. Development in the zone should be of a form and scale that contributes positively to the public realm and creates a sense of place. A wide range of activities are enabled to support surrounding residential intensification. The policies aim to avoid effects on sensitive activities such as residential⁵. Under the AUP (OP) the "Justice Facility" falls under the community nesting table in Chapter J under the subgroup Correction Facilities and is a permitted activity in the zone, subject to compliance with bulk and location standards.
- 19 The zoning for land adjacent to the site to the west and northeast is also Business – Metropolitan Centre. Properties to the east and south are zoned Residential – Terraced Housing and Apartment Building and Residential – Mixed Housing Urban respectively. Directly to the north of the site is Falls Park and The Alderman, zoned a mixture of Open Space – Informal Recreation and Business – Metropolitan Centre.
- 20 There are a number of overlays and controls that apply to the Application site. There is a Notable Trees overlay relating to two Kauri trees, a Stormwater Management Area Control Oratia 4 (Flow 2) relating to potential flood hazards and a Macroinvertebrate Community Index – Urban Central. There is also a Building Frontage Control – General Commercial Frontage applying to the site to achieve a reasonable level of street activation, building continuity along the frontage, pedestrian amenity and safety and visual quality.

⁴ NoR Part 15.5.8

⁵ See discussion in Part H of this Decision.

- 21 There are also a number of plan changes to the AUP (OP) relevant to the site. Specifically Plan Change 78 (PC78) which is relevant to intensification in the Business – Metropolitan Centre Zone. The plan change enables additional height in relation to boundary and more building bulk. While PC78 has been withdrawn in part the proposed provisions relating to that part of the site which is within the Metropolitan Centre Zone will continue under the Plan Change.
- 22 Plan Change 79 decision version (PC79 DV) responds to the intent of PC78 and addresses transportation matters in residential zones however the accessible parking standards apply to community facilities.
- 23 Plan Change 120 (PC120) was notified on 3 November 2025 and relates to density and intensification and the management and resilience of natural hazards. Given the subject site has flooding issues, PC120 is particularly relevant to the Application and is discussed in Parts E and H of this Decision.

Overview of the Application

- 24 The Application is for a Notice of Requirement to designate an area of approximately 4,435m² at 14 Edmonton Road, Henderson for the purposes of:
- “Judicial, court, tribunal and related purposes including collection of fines and reparation, administration, support, custodial services and ancillary activities. Works include development of land and buildings for the aforementioned purposes”.
- 25 The new Justice Facility is intended to replace the existing Waitakere District Courthouse at 9-11 Ratanui Street, Henderson which is too small, no longer fit for purpose and has a number of ongoing health and safety issues directly related to the building’s original design and condition.
- 26 The new courthouse is to be contained within one building and will include 10 courtrooms, a registry, four mediation rooms, judge’s chambers and facilities, public areas (including waiting rooms and customer service), circulation routes and custodial areas. The total GFA is approximately 13,000m² over multiple levels, excluding vehicles and parking.
- 27 The designation would also enable a range of ancillary works such as bulk earthworks, removal of two notable trees, construction of an additional vehicle crossing onto Edmonton Road as well as parking areas and accessways within the Project area. Work to connect to the reticulated stormwater, wastewater and water supply infrastructure network will be undertaken, along with landscaping.
- 28 The Application for the designation does not include an Outline Plan of Works (OPW). Rather an OPW will be sought at a later stage, once the detailed design of the Justice Facility has been completed. The Applicant notes that a range of resource consents will be needed relating to groundwater, stormwater and earthworks⁶. The Applicant advises that once detailed planning of the proposal is complete and authorised by the designation, an OPW or an OPW Waiver will be sought under section 176A. An

⁶ See Part 9.2 of the NoR

application to Auckland Council for consents will be made at this time. The Panel notes that the Application refers to construction commencing in 2027.

- 29 The Application includes a detailed set of conditions to be used to address potential effects so as to give the Panel comfort that the NoR can be granted without an OPW and that the proposed conditions will achieve the desired outcomes. The conditions include a range of management plans relating to construction, construction traffic and flood emergency. The Panel addresses the conditions in Parts E and K of this Decision.

Procedure

- 30 The following matters of procedure are relevant for this decision.

Meetings and site visits

- 31 The Panel undertook a site visit on Monday 24 November 2025. We were accompanied by Mr Alex Mickelson (the Panel's administrator from the EPA). This included a walkover of the site and a walk onto the adjacent properties at 22 Alderman Drive (The Alderman) and 22-24 Edmonton Road which is the location of the Korean Presbyterian Church land and buildings. The Panel noted the land at 20A Edmonton Road owned by Auckland Council. The Panel walked up and down Edmonton Road and up Takapu Street to assess the immediate surrounds of the site.
- 32 Much of the Panel's correspondence, deliberations and decision-making occurred over email following review, drafting and commenting on drafts of further information requests, this decision report and the conditions. Notwithstanding this, the Panel met on the following occasions:
- a. 16 December 2025 to discuss the Request for Information from the Applicant and agree to issue a Minute to the Applicant;
 - b. Tuesday 27 January 2026 to consider the comments received from parties; and
 - c. Wednesday 4 February 2026 to consider the Applicant's response to comments. In discussions after reviewing the Auckland Council and the Applicant's detailed material the Panel determined that it needed further information from the Applicant regarding the National Policy Statement for Natural Hazards 2025 which came into effect on 15 January 2026. The Panel also considered that certain matters such as flooding and urban design warrant expert conferencing. The Panel therefore issued Minute 3 on 5 February 2026⁷.
 - d. The Panel met on 17 February 2026, immediately prior to the expert conferencing on 19 February 2026, to ensure that all matters to be considered at the conferencing were before the parties and the facilitator Dave Serjeant. The Panel issued Minute 4 to record this on 17 February 2026⁸.
 - e. The Panel met on 23 February 2026 to discuss the Joint Witness Statement summary which records discussions at the expert conferencing and the further matters and actions arising from this. In particular, the Panel requested that a final

⁷ Minute of the Expert Panel dated 5 February 2026

⁸ Minute of the Expert Panel dated 17 February 2026

set of draft conditions, including recording the further meeting between the Applicant and the Council regarding changes to the urban design and flooding conditions, be provided to the Panel by midday on Friday February 27 2026.

- f. The Panel met on 26 February 2026, along with Dave Serjeant, planning expert, to discuss the conditions proposed to be attached to the NoR. After this meeting the Panel made a further request for clarification from the Applicant and the Council. The Panel asked a further question of the Applicant on 26 February 2026 regarding the time the flood arrives on site, in relation to the catchment response, during a large rainfall event. This question is a qualification on the information provided by the Applicant.
- g. The Panel met on 2 March 2026 to discuss the assessment of effects of the Project.
- h. The Panel met with Dave Serjeant to consider the latest draft conditions, along with the Panel's request for clarification regarding the potential changes to the FEMP, on Tuesday 3 March 2026.

Invitations to comment

- 33 The Panel invited comments on the Application by letter dated 4 December 2025.⁹ Responses to this invitation were due on 22 January 2026. Comments were received on time from the following:
- a. Minister for Economic Growth;
 - b. Minister for Infrastructure;
 - c. Minister for Crown Relations;
 - d. Minister of Corrections and Police;
 - e. Minister for the Environment;
 - f. Watercare Services Limited;
 - g. The Alderman; and
 - h. Auckland Council.
- 34 The Panel would like to thank all parties who commented for their contributions. The following is a summary of the matters raised in the comments:
- a. All Ministers supported the Application. A number of additional comments were received from individual Ministers. Specifically:
 - i. The Minister for Economic Growth noted the lack of clarity on the number of employment opportunities after construction is completed;

⁹ Minute of the Expert Panel dated 4 December 2025

- ii. The Minister for Māori Development and Māori Crown Relations stated that in addition to his section 18(4) FTAA comments, he supported any comments from relevant Māori groups and encouraged the Panel to have due regard to the statutory acknowledgement provided for in the Te Kawerau ā Maki Settlement Act.
 - iii. The Minister of Corrections and of Police noted the high level nature of the designation Application and stated that, subject to final plans, Corrections acknowledged a range of benefits associated with the proposed location. The Minister encouraged ongoing engagement with the Minister of Justice as detailed planning is undertaken in order to manage operational concerns for Corrections and the Police.
- b. The Minister for the Environment responded with no comments.
- c. Watercare acknowledged the range of Application documents lodged that it was basing its assessment on. Watercare confirmed the recent Takapu Street wastewater upgrade which enables wastewater capacity currently but noted that the discharge from the new Justice Facility would be within peak times and the available capacity may change in the future. Watercare advised that as of 8 December 2025 there is sufficient capacity in the water supply network however indicated that a flow test will be required to confirm whether any upgrades are required to the local water supply network at the Engineering Plan Approval Stage to ensure water supply firefighting requirements. Watercare also referred to the Works Over Approval that would be required under the Water Supply and Wastewater Network Bylaw 2015 – at Engineering Plan Approval stage for works within 2m of Watercare’s local pipelines.
- d. The Alderman was supportive overall, but a key concern was loss of parking for patrons noting that was an issue between The Alderman and Auckland Council. Specific concerns related to:
 - i. Noise and vibration during construction impacting patrons and hosting of events outside.
 - ii. Hoarding around the project must ensure visibility for The Alderman patrons.
 - iii. Impact of construction vehicles and traffic management during construction.
 - iv. Appropriate landscaping/enhancing the current environment and to soften the effect of the proposed large building.
 - v. Pedestrian access, safety and loitering in the operational phase and management of those matters.
- e. Auckland Council provided a memorandum with a very detailed and thorough response noting a wide range of discussions and meetings with the Applicant and

the provision by the Applicant of a significant amount of additional material to the Council to clarify their concerns¹⁰. The key matters raised by the Council were:

- i. The Natural Hazards (Flooding and Overland Flow Path) on and around the site and the relevance of Plan Change 120 to the overall assessment of these.
- ii. Effects relating to earthworks and geotechnical construction and operational noise and vibration, lighting, water supply and wastewater, stormwater, infrastructure, natural hazards, transport (including site access and onsite arrangements and operation of rear access and right of way), construction traffic, strategic transportation and parking, arboriculture and landscaping, urban design – visual and bulk and location amenity.
- iii. The overall compliance of the Application with the statutory tests, with a focus on the purpose of the FTAA.
- iv. Detailed material containing 11 specialist annexures elaborating on matters raised was included with the memorandum outlining the Council's concerns and comments.
- v. In addition, a table titled Condition Tracker outlining Auckland Council's suggested alternative wording or issues relating to the proposed conditions, along with comments and an explanation, was provided to assist the Applicant and the Panel in terms of the proposed conditions.

Overall, the Auckland Council response and detailed material in support of that response were very helpful to the Panel.

Applicant's response to invited persons comments

35 On 29 January 2026 the Applicant provided a response to the comments received on the Application from those persons who were invited to comment under section 53 of the FTAA. This included a letter from the Applicant, along with a response table summarising the key points raised, any relief sought, along with the Applicant's response. The Applicant noted that its response included reference to an "alternative indicative plan set" to be read alongside the plans lodged with the NoR Application. The Applicant provided the following attachments in support of its response:

- Attachment 1 – Economic Memorandum
- Attachment 2 – Updated NoR Conditions Set
- Attachment 3 – Infrastructure Report and Civil Plans
- Attachment 4 – Flooding Peer Review Memorandum
- Attachment 5 – Urban Design Assessment

¹⁰ See Paragraph 7 of the Auckland Council Memorandum dated 22 January 2026.

- Attachment 6 – Response to Auckland Council Condition Table
- Attachment 7 – Flood Emergency Management Plan
- Attachment 8 – Transport Memorandum
- Attachment 9 – Arboricultural Memorandum

36 The Panel has considered the Applicant's responses, and, where appropriate, refers to those responses within section E of this decision below.

Further information

37 The Applicant provided further information to the Panel on 23 January 2026, in accordance with the Panel's Minute 2 dated 19 December 2025, requesting information relating to flooding and economic matters. This information was in the form of a memorandum with a response to the questions from the Panel in relation to Flooding Matters in Table 1 and to Economic Matters in Table 2. In order to provide full material to the Panel an Alternative Indicative Plan Set was developed to ensure a compliance design solution for the site which addressed improving post-development flood solutions. A range of attachments in support included:

- 37.1 As Lodged Indicative Plan Set
- 37.2 Alternative Indicative Plan Set
- 37.3 Flood Risk Assessment
- 37.4 TBIG Summary Memorandum
- 37.5 Flood Emergency Management Plan
- 37.6 Updated Proposed NoR conditions
- 37.7 Economic Memorandum
- 37.8 Updated Response to Council Queries

38 The Panel also requested further material from the Applicant regarding flood modelling and conditions, particularly the FEMP on 23 and 26 February 2026.

Appointment of Technical Advisors

39 In its Minute dated 17 February 2026 the Panel appointed Mr Dave Serjeant as a technical advisor to provide assistance to the Panel by facilitating the caucusing directed by the Panel in Minute 3 and the specific directions in Minute 4, as well as assisting with additional or revised conditions of consent as requested by the Panel.

Conditions [To Complete]

40 The Application included a set of draft conditions. As noted above, the Council, in its capacity as a regulatory authority provided detailed feedback with its formal comments as an invited commentator.

- 41 On 27 February 2026, the Applicant and the Council provided a largely agreed set of conditions to the Panel.
- 42 In accordance with section 70 FTAA the Panel reviewed and amended these conditions and provided draft conditions to the Applicant and persons invited to comment on 5 March 2026, requiring responses by 12 March 2026. The Panel received [insert number of responses] responses on the draft conditions from:
- a. The Applicant;
 - b. The Council;
 - c. [insert]; and
 - d. [insert].

- 43 The Panel has considered all comments received on the draft conditions as is required under section 70 FTAA and amended the conditions where appropriate. The Panel has addressed these comments throughout this decision report, and in Part K: Conditions below.

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

- 44 Under section 72 FTAA the Panel invited comment from the Ministers for Māori Crown Relations: Te Arawhiti and Māori Development on 4 December 2025.¹¹
- 45 As noted above in Para X of this Decision the Panel received comments from these Ministers.

Hearing

- 46 The Panel has exercised its discretion not to require a hearing on any issue under section 56 FTAA. The Panel was able to adequately consider all issues based on the information available including the Application, comments received, responses to comments and the further information provided by the Applicant, the Council and invited persons. The Panel considered that there were two key matters that would warrant expert conferencing, specifically flooding and urban design. As noted above, the Panel has appointed Mr Dave Serjeant to facilitate the expert conferencing and to assist the Panel with revised conditions arising out of the caucusing. Expert conferencing took place on 19 February 2026 with a Joint Witness Statement (JWS), recording the discussions, provided to the Panel on 20 February 2026.
- 47 The Panel considers that where insufficient design detail is available at the time of preparing the Application and the Panel's consideration of the Application, these matters can be appropriately addressed via conditions on the NoR setting out a post-consent certification process where Council has the authority to approve matters of detail at the OPW stage in parallel with the Building Consent.

¹¹ Minute 1 of Expert Panel 4 December 2025

- 48 The Panel is mindful of the emphasis on time limited decision-making in the present process, the purpose of the FTAA in section 3, to facilitate the delivery of infrastructure and development projects with significant regional or national benefits, and the procedural principles in section 10 FTAA that require the Panel to take all practicable steps to use timely, efficient, consistent, and cost effective processes that are proportionate to the Panel's functions, duties or powers.

Timing of the Panel decision

- 49 In accordance with the panel convenor Minute dated 13 November 2025 the time frame for the panel to issue its final decision documents under sections 79 and 88 is 7 April 2026.

PART C: LEGAL CONTEXT

Legal context for a referred project under the FTAA

- 50 In accordance with section 42 an authorised person¹² for a referred project may lodge a substantive Application with the EPA. The substantive Application is required to follow the process set out in sections 43 and 44. The Applicant lodged the substantive Application in accordance with section 42(4)(d) on 10 September 2025.
- 51 The EPA decided that the Application was complete and within scope¹³ on 1 October 2025. The EPA made a recommendation on whether there are competing Applications or existing resource consents for the same activity on 15 October 2025.¹⁴ The Ministry for the Environment provided a report under section 18 FTAA to the Minister for Infrastructure on 10 June 2025 as part of the referral application process. The EPA provided the Application to the Panel Convenor on 15 October 2025.

Decisions on approvals

- 52 Section 81 of the FTAA, and the FTAA Schedules cross-referenced in that section, provide the Panel with clear direction for the assessment of this NoR.
- 53 Section 81 FTAA states:

81 Decisions on approvals sought in substantive application

- (1) A panel must, for each approval sought in a substantive application, decide whether to—
 - (a) grant the approval and set any conditions to be imposed on the approval; or
 - (b) decline the approval.
- (2) For the purpose of making the decision, the panel—
 - (a) must consider the substantive application and any advice, report, comment, or other information received by the panel under section 51, 52, 53, 55, 58, 67, 68, 69, 70, 72, or 90;
 - (b) must apply the applicable clauses set out in subsection (3) (see those clauses in relation to the weight to be given to the purpose of this Act when making the decision);
 - (c) must comply with section 82, if applicable;
 - (d) must comply with section 83 in setting conditions;
 - (e) may impose conditions under section 84;
 - (f) may decline the approval only in accordance with section 85.

¹² FTAA, sections 4 and 42

¹³ FTAA, section 43

¹⁴ FTAA, section 47

- (3) For the purposes of subsection (2)(b), the clauses are as follows:
 - (a) for an approval described in section 42(4)(a) (resource consent), clauses 17 to 22 of Schedule 5:
 - (b) for an approval described in section 42(4)(b) (change or cancellation of resource consent condition), in relation to a condition of a coastal permit specified under section 186H(3) of the Fisheries Act 1996, clauses 20 to 22 of Schedule 5:
 - (c) for any other approval described in section 42(4)(b) (change or cancellation of resource consent condition), clause 23 of Schedule 5:
 - (d) for an approval described in section 42(4)(c) (certificate of compliance), clause 27 of Schedule 5:
 - (e) for an approval described in section 42(4)(d) (designation), clauses 24 and 25 of Schedule 5:
- (4) When taking the purpose of this Act into account under a clause referred to in subsection (3), the panel must consider the extent of the project's regional or national benefits.
- (5) For the purposes of subsection (4), if the substantive application was made under section 42(1)(b), the panel—
 - (a) must treat the stage of the project to which the application relates as constituting the project; but
 - (b) may consider the regional or national benefits of the whole project, having regard to the likelihood that any later stages of the project will be completed.
- (6) Despite subsection (2)(a), the panel—
 - (a) is not required to consider any advice, report, comment, or other information it receives under section 51, 53, 55, 67, 69, 70, or 72 after the applicable time frame; but
 - (b) may, in its discretion, consider the information as long as the panel has not made its decision under this section on the approval.
- (7) To avoid doubt, nothing in this section or section 82 or 85 limits section 7.

54 The FTAA was modified by the Fast-Track Approvals Amendment Act 2025. Section 81 of the FTAA added two new requirements which became effective from 17 December 2025 which this Panel must consider. First, the Panel must consider the Minister's reasons for accepting the referral application and secondly, must consider a relevant Government policy statement.

55 In relation to the Minister's reasons for accepting the referral application that are stated in the notice given by the responsible agency under section 28(1), the Panel has included the Minister of Infrastructure's reasons for accepting the referral application in this Decision for completeness. Specifically:

The Minister is satisfied the project:

- (a) is an infrastructure or development project that would have significant regional or national benefits; and
- (b) referring the project to the fast-track approvals process:
 - i. would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes; and
 - ii. is unlikely to materially affect the efficient operation of the fast-track approvals process.

The Minister is satisfied the project is an infrastructure or development project that would have significant regional or national benefits as it:

- (a) has been identified as a priority project in a central government sector plan (Ministry of Justice 10-year Infrastructure Investment Plan)
- (b) will deliver new regionally significant infrastructure through provision of a new courthouse

The Ministers is satisfied referring the project:

- (a) would facilitate the project, including by enabling it to be processed in a more timely and cost-effective way than under normal processes because the timeframes to process FastTrack applications are generally shorter than under normal designation processes and appeals are limited to the High Court on points of law.
- (b) is unlikely to materially affect the efficient operation of the fast-track approvals process because the project is not novel in the New Zealand context and is unlikely to fall outside the type of approval that expert panel members have considered previously

The Minister is satisfied that there is no reason he must decline the project under section 21(3) of the FTAA.

- 56 The Panel is not aware of any Government policy relevant to this Application.
- 57 The Panel has had due regard to all of these reasons as discussed throughout this Decision.

Ability to decline consent

- 58 Section 85 FTAA sets out the limited circumstances when approvals must or may be declined.
- 59 The Panel has formed the view that, after taking account of the draft conditions that the Panel has set after the discussions between the Applicant and the Council, the adverse impacts are not sufficiently significant to be out of proportion to the Project's regional benefits. The Panel has therefore concluded that the Applicant should be granted confirmation of the NoR.

Approvals relating to the Resource Management Act 1991

- 60 The relationship of the FTAA with the RMA is outlined in Schedule 5 which provides the application process that applies for a NoR rather than the standard RMA consent application process. Clause 12 outlines the detailed information required in the NoR application. Clause 24 outlines the assessment criteria and states:

24 Criteria and other matters for assessment of notice of requirement

- (1) For the purposes of section 81, when considering a notice of requirement, including conditions in accordance with clause 25, the panel must, giving the greatest weight to paragraph (a)(i),—
 - (a) take into account—
 - (i) the purpose of this Act; and
 - (ii) the provisions of Part 8 of the Resource Management Act 1991 that direct decision making on an application for a designation (except section 170); and

- (iii) the relevant provisions of any other legislation that directs decision making under the Resource Management Act 1991; and
 - (b) consider any Mana Whakahono ā Rohe or joint management agreement that is relevant to the approval.
- (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; and
 - (b) if the notice of requirement relates to an activity that is the subject of a determination under section 23 of this Act, the panel must treat the effects of the activity on the relevant land and on the rights or interests of Māori as a relevant matter under section 6(e) of the Resource Management Act 1991.
- (3) For the purposes of subclause (1), the provisions referred to in that subclause must be read with all necessary modifications, including (where appropriate) that a reference to a consent authority must be read as a reference to a panel.

61 The Panel has considered clauses 12, 17, 24 and 25 of Schedule 5 in particular in this decision and the relevant matters have been discussed throughout the decision. The Panel concludes that the purpose and principles of the RMA in section 5, 6 and 7, as referenced in section 81 FTAA, remain relevant to our decision making. We address these matters in our conclusion.

PART D: IWI AUTHORITIES

Section 18 Report for a referred project

- 62 The Ministry for the Environment provided a report to the Minister for Infrastructure under s18 of the FTAA. The report noted that section 18(2) requires that the report list all relevant Māori groups and there are a significant number of relevant Māori groups for this project area. Specifically, 17 which are listed in the section 18 report at Appendix 3¹⁵.
- 63 The Treaty Settlements relevant to this Application are the Ngāti Whātua Ōrākei Claims Settlement Act 2014; Nga Mana Whenua o Tamaki Makaurau Collective Redress Act 2014; Te Kawerau ā Maki Claims Settlement Act 2015; Ngāti Tamaoho Claims Settlement Act 2018; and the Te Akitai Waiohua deed of settlement.
- 64 The report notes that the Te Kawerau ā Maki Claims Settlement Act 2015 includes a statutory acknowledgement over Te-Wai-o-Pareira/Henderson Creek and tributaries. Takapu Stream is a tributary of Te-Wai-o-Pareira and runs through the middle of the project area. The statutory acknowledgement provisions in Treaty settlement legislation and the RMA do not create any specific requirements in relation to designations. Te Kawerau ā Maki have been consulted by the Applicant, invited to comment on the Application under section 17 of the Act, and will be consulted again through the panel process should the referral Application be accepted by the Minister for Infrastructure.
- 65 The report acknowledges that no feedback was received from those Māori groups invited to comment under section 17(1)(d) of the Act. Te Kawerau ā Maki have previously prepared a Cultural Investigation Report for the Applicant, which states they do not oppose the development subject to a series of recommendations to mitigate the impact on the land, trees and waterways and to provide further cultural input.
- 66 The report states that The Minister for Māori Development and the Minister for Māori Crown Relations: Te Arawhiti support the Application, subject to the Applicant

¹⁵ Fast-Track Approvals Act 2024 – Treaty Settlements and other obligations (section 18) report

undertaking reasonable steps to consult with the relevant Iwi authorities, post-settlement governance entities and groups mandated to undertake Treaty settlement negotiations, and aligning the project with the Cultural Investigation Report provided by Te Kawerau ā Maki.

- 67 Under section 18(2)(m) the report must include advice from the Ministry for the Environment as to whether it may be more appropriate to deal with the matters relating to the proposed designation under another Act or Acts. The Ministry did not consider there are any matters raised in this report which make it more appropriate for the proposed approvals to be authorised under another Act or Acts.

Substantive Application information

- 68 The NoR Application contained a summary of the Applicant's statutory requirements under s11(b) of the FTAA and their engagement with the relevant Iwi authorities, hapu and Treaty Settlement entities¹⁶. An Engagement and Consultation Report was included as Appendix 12 which outlined the consultation undertaken with Mana Whenua.
- 69 The Applicant states that letters were sent by the Applicant to a range of Māori groups identified on the list provided to the Minister that were sent a copy of the Referral Decision letter.
- 70 The Applicant refers to the location of the project site in a statutory acknowledgement area and that Te Kawerau ā Maki Claims Settlement Act 2015 applies to the project area. Engagement with Te Kawerau ā Maki was undertaken ahead of the lodgement of the Application and a letter of support from Te Kawerau ā Maki is contained in Appendix 13 to the NoR Application. The Panel acknowledges that as the Iwi of the area they are highly supportive of the Project, including its role as part of the economic renewal of Henderson, where their Trust offices are located. The Panel notes, as stated above, that a NoR does not impact the statutory acknowledgement area and that any relevant matters will be addressed at the consenting stage of the Project.

Comments

- 71 Under section 53(2)(b) the Panel invited comments from the relevant Iwi authorities (52(2)(b)), the relevant Treaty Settlement entities (53(2)(c)) as well as the Minister for Treaty of Waitangi Negotiations and the Minister for Māori Crown Relations (53(2)(j)).
- 72 The Panel did not receive any comments from relevant Iwi Authorities or relevant Treaty Settlement entities. The Minister for Māori Crown Relations and for Māori Development responded stating, that in addition to the comments already provided under section 18(4) of the FTAA, he supported the application subject to reasonable consideration being given to any comments received from the relevant Māori groups as identified in both the section 18 Report and in the Expert Panel's Minute 1. The Panel was also encouraged to give due regard to the statutory acknowledgement provided for in Te Kawerau ā Maki Settlement Act, and relevant provisions in the RMA, noting that if this application is approved further approvals will be necessary.

¹⁶ NoR Part 13.0 Consultation

- 73 The Panel has considered the statutory provisions of the FTAA relating to treaty settlements and as noted above recognises that the statutory acknowledgement relating to Te Kawerau ā Maki will be addressed at the further consenting stage. The Panel notes that in the letter of support from Te Kawerau ā Maki, discussed above, there is a proposal to use the two Kauri on site (to be removed) to be carved elements embedded within the building itself as means of mauri and mana of the whenua and of the new courthouse along with a commitment to work with the Iwi on cultural design elements to ensure the new courthouse carries appropriate mana and tikanga and reflects the rohe it sits in. The Panel is very supportive of this outcome at the OPW and building consent stage.

Statutory requirements

Treaty settlements and recognised customary rights

- 74 Section 7 requires all persons performing functions and exercising powers under the FTCA to act in a manner that is consistent with the obligations arising under existing Treaty settlements and customary rights recognised under the Marine and Coastal Area (Takutai Moana) Act 2011 and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

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).

- 75 In respect of section 7(1), there are no relevant customary rights applied to the site but there are existing Treaty Settlements. The section 18 report lists the Treaty Settlements relevant to the site and the Panel acknowledges them above in paragraph 63.

- 76 The section 18 report references the statutory acknowledgement of Te Kawerau ā Maki over this area which will be addressed at the OPW and consenting stage of the implementation of the NoR.

PART E: EVALUATION OF EFFECTS

- 77 Schedule 5 clause 5(4) requires a consent Application to provide an assessment of an activity's effects on the environment covering the information in clauses 6 and 7. These matters include:

- (a) an assessment of the actual or potential effects on the environment;
- (b) if the activity includes the use of hazardous installations, an assessment of any risks to the environment that are likely to arise from such use;
- (c) if the activity includes the discharge of any contaminant, a description of—

- (i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
 - (ii) any possible alternative methods of discharge, including discharge into any other receiving environment:
- (d) a description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect of the activity:
 - (e) identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapū that have been consulted in relation to the proposal:
 - (f) if iwi or hapū elect not to respond when consulted on the proposal, any reasons that they have specified for that decision:
 - (g) if the scale and significance of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved:
 - (h) an assessment of any effects of the activity on the exercise of a protected customary right.
- ...
- (a) any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects:
 - (b) any physical effect on the locality, including landscape and visual effects:
 - (c) any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity:
 - (d) any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations:
 - (e) any discharge of contaminants into the environment and options for the treatment and disposal of contaminants:
 - (f) the unreasonable emission of noise:
 - (g) any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations.

78 The NoR provided an assessment of these matters at section 14. Participants who commented also raised a range of actual and potential effects.

79 The following main categories of actual and potential effects on the environment exist:

- a. Built Form and Character - Urban Design;
- b. Infrastructure and Servicing;
- c. Flooding and Stormwater;
- d. Traffic;
- e. Removal of Notable Trees; and
- f. Positive effects.

80 The Panel has addressed these effects thematically throughout our discussion below. The Panel has also had regard to the relevant planning provisions in evaluating the

effects of the Project, as noted in Part G: Statutory Documents and Part H: Planning Framework.

- 81 In terms of the relevant receiving environment, the Panel has applied the test in *Hawthorn*.¹⁷ The environment includes that which presently exists. It also

...embraces the future state of the environment as it might be modified by the utilisation of rights to carry out a permitted activity under a district or regional plan or by the implementation of resource consents which have been granted at the time a particular application is considered, where it appears likely that those resource consents will be implemented.¹⁸

Built Form and Character – Urban Design

Potential effects as identified by the applicant

- 82 An Urban Design Assessment (UDA) was prepared by Mr Severin Soder of Architectus to support the NoR (Appendix 7 to the NoR). The UDA has been updated several times since the substantive application was lodged.
- 83 Section 8 of the UDA sets out several urban design opportunities to activate the site and acknowledge its role in the regeneration of Henderson. This includes developing a public building that fronts both Edmonton Road and Alderman Drive and defines the corner, connecting to planned pedestrian and cycling routes between the site and the town centre, and positively interfacing with the Twin Streams restoration project.
- 84 In section 9, Mr Soder presents a preliminary bulk and location design response, that achieves the operational and functional requirements of the proposed Justice Facility on the site. NoR drawings were included as Appendix 2, demonstrating an indicative building footprint prepared by Architectus. Flood mitigation measures including suspended foundation design and minimum finished floor levels are set out within engineering reports and have been factored into the indicative building footprint. This occupies most of the site, with setbacks on the two street frontages to provide spaces for pedestrian and vehicular access and to retain existing mature vegetation and two indicative locations for specimen trees. The building footprint also provides a setback to the northwest to maintain access to The Alderman and provide space for aboveground stormwater detention tanks.
- 85 The UDA recommends a comprehensive Urban Design Guideline Framework (UDGF) to manage the built form, character, and visual amenity effects of a future Justice Facility on the site. This includes principles to ensure that flood mitigation structures are designed to integrate with the building façade.
- 86 As an outline plan of works (OPW) is yet to be prepared, the UDGF is intended to mitigate any potential effects related to the design and appearance of the building and how it relates to the public realm. Within section 11 of the UDA Mr Soder sets out what he considers needs to be included within the UDGF to inform site layout, building massing/form, building façades, landscaping and open space, CPTED and wayfinding and signage.

¹⁷ *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424 at [84].

¹⁸ *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424 at [84].

87 Mr Soder recommended conditions within section 12 of his UDA report which then informed conditions for the UDA and Building Envelope.

Comments received

88 Auckland Council Urban Designer, Mr Nick Denton was involved at the early stages in requesting further information from the applicant. Ms Sheerin Samsudeen then provided a detailed Urban Design memo on behalf of Auckland Council. In principle she supports the NoR application for a Justice Facility on this site. However, Ms Samsudeen raises concerns about the UDA as it is proposed within the application material and considers there is a lack of clarity between the indicative "bulk and location plans" included within the applicant's UDA and the "design principles" when reading conditions 6 and 7 together.

89 In Ms Samsudeen's opinion, the UDA is the primary mechanism for managing future design outcomes and therefore these need to be clear and applicable. She considers that the design principles set out in Mr Soder's UDA follow logical urban design principles and are generally consistent with the zone's objectives. However, she notes there are critical gaps regarding the lack of assessment criteria for building envelope infringements and unresolved site interface issues.

90 The proposed building is situated in a prominent location, on a corner site that has significant constraints, so will likely stand in isolation, making it highly visible. For this reason, Ms Samsudeen considers all four façades to require high-quality architectural treatment. Similarly, she notes that specific guidance is required to ensure screening is architecturally integrated, in particular for the multi-level parking and upper-level plant rooms. The same applies to the proposed 2m high security fence around the rear secure area adjoining the Falls Park.

91 Ms Samsudeen supports reference to iwi and hapū involvement in the design of façades and open spaces and recommends extending this to the entire building, including site layout and arrival experience. She recommends Te Aranga Māori design principles be embedded into the UDA to give greater direction.

92 Ms Samsudeen supports the proposed building setbacks from the two streets and the dedicated pedestrian entrances, particularly along Alderman Drive. However, given the heavily trafficked environment and narrow width of footpaths she considers the design could improve the edge condition by borrowing from within the site to widen the footpaths.

93 She agrees that clear and legible wayfinding is essential, and notes this is included within the UDA. However, she considers universal access remains a key concern and recommends a condition requiring the entry hierarchy be clearly expressed through architectural form.

94 Ms Samsudeen notes that the bulk and location plans only reference three of the Business Metropolitan Centre zone standards, rather than the wider suite of design considerations within the provisions. In her opinion, the provisions of the zone should be referenced to ensure visual dominance and shading effects are appropriately addressed and mitigated.

95 Ultimately, she considers the structure of conditions 6 and 7 needs to be reassessed so that the finalised design within the OPW responds and considers together the UDA and the requirements of the zone. She offers a revised condition 6 that addresses the bulk and location elements as well as the UDA and subsequent deletion of condition

7. This is presented within Auckland Council's suggested alternative wording for conditions.

Applicants' response to comments

- 96 The applicant does not agree with Auckland Council's suggested alternative wording for conditions 6 and 7. In their response they state the structure and content of those conditions clarify and provide for the necessary assessment of outcomes identified in the UDA to be captured and provided to Council at OPW stage.
- 97 Notwithstanding the applicant has continued to investigate alternative configuration options for the site. Drawings for an alternative scheme are offered within the UDA submitted on 29 January 2026. The alternative scheme was developed through discussions with Auckland Council's Healthy Waters to improve the management of the overland flowpath across the site.
- 98 In the alternative scheme, the Alderman Drive frontage has been set back further from the street frontage and the RoW into the site, with reconfigured entrances on both the southwestern and northwestern corners. The intention of this is to create more space for stormwater to flow around the building during extreme rainfall events. This changes the ground floor configuration, particularly the public lobby and the jury assembly area and alters the form of the elevation from level 3 upwards.

Expert conferencing

- 99 In the Panel's view, the urban design conditions need to address the design features of the building required to mitigate the impacts of flooding. The Panel directed expert conferencing for Urban Designers to focus on mitigation of stormwater and extreme rainfall events and conditions for the UDA. This was not addressed in the conferencing, instead the parties agreed to address this issue in a separate meeting.
- 100 Following conferencing the parties met and agreed to restructure the two conditions into a single urban design condition, which was presented within the updated set of conditions on 27 February 2026.

Panel findings

- 101 The site has numerous constraints, which have been considered within the UDA. It is critical that the building design addresses the main issues of overland flow and likely flood events, which appears to have been considered through other conditions within the full suite of conditions. Nonetheless, the Panel considers that built form and urban design considerations can adequately be addressed by what is now condition 3 in conjunction with Schedule 1, which sets out the UDA principles.

Infrastructure and Servicing

Potential effects as identified by the applicant

- 102 An infrastructure report was prepared by Mr Naveen Kumar and Mr Jean Petherbridge of Holmes NZ LP (Appendix 4 to the NoR report). The assessment, calculations and recommendations outlined in that report were informed by the concept bulk and location study undertaken by Architectus to demonstrate how an indicative building footprint could be adequately serviced in the future.

- 103 The applicant has identified the following infrastructure aspects that need to be undertaken in order to fulfil the intent of the NoR:
- 103.1 Rerouting of public wastewater pipeline assets around the future building and new connections/manholes
 - 103.2 Stormwater pipeline and culvert upgrades
 - 103.3 Stormwater treatment
 - 103.4 Above ground stormwater detention and retention tanks
- 104 Overall, subject to the above infrastructure improvements, the Infrastructure Report confirms that a future building on the site can be appropriately serviced with respect to three waters infrastructure as well as power and telecommunications.

Comments Received

- 105 The Minister for Infrastructure expressed broad support for the project.
- 106 Watercare reviewed the Application and confirmed that, as of December 2025, there is sufficient capacity in both the water supply and wastewater networks to accommodate the demand proposed by the project. It is noted that Watercare also provided comments within Auckland Council response to invitation to comment on the application.
- 107 Watercare notes Works Over Approval under the Water Supply and Wastewater Network Bylaw 2015 would be required for works within 2m of Watercare's local pipelines and 10m from transmission pipelines and should be applied for at Engineering Plan Approval stage. Similarly, water supply firefighting requirements should be applied for and confirmed at the Engineering Plan Approval stage. With regards these approvals, Watercare recommended additional advice notes be added to proposed condition 7 General Accordance.
- 108 Auckland Council's development engineer, Ms Serena Goh, also provided comment on infrastructure requirements for the proposed Courthouse facility, noting that it can be serviced by wastewater, stormwater, water and existing public utility services. Nonetheless, she makes recommendations for additional conditions and advice notes.

Panel Findings

- 109 Based on the information provided and the comments received from Watercare and Auckland Council specialists, the Panel finds that infrastructure and servicing can be appropriately managed by way of the Servicing and Infrastructure condition 7, as attached to this decision.
- 110 Regarding stormwater treatment, the Panel notes that the proposed stormwater management provides for treatment of runoff generated within the site, and also from a portion of the upstream catchment, before discharging, which offers additional benefits to the receiving environment.
- 111 Stormwater mitigation condition 8 includes tank locations in general accordance with Landscape Plan, however the Panel considers this needs to be qualified with additional security for flood resilience as currently the landscape plan has the tank location within flood inundation areas.

Flooding & Stormwater Management

Potential effects as identified by the applicant

- 112 As outlined within the Infrastructure Report by Messrs Kumar and Petherbridge of Holmes NZ LP, a major overland flow path traverses through the subject site and discharges into the Oratia Stream at the northern boundary¹⁹. Additionally, a minor overland flow path, with a localised catchment originates on the site and discharges into the major overland flow path²⁰. Holmes Consulting (Holmes) collaborated with ACH Consulting Engineers (ACH) on the Flood Risk Assessment (Appendix 3 to the NoR report), with ACH's findings contributing to the development of mitigation strategies for infrastructure.
- 113 The flood risk assessment confirms widespread flooding across the subject site and surrounding area. According to the various reports, the flood modelling incorporated climate change factors to produce a more accurate risk assessment, and account for climate change mitigation in the future design for a Justice Facility for the site.
- 114 Due to the extent of potential flooding, several effects have been identified within the NoR report which include the risks of adverse effects to property, to people, and to properties upstream and downstream of the site.
- 115 According to the NoR report, because the Justice Facility is defined as a community activity in the AUP(OP), in accordance with the Auckland Council Stormwater Code of Practice it is considered a 'less vulnerable activity' than for example a residential activity. This requires specific minimum freeboard of 300mm above peak 1% AEP flood event. The design mitigation measures proposed in the report for any future building on the site include:
- (a) A suspended foundation with a minimum FFL of 8.32m although the Infrastructure report states 8.60m ²¹RL (i.e. 300mm above highest flood level – noting these has been updated through the provision of additional information);
 - (b) Flood gate mechanisms at the building's undercroft with permeable treatments to allow floodwaters to pass through without being diverted onto adjacent properties;
 - (c) Restrictions on the location of service equipment, i.e not located on the ground floor;
 - (d) Buildings must be constructed with water-resistant materials and designed to maintain structural integrity during flood event
 - (e) To protect the existing 1500mm diameter pipe, a minimum 5m horizontal setback is required for any building foundations

¹⁹ Flooding and Infrastructure Assessment to support a new Justice Facility at 14 Edmonton Road, Henderson, prepared for The Ministry of Justice by Holmes NZ LP, dated 15 September 2025 Version 2.9 section 5.1

²⁰ Section 5.1 of Infrastructure report

²¹ Section 6.0 Infrastructure report

- 116 To manage risks to people, a draft Flood Emergency Management Plan (FEMP) was prepared and included as Appendix 19 to the NoR report. The FEMP defines roles and procedures before, during, and after flood events. A critical aspect is the trigger points/site-specific warning system that would activate the implementation of the FEMP. The FEMP also identifies clear egress routes to ensure all users, including vulnerable persons, can be safely evacuated within 1–2 hours of a flood warning, to ensure no persons are on site during a peak event. The NoR document considers the FEMP to be an appropriate operational mechanism to ensure risks to persons during a flood event are not significant and anticipates that this will be a live document that will be regularly reviewed and updated. This is addressed in Condition 18 to the NoR (condition 30 in the draft conditions attached to this decision).
- 117 A detailed assessment of effects to neighbouring properties is included within section 4.4 of ACH's report. With respect to the impacts on the surrounding environment the applicant concludes that the proposed management measures will ensure the future Justice Facility does not exacerbate flood risks for adjacent or downstream properties. While modelling shows a minor increase in predicted flood depth of 110mm at the entrance of the adjacent Korean Presbyterian Church at 22-24 Edmonton Road, this is considered acceptable as it does not introduce a new risk and would still allow for vehicle and pedestrian passage.
- 118 In summary, the applicant is proposing to mitigate the flood hazard risks and potential effects through building and landform design as well as management procedures during large rainfall events. These mitigation measures are set out in conditions 15-18 in the original documentation (noting the order of these has changed in the set attached to the decision to conditions 6, 9, 10 and 30).

Additional information from Applicant

- 119 The applicant provided additional information in a memo and series of attachments dated 19 December 2025 in response to preliminary information requests from Auckland Council. This included a memo responding to PC 120, specifically to summarise the natural hazards that apply to the site. This resulted in updates to the Infrastructure Report by Holmes NZ LP to address the PC 120 Hazard Risk Assessment special information requirements and updates to ACH flood modelling and assessment. The applicant considers the proposal is consistent with the objectives and policies of PC 120 and will not be contrary to them.
- 120 The updated assessments conclude that the proposed Justice Facility will not increase or exacerbate natural hazard risk on the site, subject to a number of mitigation measures including structural/engineering design solutions coupled with a FEMP that will manage residual risk to persons, property and the environment.
- 121 The summary of post-development modelling undertaken by ACH confirms the proposed development will not accelerate or exacerbate natural hazard risk to downstream properties.
- 122 Overall, the applicant considers the technical information provided addresses the PC 120 special requirements and demonstrates that natural hazard risk can be appropriately managed and mitigated on the site.

Comments Received

- 123 Given the extent of known flood risk over this site, Auckland Council's Healthy Waters has been engaged from early in the development process. In response to the

application and further information provided by the applicant, Ms Hillary Johnston from Healthy Waters Flood Resilience (HWFR) prepared a memo that acknowledged the applicant team worked collaboratively with the HWFR team, particularly to navigate and give effect to the new requirements introduced under PC 120.

- 124 Ms Johnston notes that the applicant's engineers have provided assessments based on a conceptual site layout and building design and that HWFR are satisfied with the Flood Assessment provided by the applicant team, while noting the final design has not yet been confirmed. Ms Johnston therefore supports the inclusion of a new condition to address flood modelling, but offers further amendments based on consideration of a greater number of factors that could influence changes in downstream flooding effects.
- 125 The outstanding key areas of concern highlighted in Ms Johnston's memo are the potential impacts on building users arising from significant flood hazards, and the implications of constructing over an existing 1500mm public stormwater pipe located within the centre of the site.
- 126 In relation to flood risk and hazard, Ms Johnston concludes that risks to individuals are adequately managed due to safe evacuation routes, effective site and building management, and the absence of overnight stays. However, she also notes that current designation conditions do not explicitly address daytime-only business hour operations.
- 127 In terms of impacts on critical public stormwater infrastructure, Ms Johnston acknowledges the applicant has worked closely with HWFR regarding all possible solutions and the two parties are in ongoing discussions with respect to two minor but important modifications to the stormwater infrastructure: replacing an existing stormwater manhole with a larger one for better access, and ensuring both new manholes have hinged lids and internal safety grills due to their location. The applicant has largely agreed to these changes, though details about the safety grill design are still being finalised, and updated drawings are pending. Additionally, the Applicant's Engineer has suggested a 5-metre exclusion zone on either side of a key stormwater pipe, with Healthy Waters open to adjusting this to facilitate future maintenance work. Despite preferring not to build over the existing pipe, HWFR supports the proposed design and risk mitigation measures for protecting the stormwater infrastructure's function and resilience.
- 128 Overall Ms Johnston concludes that Healthy Waters support the application provided that the applicant updates the PC120 assessment as well as the drainage and utility services layout plan. She also confirms that the effects of the proposed development can be effectively mitigated through a combination of engineering design and implementation of NoR conditions, subject to the amendments she outlined within her memo.

Applicant response to comments received

- 129 Following Auckland Council's comments, the applicant provided an updated Flooding and Infrastructure report (Attachment 3) which included an updated stormwater pipe replacement sketch, an updated FEMP (Attachment 7), and a Flooding Peer Review (Attachment 4), all dated 29 January 2026.
- 130 The primary changes to the FEMP involve a transition from estimated ranges to specific, precise modelling data, resulting in updated hazard classifications for

evacuation routes. It also includes the PC120 flood hazard Risk Ratings, which reclassifies the risk as "Medium" based on a calculated depth x velocity assessments.

- 131 While the technical data and classifications were refined, the core objectives, staff roles, response protocols, and overall mitigation strategies (such as the 8.6m RL finished floor level and the use of suspended slabs) remain.
- 132 A flooding peer review, conducted by Flowstate Consulting, was also provided. This concludes that the updated flood modelling, as outlined in ACH Flood risk assessment Rev F, and the FEMP Rev 3.1 are acceptable, appropriate, and represent a more conservative and robust representation of flood risk than previous versions of both documents.
- 133 The flood risk assessment represents a conservative, "worst-case" analysis that accounts for necessary security infrastructure without introducing new or unmanageable risks to the surrounding area.

Applicant's response to NPSNH

- 134 As discussed in Part G of this decision report, the Panel directed the applicant to address the NPSNH and to provide analysis to Auckland Council in time for expert conferencing. Prior to conferencing, further information was circulated by the applicant, which included an addendum to the Floodplain Impact Assessment and a response to the requests set out in the Panel's minute.
- 135 The flood plain impact assessment included the PC120 assessment of flood hazard risk for rainfall events 2, 10 and 50yr with further discussion on the flood effects of 2yr not carried further as the NoR site has no inundation during this rainfall event.
- 136 This assessment brought forward both the as-lodged and alternative layout for comparison and hazard effects. This is in addition to the 75% permeability of the flood gate during a fully closed scenario.
- 137 It is noted that the 10yr flood event provides information of the inundation caused by a tailwater effect in Oratia Stream. This inundation extends into the indicative footprint of the proposed building and impacts on disabled parking areas and the infrastructure located at ground level²².
- 138 The presented PC120 Assessment primary outcome is that while certain hazards exist for site egress during extreme events, the building design ensures the safety of occupants in all scenarios.
- 139 With respect to the NPSNH assessment for the 100yr event the building and its occupants are in a low-risk hazard category, but those egressing during peak flooding are in a medium-risk category. Under Section 1.4 of the NPS, this represents a significant natural hazard risk.
- 140 In summary the Floodplain Impact assessment concludes that the NPSNH and PC120 classifications are consistent, identifying the site as low to negligible risk for all scenarios except for site egress during the 100-year event which under the NPSNH is a significant natural risk.

²² Architectus, Waitakere District Court Landscape Plan

Expert conferencing

141 Conferencing was held on 19 February 2026 to address a number of outstanding issues related to flooding and urban design. This was filed as Minute 4 from the Panel and included the following focus:

- a. Upstream effects assessment being addressed with respect to the potential and proposed development of the NoR site
- b. Remaining risk to the building and landform during flood events.
- c. Reliance on safe egress flood events and the FEMP robustness
- d. Carparks within flood extents

142 Whilst the conferencing occurred on 19 February 2026 there is record of discussion without any record of agreed statement or outcome.

Applicant's response to further information request regarding time of onsite flooding

143 In response to the Panel's request for clarification regarding the time it takes for peak floodwaters to arrive on site, after significant rainfall events begin in the catchment, the applicant produced a memo by Flowstate Consulting titled "Response to Waitakere Panel regarding flooding", dated 2 March 2026.

144 Flowstate Consulting confirms that the flood modelling utilises inflow hydrographs derived from a 32-hour time series supplied by HWFR. Additionally, they clarify that the "time to peak" of 14 hours and 10 minutes refers to the specific point within this 32-hour modelled period at which maximum inundation occurs on-site; this duration is measured from the commencement of the 32-hour rainfall event.

145 Their memo infers that the lag time from rainfall peak to actual site peak, suggested a catchment response time of approximately 2 hours 10 minutes.

146 The Flowstate memo concludes that further clarifications could be made in the final FEMP to:

- explicitly state that 14 hours 10 minutes is measured from the start of the 32-hour hydrograph time series, not from a rainfall peak, and
- include the approximate lag times as practical lead-time guidance:
 - Takapu Street (Edmonton OLFP) peak provides ~1 hour 50 minutes lead time to onsite peak
 - Great North Road Bridge (Oratia) peak provides ~20 minutes lead time to the onsite peak

147 The Council also provided a response, with the assistance and review of the Hydraulic Modellers within the Council's HWFR. In summary the Council, while open to an alternative method for estimating time to peak flow, is of the opinion that there would unlikely be a material difference in the calculated time to peak using a different methodology. They concur that the modelled time to peak is 2 hours 10 minutes, derived using the 24-hour normalised rainfall distribution.

- 148 The Council notes that the overarching principle of the FEMP is to seek non occupancy of the building prior to the site being inundated, and that flooding entering the site is not the first/primary trigger point for evacuation/closure of an occupied courthouse nor the opening of an unoccupied courthouse. Rather flooding entering the site is an effective secondary/failsafe step.

Panel Findings

- 149 The Panel recognises that the site faces significant flood hazards. If the site remains undeveloped, this level of risk will persist. However, a carefully designed development can address this flood risk, helping to lessen the impact of flooding and reducing the risk to occupants during flood events.
- 150 The Panel has some residual concerns with respect to how flooding is mitigated and managed on site, particularly with regard to the effects on safety of people.
- 151 The Panel considers the stormwater and flood hazard mitigation on the site is dependent on the integration of building and landform design elements, while the successful management of flood risk is reliant on the implementation of a clear and strong FEMP.
- 152 To this end, it is critical that robust and enforceable conditions are imposed to ensure seamless integration of all landform and building design elements. Conditions 6, 9, 10 and 30, as attached to this decision, have been through several iterations by both the Applicant and the Council.
- 153 Nonetheless, the Panel recommends updating the FEMP as discussed within the Flowstate memo to provide greater clarity regarding evacuation trigger points. Provided the FEMP is updated, the Panel finds that the impacts of stormwater and flooding can be appropriately managed by way of implementation of these conditions.

Traffic

Potential effects as identified by the Applicant

- 154 The transport related effects of the Project were addressed in Sections 14.6 of the NoR, in Appendix 17 Integrated transport Assessment (ITA) and in Appendix 7 Access and Parking based on the Architectus Concept Design for the future Justice Facility.
- 155 The detailed ITA contains a summary of the proposal as it relates to current transportation networks and patterns as well as access issues for the site. After outlining the proposal and describing the site and the surrounding environment an assessment is made of Traffic Generation and Distribution and the effects on roading capacity, road safety, car and cycle parking, public transport and pedestrians as a result of the Project. The ITA concludes with an assessment of compliance with the AUP(OP) objectives and policies and the range of proposed conditions on the NoR to manage traffic effects.
- 156 The ITA notes that given the application is for a NoR, to be followed by an OPW with specific site details, the assessment of access, parking and loading areas for the project, has relied on the bulk and location plans produced by the Architectus. The Applicant states that there are currently two access points to the site, which will be retained and utilised for the new courthouse, along with an additional vehicle crossing on Edmonton Road, located to ensure the safe and efficient operation of the wider transport network. The Justice Facility has quite specific operational requirements

relating to movement of persons in custody, judiciary and administrative staff which impact the approach to access.

- 157 The traffic issues for the site are largely impacted by the location of the Justice Facility. It is immediately adjacent to a very busy roundabout which links Edmonton Road to Alderman Drive and beyond. The site is also close to train and bus public transport which means that pedestrian access is available but also requires management. The access points and onsite parking are therefore prescribed by the operational requirements for a Justice Facility referenced above and by the traffic safety issues in relation to the location of the site. Traffic management will be vital during the construction phase (approximately three years) and a Construction Traffic Management Plan is proposed by the Applicant.

Comments Received

- 158 The Panel received comments from two parties invited to comment under Section 53 of the FTAA. The Alderman, directly adjacent to the site, and Auckland Council.

- 159 Matters raised by The Alderman included:

- Increase in heavy vehicle traffic and traffic management during construction.
- Impact on safe access for The Alderman suppliers and staff.
- Parking availability.
- Measures to manage increased traffic (pedestrian and vehicle).
- Managing the accessway adjacent to The Alderman with swipe card access.

- 160 Auckland Council's traffic expert Mr Andrew Temperley provided a detailed analysis of the matters of concern to it, specifically:

- Site access and onsite arrangements and conditions to manage this.
- Vehicle crossing width.
- Operation of rear access and right of way easement for The Alderman.
- Effects on adjacent areas (especially vehicle manoeuvring and safety) including access to Falls Park.
- Construction traffic effects.
- Accessible carparking.
- The conditions requiring to be refined/added to address the Council's concerns.

- 161 While acknowledging the finalised design is not yet done, the detailed analysis by Mr Temperley was helpful to the Panel particularly the proposed revisions to conditions and the supportive view regarding the Strategic Transportation and Parking Effects of the Project.

Applicant's Response

- 162 The Applicant responded with a detailed analysis of The Alderman, and the Council's concerns and a Transport Memorandum prepared by Carriageway Consulting Ltd included as Attachment 8 to the Applicant's response. This included vehicle tracking

and manoeuvring diagrams for the access from Alderman Drive and the access from Edmonton Road. The Applicant also included updated conditions to address matters raised in the comments received.

Panel Findings

- 163 The Panel has considered all the matters outlined above and has concluded that the transport, access and parking effects of the Project can be managed by conditions 12-20.
- 164 The Panel accepts the Applicant's traffic expert's conclusion that there are no transportation-related reasons which would preclude the NoR from being confirmed, and subject to the range of traffic conditions proposed and modified and expanded being incorporated any potential transportation-related effects will be less than minor. These conditions relate to vehicle access and manoeuvring, operational access, vehicle crossings and the provision of accessible parking spaces, cycle parking and public parking.
- 165 The Panel particularly notes the way the Applicant's expert and Council's experts have worked constructively together to refine the conditions in order to manage traffic effects.

Lighting

Potential effects as identified by the applicant

- 166 Lighting is addressed both within the UDA and acknowledged as a potential effect within section 14.7 of the NoR report. Section 11 of the UDA, which sets out design recommendations to mitigate potential urban design effects through the UDGF, recommends external lighting to ensure public spaces, including entry and exit points, are well lit and adequate lighting be provided across the site.
- 167 At the time of lodging the substantive application for the NoR specific condition (condition 8) was proposed, requiring lighting to demonstrate compliance with AS/NZS1158.3.1, to ensure that lighting will be provided for safety but that it will not result in light spill or glare effects.
- 168 Following a preliminary information request from Auckland Council, which the Panel was not party to, amendments were made to condition 8 to ensure the lighting plan considers both on-site and cross-boundary lighting levels.

Comments received

- 169 Auckland Council's lighting specialist, Mr Jared Osman, reviewed the plans and proposed condition as these relate to external lighting. In his opinion, any effects can be suitably addressed via conditions. However, Mr Osman has recommended further minor amendments to the condition proposed by the applicant in order to capture additional key relevant limbs of the permitted activity standard within E24.6.1(6) and (8) of the AUP.

Applicant's response to comments

- 170 The applicant is of the opinion that the wording they had proposed following the preliminary information request from Auckland Council was sufficient to provide for an approval process with the Council without the need to repeat the lighting standards within the AUP.

Panel findings

- 171 The Panel finds that any effects related to glare and light spill can be adequately managed by way of condition 22, as attached to this decision.

Arboricultural and Landscape

Potential effects as identified by the applicant

- 172 There are currently two notable Kauri trees on the northern part of the site. The UDA outlines that in developing the site layout the aim was to retain and protect these trees²³ and that initial bulk and location layouts were progressed with the intention of retaining trees. However, vehicle tracking analysis identified an increased spatial demand to accommodate safe manoeuvring of vehicles, the outcome of which, coupled with minimum freeboard requirements to mitigate flood hazard risk, requires the removal of both notable Kauri trees²⁴. This is depicted within the ground floor plan design development included within the UDA.
- 173 A memo was prepared by Ms Christy Reynolds from Greenscene Limited (Appendix 6 to the NoR), outlining the functional and operational requirements of the Justice Facility and noting that one of the trees is declining in health. In her opinion the proposed removal of the two notable Kauri trees should be considered.
- 174 Section 14.10 of the NoR states that mitigation or replacement planting is not considered appropriate as new planting could not replace the heritage value of the trees.

Comments Received

- 175 Auckland Council's senior heritage arborist, Mr West Fynn, reviewed the material related to the proposed removal of the two notable Kauri trees. He estimates the trees to be between 80-100 years old. While he agrees that the western tree has a dead top, in his opinion that could be removed as part of regular pruning and its condition alone does not form adequate grounds for removal.
- 176 Mr Fynn accepts that there are constraints on the site due to flood risk and that the scale of the proposed development requires the removal of the trees. He concludes that the removal of the two notable trees could be supported, subject to appropriate and adequate replanting to mitigate the loss of the notable trees. He recommends planting with four trees including two Kauri trees and two Tulip trees.
- 177 A new condition is recommended regarding tree removal and replacement planting.

Applicant response to comments

- 178 The applicant is agreeable to a condition requiring that the two notable Kauri trees are only removed in conjunction with an OPW, and in accordance with best arboricultural practices.
- 179 However, they do not agree that specific species and locations need to be fixed to mitigate the effects of removal. In the applicant's opinion the urban design conditions,

²³ Urban Design Assessment section 7, p10

²⁴ Ibid, section 9, p12

as they have proposed them, set out principles to guide future landscape design outcomes.

- 180 Ms Reynolds states in her memo dated 29 January 2026, that specific species, locations and any site landscaping will be provided at the OPW stage. She concludes that, in her opinion, the indicative specimen tree planting identified in the Landscape Plan along with the UDFG landscape requirements to be implemented at OPW stage is appropriate to mitigate the loss of the two early-mature specimen trees.

Panel Findings

- 181 The Panel agrees with Auckland Council's arborist that four trees should be planted to mitigate the effects of the loss of the notable trees, particularly given the extent of building and hard landscape coverage across the site. The Panel finds that any effects related to removal of the notable trees and subsequent planting to in part mitigate the loss of them can be adequately managed by way of condition 21.

Noise and Vibration (Construction and Operational)

Potential effects as identified by the applicant

- 182 It is acknowledged within the NoR report²⁵ that both construction noise and operational noise of the future Justice Facility will have effects. A Construction Noise and Vibration Assessment was prepared by Messrs Juan Restrepo and Peter Runcie of SLR Consulting (Appendix 18 to the NoR). This addresses the effects of construction noise, construction vibration and operational noise and recommends conditions to mitigate and / or manage the effects.
- 183 In their report, the authors identify surrounding receivers including the Alderman to the northwest and the residential properties to the northeast of the site and those on the southern side of Edmonton Road.
- 184 As the details of the specific construction plan and methodology are not known at this stage, the authors have made assumptions on the types of excavation and piling activities and associated construction noise levels based on their collective experience, noting piling rather than earthworks are required. Temporary acoustic screening of at least 2m high around the east, south and north-west of the site to mitigate the effects of construction noise on the surrounding receivers, together with advising neighbours in writing in advance of commencement of any earthworks or piling, is recommended.
- 185 Noise from the operation of the facility is envisaged to involve vehicular movements and mechanical plant. While the NoR report states that operational noise effects will be managed through the restricted hours of operation, these hours of operation are not specified.
- 186 In the NoR application material four conditions are offered to manage construction noise limits, construction vibration, the preparation of a Construction Noise and Vibration Management Plan (CNVMP), and operational noise.

Comments received

²⁵ B&A, NoR Report, 11 August 2025, sections 14.3.2 and 14.9

- 187 The Alderman, as occupier of the adjoining site, raised concerns at the level of noise and vibration that will be experienced during the construction phase.
- 188 Auckland Council's Acoustic specialist, Mr Andrew Gordon, provided comment on the approach to noise and vibration. In his opinion, the additional information provided adequately demonstrates that the removal of paved surfaces and compaction works can be managed to enable compliance with noise standards, without any practical difficulties. He also considers SLR's assessment and predicted construction noise and vibration levels to be indicative of the proposed works, and that effects are reasonable in the context of the relevant AUP E25 objectives and policies.
- 189 With regard to operational noise, Mr Gordon considers the Justice Facility will have similar noise effects to an office building. He also confirms that based on the proposed layout, compliance with the relevant E25 standards should be achievable without any practical difficulty.
- 190 He is familiar with the proposed noise and vibration conditions and considers these to be acceptable, with no amendments or new conditions required.

Panel findings

- 191 The Panel finds that construction noise and vibration and operational noise can be appropriately managed by way of the conditions 26-28, as attached to this decision.
- 192 Auckland Council expressed concern that no hours of operation have been proposed. We note that while Court sittings are likely to be limited to normal working hours, staff, including Judges, may work extended hours within the building. The nature of this work would be unlikely to adversely impact on the neighbouring residential properties to the east and therefore we do not consider it necessary to condition the hours of operation.

Positive Effects

- 193 The Panel considers there are positive effects associated with development of the site for a Justice Facility that can cater to the operational and functional requirements of the Waitakere District Court. The nature of the new Justice Facility and its location will help to unlock development potential of Henderson metropolitan centre. These matters are articulated in greater detail within Part F of this decision report. Furthermore, the Panel notes that development of this flood prone site has the potential to provide for better mitigation and management measures than currently exist with the at-grade car park.

PART F: REGIONAL OR NATIONAL BENEFITS OF THE PROJECT

- 194 Section 3 of the FTAA states that the purpose of the Act is to facilitate the delivery of infrastructure and development projects with *significant regional or national benefits*.
- 195 As noted above in Part C section 81(4) FTAA specifically requires the panel to consider the extent of the project's regional or national benefits.
- 196 "Significant regional or national benefits" is not specifically defined in the FTAA, however section 22 FTAA, which relates to the criteria for assessing a referral Application, provides the following:

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

197 The Applicant provided an assessment of the economic impacts of the proposal in its NoR Application²⁶.

198 The Applicant relied on the Economic Impact Assessment (Economic Report) provided by Property Economics, included as Appendix 10 to the Application, to conclude that the proposal is consistent with the purpose of the FTAA for five key reasons:

- Development of a Justice Facility 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.
- The requirement will enable the delivery of new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure.
- The project will deliver significant economic benefits.
- The requirement and proposed conditions will support climate change mitigation, including the reduction or removal of greenhouse gas emissions, and will support climate change adaptation, reduce risks arising from natural hazards, or support recovery from events caused by natural hazards.
- The requirement and proposed conditions are consistent with local or regional planning documents, including spatial strategies.

199 The Economic Report described the provisions of the FTAA that are directly relevant to the assessment. Specifically, section 3, section 85, Schedule 5 clauses 7 and 17, and section 22(2)(a)(iii) and 22(2)(a)(iv) whether the proposal "will deliver significant economic benefits"²⁷.

²⁶ NoR Part 10, pages 20-21

²⁷ NoR Appendix 10, Page 4

200 The Economic Report quantified and evaluated the economic impacts associated with the proposed new Waitakere Courthouse Project in Henderson. In terms of the quantitative impacts a snapshot of key economic benefit was included in a table:

Estimated Quantitative Economic Impact on Auckland Regional Economy	
Total NPV ²⁸ over a 3-year development period	\$218m
FTEs during the peak development and operation year ²⁹	930 FTEs
Total FTE years over the 3-year development period	1,511 FTE years
Contribution to regional household incomes	\$122m

201 The Economic Report notes that the Project is proposed to be developed over three years and expanded on the nature of the employment (FTE years) separating the employment into Development Employment, Construction Employment and Other Employment (which includes a range of direct and indirect employment in the local area).

202 The total impact on business activity within Auckland as a result of the project over three years is estimated to be in the order of \$218 million. This would contribute over 930 jobs during the peak construction year with 1,511 over the development period. A contribution of around 1.22 million to household incomes over the development period was estimated.

203 The Economic Report stated that the Project would also deliver several broader quantitative economic benefits. These high level benefits include:

- Improved regional justice infrastructure capacity, ensuring the court could support future population and potential caseload growth.
- Improved justice system efficiency and reduced operational costs through decreased delays and backlogs.
- Faster dispute resolution, enabling more timely enforcement of contracts, protection of property rights and business certainty.
- Reducing the time and cost burdens for individuals, families, and business engaging with the justice system.
- Increased workforce productivity through improved working conditions for judicial and court staff, reducing turnover and downtime.
- Potential boost to the regional legal services sector, supporting employment, service delivery efficiency and professional retention³⁰.

204 The Economic Report considered the project “would not only address critical justice capacity and functionality issues but also enhance the wider region’s justice network and system and help secure its long-term contribution to the broader Auckland region’s

²⁸ Net Present Value

²⁹ Employment Multipliers relate to the level of indirect and induced employment activity generated through the expenditure on and off site.

³⁰ NoR, Appendix 10, Property Economies Economic Impact Assessment, Page 9

justice assets, economy and community”.

- 205 The Economic report also considered that this aligned with information provided by the Applicant:

“The project presents a significant infrastructure investment in West Auckland, supporting local employment during both construction and operation phase. Beyond its core justice functions, the courthouse will act as a regional anchor institution – contributing to the vibrancy, economic resilience and civil life of the Henderson town centre.”

- 206 Overall, the Economic Report concluded that the Project would yield significant economic benefits for the regional economy and community.
- 207 The Panel carefully considered the Economic Report and determined that it would assist the Panel to meet its statutory obligations under section 81(4) FTAA to assess the extent of the Project’s regional or national benefits if two additional questions were asked of the Applicant regarding the economic assessment.
- 208 The Panel issued a Minute on 19 December 2025 outlining the further information requested of the Applicant and received this further information in the form of a memorandum on 23 January 2026.
- 209 With respect to the Panel’s question “to what extent do time delays in hearings due to insufficient capacity influence regionally significant infrastructure?”, the Applicant referenced the existing capacity restraints at the Waitakere Courthouse, which require matters from West Auckland to be heard at alternative courthouses. This spillover to other courthouses in the region places an additional burden on Auckland’s regional justice system infrastructure³¹.
- 210 This was considered as representing an inefficiency as all parties involved are required to incur additional travel time and costs. Expanding courtroom capacity locally meant servicing West Auckland in a timely and cost-effective manner, particularly given the rapid residential and retail development in parts of West Auckland.
- 211 The memorandum discussed the impact of case backlogs on the efficiency of the Court system, referencing not only District Court criminal cases but also Civil and Disputes Tribunal cases. The memorandum also referred to United States research which examined how delays caused by congested bankruptcy courts affect the cost and availability of credit, concluding that improvements to the Court systems that reduce time delays in hearings within Auckland, particularly financial disputes, has regionally significant impacts on Auckland’s economy³².
- 212 With regard to the Panel’s question concerning the importance of the Auckland Urban Development Office Unlock Henderson and the location of the site and the opportunity for redevelopment of the site to be vacated by the current District Court, the Applicant’s response acknowledged that the Project represents a significant development within the Henderson Metropolitan Centre. Particularly given the impact

³¹ Applicant’s Response to RFI, 19 December 2025, Page 1

³² Applicant’s Response to Panel RFI, 19 December 2025, Page 2

of growth at Westgate on Henderson's business activity.

- 213 It will support the Council's revitalisation goals set out in the Unlock Henderson Plan. The additional Court capacity will increase the level of ongoing activity around the Courthouse as well, which supports local retail and food/beverage services in the town centre³³.
- 214 The memorandum also acknowledged that while the redevelopment may not be significant for the Auckland region based on a single economic metric, it is significant for the West Auckland sub-region. Reference was made to the Panel's discussion in the Waihi-North Fast Track decision³⁴ where "regional" was seen in a more general sense. This approach was applied by the Applicant – on the basis that no one development in Auckland is likely to reach a regional (geographic) level of significance adopting a strict metric approach. Using this approach, "the positive contribution" to the economic environment of Henderson Metropolitan Centre could be considered regionally significant and the new courthouse a regionally significant asset.
- 215 The Panel received comments from two parties regarding the economic assessment of the Project. First, the Minister for Economic Growth regarding the lack of clarity on the number of employment opportunities after construction is completed and secondly Auckland Council with a detailed analysis of the economic issues. This was provided by Mr James Stewart as Annexure 10 to the Auckland Council memorandum to the Panel dated 22 January 2026.
- 216 The Council's view is that the economic evidence provided does not establish that the Project meets the scale of benefits to meet the purpose of the FTAA, and that in applying Schedule 5, Criteria 24(1) of the FTAA significant weight cannot be given to the Project's contribution to the purpose of the Act.
- 217 The Applicant responded to these comments on 29 January 2026 relying on the Economic Memorandum provided on 23 January 2026. There was no commentary or specific analysis regarding either of the comments referred to above and the Applicant relied entirely on the material provided to the Panel in response to its further information request on the two specific matters addressed above. A direct response would have assisted the Panel.
- 218 The Panel accepts that the Project achieves a regional benefit rather than a national benefit. The regional benefit is both more general, across the Auckland region, to enable an efficient and effective judicial system which will benefit people across the region. There will also be a sub-regional benefit for the Henderson Metropolitan Centre and the surrounding area as the new Justice Facility enables timely and effective access to the judicial system. The relocation and development of the Courthouse on the Falls carpark site not only enables development of a long-term vacant site but also unlocks the existing courthouse site, within the centre of Henderson, for redevelopment.
- 219 The Panel notes the potential effects from flooding due to heavy rainfall events in particular that will impact the project site and the design of the building. The discussions in relation to those effects and mitigation of them, are discussed in Parts E,

³³ Applicant's Response to Panel RFI, 19 December 2025, Page 2

³⁴ Waihi North Decision Report [para 845] Applicant's Response to Panel RFI, 19 December 2025, Page 3

G and H of this decision. Those effects have been carefully examined by the Panel and the Panel considers that they can be managed so as not to undermine the positive effects of the Project.

- 220 The Panel concludes that on balance the new Waitakere District Courthouse, and all the associated benefits, will meet the purpose of the FTAA.

PART G: STATUTORY DOCUMENTS

- 221 This Application is for a Notice of Requirement to designate the site for the construction and operation of a Justice Facility. The Notice of Requirement addressed the relevant statutory documents and identified the provisions relevant to the new Waitakere District Courthouse in accordance with clauses 12(1)(d)(ii) and 12(2) and 12(3) of Schedule 5 of the FTAA³⁵.

- 222 This section considers the statutory documents of particular relevance to the Application including the comments received, noting the specific and helpful analysis from Auckland Council. The Panel has not repeated everything in section 15 of the NoR Application or the Council comments here. The Panel notes that, as commented on earlier in this decision, there are statutory matters that do not require analysis at this point in time, given the absence of an Outline Plan of Works, but that we are noting as relevant for completeness in terms of the decision on this NoR project. The Panel notes that we have carefully considered the district planning provisions because they will not be assessed again at OPW stage.

- 223 The Panel also relies on our conclusions on effects and the conditions we have decided to impose in support of our conclusions reached on the relevant planning provisions (including Part H: Regional and District Planning Framework as relevant to the Project site).

National Policy Statements

- 224 The relevant National Policy Statements were addressed in section 15.2 of the Notice of Requirement and those relevant include:

- a. National Policy Statement for Freshwater Management 2020 (**NPSFM**);
- b. National Policy Statement on Urban Development 2020 (**NPSUD**); and
- c. National Policy Statement for Indigenous Biodiversity 2023 (**NPSIB**).

- 225 During the Panel's consideration of this Application for a designation the National Policy Statement for Natural Hazards 2025 (**NPSNH**) came into force on 15 January 2025. The Panel considered that it was directed by the new NPS to assess the impact of the NPSNH on the NoR, particularly given the significant flooding issues associated with the site. As noted earlier the Panel sought further information from the Applicant on this matter in its Minute 3.

National Policy Statement for Freshwater Management 2020

- 226 The NPSFM sets out a framework under which local authorities are to manage

³⁵ NoR Part 15

freshwater (including groundwater).³⁶

- 227 The objective of the NPSFM is to ensure that natural and physical resources are managed in a way that prioritises the:³⁷
- a. health and well-being of water bodies and freshwater ecosystems;
 - b. avoidance of any further loss or degradation of wetlands and streams.
 - c. ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
- 228 This objective reflects the hierarchy of obligations in Te Mana o Te Wai.³⁸
- 229 The Applicant in the NoR has assessed the Project against the objective and policies of the NPSFM.³⁹ The Panel has considered this analysis and agrees with it.
- 230 The Panel notes that the nearest water body is the Lower Oratia Stream located approximately 50m to the north and west of the project site. Policies 3 and 5 of the NPSFM seek to ensure that freshwater is managed in an integrated, whole of catchment basis, including effects on receiving waters.
- 231 The Applicant has outlined that the proposed designation will require the following in order to manage effects on the wider freshwater catchment:

231.1 Sediment and Erosion control (see Condition 23)

231.2 Stormwater Management (see Conditions 8 and 11)

231.3 Development to avoid an increase in flood risk (see condition 6)

- 232 The Panel considers that when the conditions are taken into account the proposed designation is consistent with the relevant NPS FM.

National Policy Statement on Urban Development

- 233 The NPSUD provides guidance to decision makers regarding the national significance of:
- Having well-functioning urban environments.
 - Providing sufficient development capacity to meet the different needs of people and communities.
 - Improving how cities respond to growth to enable improved housing affordability and community wellbeing
 - Enabling more businesses and community services to be located in urban environments within centre zones and well-served by public transport

³⁶ NPSFM clause 1.5.

³⁷ NPSFM clause 2.1.

³⁸ NPSFM clause 1.3.

³⁹ NoR Part 15.2.3

- Resilient to the current and future effects of climate change
- 234 The Applicant references Policy 1 which defines a “well-functioning” urban environment as seeking, amongst other outcomes – good accessibility for all people between housing, job, community services, natural spaces and open spaces, including by active and public transport, while also being resilient to the current and future effects of climate change⁴⁰.
- 235 As the Application is for a designation, it is considered a ‘planning decision’ for the purposes of the NPSUD.⁴¹ The Applicant has stated that the proposed designation is in keeping with the relevant NPSUD objectives and policies for three main reasons:
- In accordance with Objective 1 and Policy 1, the project is part of a comprehensively planned development, which will contribute to achieving a well-functioning urban environment. The project will enable important Justice Facility services to be located within an area that is highly accessible for the district that it serves, which will in turn contribute to meeting the needs of the growing community within the surrounding residential areas;
 - In accordance with Objective 6, the development of land will be integrated with the funding and provision of infrastructure upgrades, including transport, stormwater, water and wastewater infrastructure; and
 - In accordance with Objective 8, the project will support a reduction in greenhouse gas emissions by locating employment opportunities and other amenities in close proximity to surrounding residential land uses and public transport, including the existing bus stop located within 500m of the site. Further, the project will be resilient to the current and future effects of climate change through the conditional requirements addressing stormwater management and flood risk which will ensure that stormwater or flooding constraints to development will be avoided, remedied, or mitigated as necessary.
- 236 The Panel agrees with the Applicant’s overall assessment of the NPSUD. However, the Panel notes that resilience to the current and future effects of climate change will need to be at the forefront of the design of the building as the OPW progresses.
- 237 The Panel considers that the Project will contribute to a well-functioning urban environment because it is in a location that has good access to the town centre and transport services (Policy 1).

National Policy Statement for Indigenous Biodiversity 2023

- 238 The objective of the NPSIB is:
- (a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and
 - (b) to achieve this:

⁴⁰ NoR Part 15.2.6

⁴¹ NPSUD, 1.4 interpretation, definition of ‘planning decision’.

- (i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and
- (ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and
- (iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and
- (iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.

239 The Applicant states that there are no significant ecological features within the requirement area. Policy 8 recognises the importance of maintaining and recognising indigenous biodiversity outside Significant Natural Area (SNAs) and policy 14 seeks to promote increased indigenous vegetation cover. The development of the new Judicial Facility requires the removal of two notable Kauri trees. One of the trees is declining in health and the combined constraints on the site due to flood risk and the scale of the proposed Justice Facility requires the removal of both trees. The Panel acknowledges there are limited opportunities for planting on the site, but planting of native and exotic specimen trees will support biodiversity (see condition 21).

240 The Panel is satisfied that the proposal is consistent with the NPSIB.

National Policy Statement for Natural Hazards 2025

241 This National Policy Statement applies to the following natural hazards:

- (a) Flooding;
- (b) Landslips;
- (c) Coastal erosion;
- (d) Coastal inundation;
- (e) Active faults;
- (f) Liquefaction; and
- (g) Tsunami.

242 The NPSNH applies to all activities managed under the Resource Management Act 1991, as well as to all environments and all zones.

243 The objective of the NPSNH states "Natural hazard risk to people and property associated with subdivision use and development is managed using a risk-based proportionate approach.

244 The policies of the NPSNH direct the approach to assessment of the natural hazard risk. Specifically:

244.1 Policy 1 – When considering natural hazard risk associated with subdivision, use

or development, the risk level must be assessed using the risk matrix.

244.2 Policy 2 – Natural hazard risk associated with subdivision, use and development, must be managed using an approach that is proportionate to the level of natural hazard risk.

244.3 Policy 3 – Where subdivision, use or development, is assessed as having very high natural hazard risk, that risk must be avoided.

244.4 Policy 4 – Where subdivision, use or development, including any associated mitigation measures, will create or increase significant natural hazard risk on other sites, that risk must be avoided or mitigated using an approach that is proportionate to the level of natural hazard risk.

244.5 Policy 5 – Natural Hazard risk assessment and decisions must be based on the best available information and must be made even when that information is uncertain or incomplete.

244.6 Policy 6 – The potential impacts of climate change to at least 100 years into the future must be considered.

245 Part 3 of the NPSNH prescribes the matters for implementation of the NPS including the Risk-based Assessment, Proportionate Management of Natural Hazard Risk, the Best Available information and Part 4 addresses Timing for giving effect to the NPSNH.

246 The Panel directed the Applicant to assess the NoR flooding risk in accordance with the NPSNH and to provide the analysis to Auckland Council in time for expert conferencing relating to conditions to manage flooding on the site. The further work on the NPSNH by the Applicant is discussed in Part E of this Decision.

National Environmental Standards

247 The Applicant has considered all relevant National Environmental Standards in the NoR⁴² in accordance with clause 12 of Schedule 5 of the FTAA. The two potentially applicable standards relate to sources of human drinking water and assessing and managing contaminants in soil to protect human health. Given that the Application is for an NoR these matters will be addressed by the Applicant at the OPW/future construction development of works stage.

248 The Panel concludes that the proposed development will not generate adverse effects to breach these environmental standards in such a way that they cannot be appropriately managed.

PART H: REGIONAL AND DISTRICT PLANNING FRAMEWORK

249 An assessment of the relevant statutory plans has been included within the NoR Application as is required by Schedule 5, clause 5(1)(h).

250 The Panel has reviewed and considered the assessment provided by the Applicant and the comments provided by the Council. We outline the key matters in the following

⁴² NoR, Part 15.1

sections (as well as adding further considerations and assessment).

Auckland Unitary Plan (Operative in Part) AUP-OP Regional Policy Statement

- 251 The relevant provisions of the Regional Policy Statement (RPS) are in Chapter B of the AUP (OP) and set out the overall strategic statutory framework to achieve integrated management of the natural and physical resources of the Auckland region.
- 252 The RPS broadly gives effect to the Auckland Plan. Regional higher order strategic documents such as the Future Development Strategy sit alongside the RPS.
- 253 The Applicant addresses the relevant sections of the RPS in the NoR documentation at section 15.3.1. Specifically, Chapter B2 Urban Growth and Form, B3 Infrastructure, Transport and Energy, Chapter B6 – Mana Whenua, B7 – Natural Resources and B10 – Environmental Risk – Natural Hazards and Climate Change.
- 254 The Chapters of particular relevance to the Application are Chapters B2 and B10. Auckland Council confirms this in their comments.
- 255 Chapter B2 seeks to ensure that urban growth delivers a well-functioning and high quality urban environment which can accommodate residential, commercial and industrial growth, as well as social facilities to support growth.
- 256 The Applicant states that the new Justice Facility, which includes a high-quality designed community facility surrounded by quality landscaped open spaces will enable future development stimulating greater productivity and economic growth in this part of the Auckland region and support the effectiveness and success of public transport in this location given the bus network is within walking distance to the site.
- 257 The new Justice Facility will provide a new and fit for purpose piece of regional infrastructure that will improve the overall experience of all persons participating in or accessing justice services at the Waitakere District Courthouse. The Applicant considers that the proposed requirement will give effect to the relevant B2 objectives and policies.
- 258 In relation to B10 – Environmental Risk – the RPS seeks to ensure that communities are more resilient to natural hazards and the effects of climate change and that new development does not exacerbate or create new risks through careful management of risks. The site has significant issues with respect to flooding and overland flow paths.
- 259 The Applicant refers to the Infrastructure Report (included as Appendix 4) and prepared by Holmes NZ which confirms the extent of potential flood risk within the requirement area and outlines the proposed mitigation measures and conditions, including the conveyance and function of overland flow paths to manage the natural hazard risk. The Applicant considers that the NoR will achieve objective B10.2.1(6).
- 260 The Applicant also analyses the policy outcomes sought by B6- Mana Whenua and after referencing Appendix 12 and 13 concludes that the process used is consistent with B6.2.1(1) and (2) and B6.2.2(1).
- 261 In relation to B3 Infrastructure, Transport and Energy the Applicant refers to the Integrated Transport Assessment (Appendix 17) and conditions proposed and the Construction Traffic Management Plan (as required by condition 24) to conclude that

the proposed requirement will give effect to the relevant B3 objective and policies.

- 262 Similarly in relation to B7 Natural Resources the Applicant outlines the Arborist Memorandum prepared by Greenscene (included as Appendix 6) and concludes that the proposed requirement will give effect to the relevant objectives and policies of B7.

Panel Finding

- 263 The Panel acknowledges the conclusions of the Applicant regarding B2, B3, B6 and B7 and agrees with those conclusions overall. The Panel does not accept that the facility is going to be surrounded by quality landscaped open spaces given the building will take up most of the site area and the remainder of the site is primarily hard landscape.
- 264 The Panel notes however that the specific consideration of this site and development in terms of B10 and natural hazard risk requires further analysis and discussion and this is addressed by the Panel in detail in Parts E, I and K of this decision.

District Plan Provisions

- 265 The Applicant addresses the Chapter D overlays, Chapter E Auckland Wide and Chapter H Zones in sections 15.4 and 15.5 of the NoR application.
- 266 In terms of Chapter D overlays, the requirement area is subject to the Notable Trees Overlay relating to two Kauri. The indicative building footprint and the Justice Facility operational needs will require removal of these trees. The arborist memorandum⁴³ confirms that one tree is declining and that future planting will focus on the existing young Kauri tree on the northern portion of the site and will ensure general consistency with Chapter D.
- 267 The Applicant outlines a range of Auckland wide provisions in Chapter E relevant to the proposed NoR⁴⁴.
- 268 E1 and E3 give effect to the NPSFM – the requirement area does not contain any wetlands or freshwater bodies, however it is located approximately 50m east and south of the Lower Oratia Stream. Sediment and erosion control from earthworks and stormwater management systems are managed through conditions.
- 269 E10 Stormwater Management Area Flow 1 and 2 – the requirement site is located in Stormwater Management Area Control – Oratia 4, Flow 2. The issues, Infrastructure Report (Appendix 4) and proposed conditions are addressed in Parts E and K of the Decision.
- 270 E11 and E12 – Land disturbance Regional and District – requiring management of land disturbance to address construction noise, vibration, odour, dust, lighting and traffic effects are done through conditions or through future consenting.
- 271 E23 Signs, E25 – Noise and Vibration and E27 Transport have been managed through the Urban Design Guideline Framework (Appendix 18 and Appendix 17 respectively)

⁴³ Discussed also in Parts E and K of the Decision

⁴⁴ NoR Part 15.5, Page 49

and associated conditions.

- 272 E36 – Natural Hazards and Flooding – The objectives and policies for the management of natural hazards and flooding are contained in Chapters E36.2 and E36.3 of the AUP(OP). The Applicant addresses the objectives and policies in the NoR⁴⁵ particularly Objectives E36.2(2) and E36.2(5).
- 273 E36.2(2) seeks to ensure that development in urban areas only occurs where risks of adverse effects from natural hazards to people, buildings, infrastructure and the environment are not increased overall and where practicable reduced. The Applicant acknowledges the flooding risk and references The Flood Risk Assessment by ACH Consulting in Appendix 3. The Applicant discusses the site-specific hydraulic modelling and the mitigation measures with respect to building design, which the Panel notes will also require several aspects such as minimum finished floor levels and elevated structures, to avoid an increase in flooding. Further discussion is included in Part E of this Decision.
- 274 E36.2(5) requires that subdivision, use and development is managed to safely maintain the conveyance functions of flood plains and overland flow paths. The Applicant references the flood assessment and measures to maintain the conveyance function of the identified flood hazards on the site and the conditions relating to a minimum 300mm freeboard above 1% AEP flood level and for fences and walls to allow free passage of floodwaters.
- 275 In terms of the policies E36.3(3), E36.3(4), E36.3(15), E36.3(21)(25), (26) and (27) the Applicant references the Flood Risk assessment (Appendix 3), the Holmes Infrastructure Report (Appendix 4) and the Flood Emergency Management Plan (FEMP) and elaborates on the range of conditions to manage the design requirements of the Justice Facility to ensure that the policies are implemented, concluding that the project will be consistent with the policy direction of Chapter E36 of the AUP(OP).
- 276 Chapter H Zones – As discussed earlier in Part B of this Decision, the Business Metropolitan Centre Zone provides for a wide range of activities, including civic services, so that a Justice Facility is permitted in the zone. The policies seek to ensure design is of a high quality and visual amenity.
- 277 The Applicant considers that the proposed building envelope, outlined in Condition 3, is consistent with the Zone and will contribute positively to the area and to any existing sense of place. Future courthouse design will reflect the key functional and operational requirements, the health and safety of employees and the community through CPTED principles and will be achieved by the urban design guidelines and conditions⁴⁶. This is discussed in greater detail in Part E of this decision.
- 278 H7 Open Space – Informal Recreation Zone – The Applicant states that there is a small portion of open space zoning located within the project site which relates to the existing vehicle crossing and service lane accessed via Alderman Drive. The Applicant also states that this zoning will remain unchanged by the proposed requirement. The Panel notes that Auckland Council acknowledges in its comments⁴⁷ that the reason for

⁴⁵ NoR Part 15.5.7, Pages 51-55

⁴⁶ NoR Part 15.5.8.1

⁴⁷ Memorandum of Auckland Council dated 22 January at Paras 31 and 32.

this small area of Open Space Zoning is unclear and therefore it is appropriate that the assessment of the Application should focus on the zoning provisions of the Business – Metropolitan Centre Zone. The Panel agrees with this.

Panel Finding

279 The Panel agrees that the provisions identified within the NoR report are the relevant ones. The Panel acknowledges the conclusions of the Applicant in relation to these provisions. The Panel also notes that it has carefully considered these provisions given the NoR will not require assessment at OPW stage. The Panel considers there are outstanding issues with respect to flooding and the ability of the building to mitigate this that are discussed in more detail in Parts E, I and K of this decision.

AUP(OP) Proposed District Plan - Plan Change 120 Natural Hazards

280 The Application does not reference PC120 as it was notified on 3 November 2025, after the Application had been received by the EPA.

281 Auckland Council met with the Applicant and its experts during November and December 2025 to discuss the relevance and significance of PC120 to the Application. Further expert material was provided to the Council and referenced in the comments provided to the Panel on 22 January 2025.

282 PC120 is focused on the approach to density and intensification and the management of and resilience to natural hazards. While the AUP(OP) provisions discussed above currently manage natural hazard risks, PC120 significantly strengthens natural hazard management provisions of the AUP(OP) relating to both risk to persons and property within a site, the appropriateness of the proposed use/activity and the potential effects on the wider environment.

283 PC120 is directly relevant to this Application given the location of the site close to the Oratia stream and the issues relating to flooding and the overland flow paths.

284 PC120 proposes amendments and additions to the AUP provisions, including the classification of hazards risk levels, and providing strengthened controls associated with these risk levels (focused within Chapters E36 Natural Hazards and Flooding and Chapter J Definitions of the AUP).

285 The Panel notes the Council's discussion of the legal effect of PC120⁴⁸. The Council states that the application of S171(1)(a)(iv) of the RMA (directed through Schedule 5, S24(1)(a)(ii) of the FTAA) means that the rules of PC120 relating to Natural Hazards in accordance with S86B(3) of the Resource Management Act have legal effect. The specific reference to 'a rule in a proposed plan' in S86B (3), when considered alongside S171(1)(a)(iv), creates a potential question as to whether the objectives and policy provisions of the proposed plan, which are key for the assessment of this Notice of Requirement application, have immediate legal effect.

286 The Council also comments that the Panel may want to take separate advice on this matter although the Council has not considered if proportionate to seek legal advice on this matter of interpretation. In the Council's view the strengthened rules introduced under PC120, particularly in respect to Chapter E36 of the AUP(OP) are intertwined,

⁴⁸ Auckland Council Memorandum 22/1/26 Pages 10 and 11

informed and to be read alongside the objectives and policies of Chapter 36. Section 43AA of the RMA defines a rule as a district rule or regional rule. In respect to District Rules, section 75 and section 76 of the RMA are clear in establishing the link between rules and the need for these to achieve and implement the policies and objectives for the district. Therefore, and with a particular understanding of the importance and interplay in Chapter 36 of the objectives and policies to the rules and matters of discretion, the Council has taken a precautionary approach of considering them on this basis and being relevant to the Application. The Council states that in their additional and updated information provided to the Council on 19 December 2025 the Applicant has also considered the content of the PC120 objectives and policies introduced as relevant.

- 287 PC120 includes a Flood Hazard Risk level overlay for the site and the modelled Overland Flow path mapping. The Council has provided detailed comment on PC120 as it related to the NoR. This is addressed by the Panel in Part E of this Decision.
- 288 As noted earlier in this part of the Decision, the Panel has directed that the Applicant provide further information relating to the impact of the new NPS – Natural Hazards to the Panel and the parties as well as directed expert conferencing on these matters in its Minute 3 issued on 5 February 2026. The Panel will address these matters in Part E of this decision.

Panel Finding

- 289 The Panel finds that the PC120 analysis and further information provided by the Applicant and Council provide confidence that the building design response and the FEMP will address the residual risk associated with flood hazard to enable the NoR to be delivered.

Conclusion regarding consistency with the regional and district planning framework

- 290 The Panel finds that overall, the NoR is consistent with the regional and district planning framework, except for major issues in relation to flooding and the impact on building design that need to be addressed by the proposed conditions and the OPW application, in order to meet the statutory requirements.

Planning documents recognised by a relevant iwi authority and lodged with the Council

- 291 An Application for a NoR 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.⁴⁹
- 292 It is the Panel's understanding that no planning documents recognised by relevant iwi authorities have been lodged with Auckland Council in relation to the subject site.

Treaty settlements

- 293 As noted in Part D section 7 FTAA states:

7 Obligation relating to Treaty settlements and recognised customary rights

⁴⁹ Schedule 5, clause 12(2)(e)

- (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).

294 The Panel understands⁵⁰ that the Settlement Acts (and associated Treaty settlement deeds) that are of relevance to the Application area are outlined in Part D of this Decision. The key matter to note is the statutory acknowledgement of Te Kawerau ā Maki in relation to the Project area and this NoR does not call for further details at this stage of the designation process.

295 As noted in Part B the Panel directed the EPA to seek comment from the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development under section 72 FTAA. Those comments are discussed in Part D of this Decision.

PART I: PRINCIPAL ISSUES IN CONTENTION

296 The principal issues in contention are:

296.1 the impacts and management of flooding from the Oratia Stream on the design of the building; and

296.2 the access issues to and from the building in a major flooding event; and

296.3 the extent to which the proposed conditions will mitigate these issues.

297 The Panel's findings on these principal issues in contention are:

298 [insert]placeholder for any additional considerations including relocating this section within the decision].

PART J: OTHER CONSIDERATIONS

299 The Panel is required to examine the provisions of clause 12(1)(h) regarding the Applicant's consideration of alternative sites, routes or methods for undertaking the project or work. Part 20 of the NoR application outlined the key factors considered regarding the delivery of the new Waitakere District Courthouse.⁵¹

300 As part of the business case undertaken prior to the acquisition of the site a range of options were assessed in a priority matrix to determine the most viable option. The option to develop a new site, enabling a purpose-built facility to increase capacity and future growth, became the preferred and more sustainable option for the Minister of Justice.

301 In terms of site selection, the limited availability of suitable land within Henderson, meant that 14 Edmonton Road was selected as the best option.

302 The designation approach provides certainty to the Minister of Justice to set aside the

⁵⁰ Based on the AEE and the lack of any contrary views or evidence provided to the Panel.

⁵¹ NoR Part 20, Pages 61-64

land for “judicial and court purposes” and enables a planning pathway without the detailed design required of a comprehensive resource consent.

- 303 The Panel accepts the conclusions of the Applicant and is satisfied that the assessment under clause 12(1)(h) has been addressed in the NoR application.

PART K: CONDITIONS

FTAA general requirements for conditions

- 304 Section 81 provides that the Panel must set any conditions to be imposed on the approval. The statutory requirements on what conditions are set is determined by what approvals are being sought. In this instance a designation is being sought.

- 305 For a designation the following clauses of Schedule 5 apply:

25 Conditions on designation

When setting conditions on a designation, the provisions of Part 8 of the Resource Management Act 1991 relevant to setting conditions on a designation apply to the panel, subject to all necessary modifications, as if references to a consent authority were references to a panel.

- 306 Section 83 of the FTAA must be complied with and provides:

83 Conditions must be no more onerous than necessary

When exercising a discretion to set a condition under this Act, 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.

- 307 Generally speaking, a resource consent condition must:⁵²

- (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.

- 308 The underlying purpose of the conditions of a resource consent is to manage environmental effects by setting outcomes, requirements or limits to that activity, and how they are to be achieved.⁵³

- 309 Conditions must also be certain and enforceable.⁵⁴

- 310 A condition must also not delegate the making of any consenting or other arbitrary decision to any person but may authorise a person to certify that a condition of consent has been met or complied with or otherwise settle a detail of that condition.⁵⁵ Such authorisation is subject to the following:

- (a) The basis for any exercise of a power of certification must be clearly set out with the parameters for certification expressly stated in the relevant conditions.

⁵² *Newbury District Council v Secretary of State for the Environment* [1980] 1 All ER 731 (HL), at 739.

⁵³ *Summerset Village (Lower Hutt) Ltd v Hutt City Council* [2020] MZEnvC 31 at [156].

⁵⁴ *Bitumix Ltd v Mt Wellington Borough Council* [1979] 2 NZLR 57.

⁵⁵ *Turner v Allison* (1970) 4 NZTPA 104.

- (b) This power of certification does not authorise the making of any waiver or sufferance or departure from a policy statement or plan except as expressly authorised under the Act (s 84 of the RMA).
- (c) This power of certification does not authorise any change or cancellation of a condition except as expressly authorised under the Act (s 127 of the RMA).

Project conditions

311 The Applicant and Council provided a largely agreed set of conditions to the Panel on 27 February 2026. The Panel used this agreed set as a base to develop the draft conditions circulated on 5 March 2026 for comments. The Applicant advised by letter dated [insert date] that the minor amendments proposed by the Panel were acceptable. The Panel also received comments on the draft conditions from:

a. [insert].

312 The Panel has accepted most of the proposed amendments for the reasons outlined by the commentators. The main outstanding issues related to:

a. [insert].

313 The Panel has considered the views and generally accepted the suggested wording and reasoning of one or other party as relevant, subject to some drafting refinements. In particular, the Panel advises it has made the following decisions with respect to the different views presented.

Conclusion regarding conditions

314 [to be completed following responses to draft conditions].

315 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.

PART L: RMA 1991

316 As noted in Part C, Schedule 5 sets out how the application is to be assessed under various provisions of the RMA. The substantive provisions of relevance are Part 2 and various matters in Part 8.

317 It is important to note that the purpose of the FTAA must be given the greatest weight in assessing the NoR. The Panel has done this in Part F of this decision.

Panel finding

318 The Applicant addressed Part 2 of the RMA in the NoR.⁵⁶ As a result 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 NoR Application is consistent with Part 2.

PART M: FTAA, SECTION 3

319 The Panel's decision is subject to the purpose of the FTAA, contained in section 3, namely to: facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

⁵⁶ NoR Report Part 16

320 As noted above in our discussion in Part F, the Panel accepts that the Project will deliver infrastructure and development with significant regional benefit.

PART N: OVERALL ASSESSMENT

321 As noted in Part C the 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.⁵⁷
- (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).

322 This test is different from the test developed over the years under the RMA which culminated in the decision of *Environmental Defence Society v The New Zealand King Salmon Company Limited & Ors (King Salmon)*⁵⁸. The King Salmon case was clear – the approach by the Courts and local authorities of adopting an overall judgement approach to environmental decision making under the RMA was incorrect.

323 In contrast the FTAA clearly envisages an overall judgment or balancing approach to decision making. The Panel must balance the adverse impacts against the regional or national benefits of the project.

324 [With reference to Part I principal issues of contention - summarise the Panel's finding on the adverse impacts (including by reference to the Act that applies or any other document the Panel must take into account) and the regional or national benefits. Include a conclusion on these matters].

PART O: FINAL DECISION

325 The Panel has considered the Application and supporting information as well as the comments received on it and on the draft conditions. The Panel acknowledges the significant amount of additional information, particularly in relation to flooding and the overland flow path, which was provided at the request of the Council and the Panel. The Panel particularly appreciates the efforts made by the Council and the Applicant to refine and clarify the issues and conditions relating to the design of the building and flooding matters at the expert conferencing directed by the Panel. We thank all those who commented for their contributions, particularly Auckland Council.

326 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 achieved by this Decision. 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.

327 The Panel determines to confirm the Notice of Requirement sought subject to the Conditions attached as Appendix A to this Draft Decision.

⁵⁷ Section 82 FTAA

⁵⁸ [2014] NZSC 38

328 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).

Heather Ash
(Chair)

Lisa Mein
(Member)

Bronwyn Rhynd
(Member)

DRAFT

APPENDIX A: CONDITIONS OF CONSENT

DRAFT

Waitākere District Courthouse –Notice of Requirement Conditions

41XX Waitākere District Courthouse

Designation Number	41XX
Requiring Authority	Minister of Justice
Location	14 Edmonton Road, Henderson
Lapse Date	10 years from the date which it is included in the Auckland Unitary Plan (Operative in Part)

General Conditions	
1	Works and Activities
2	Scope of the Designation
Conditions Subject to OPW, Building Consent or Design Requirement	
3	Urban Design
4	Flood Modelling
5	Structural Resilience
6	Minimum Floor Level (Flood)
7	Servicing and Infrastructure: General Accordance
8	Stormwater Mitigation
9	The Design of Structures in Flood Hazard Areas
10	Geotechnical Condition
11	Stormwater Pipe and Clearance
12	Public Parking
13	Provision for Cycle Parking
14	Accessible Parking Spaces
15	Vehicle Manoeuvring
16	Principal Operational Access
17	Vehicle Access on Edmonton Road
18	Queuing Space
19	Vehicle Crossing Width
20	Vehicle Crossing on Edmonton Road
21	Tree Removal

22	Lighting
Earthworks and Construction Conditions	
23	Erosion and Sediment Control
24	Construction Traffic Management Plan
25	Construction Management Plan
26	Construction Noise Limits
27	Construction Vibration
28	Construction Noise and Vibration Management Plan
29	Damage to Assets
Operational Conditions	
30	Flood Emergency Management Plan
31	Operational Noise
32	Network Utilities Subject to Section 176 RMA

Purpose

Judicial, court, tribunal and related purposes including collection of fines and reparation, administration, support, custodial services and ancillary activities. Works include development and operation of land and buildings for the aforementioned purposes.

General Conditions:

Condition 1: Works and Activities

Waitākere District Courthouse (**Justice Facility**) for the purposes of these designations shall, in the absence of specific conditions to the contrary, enable the following works and activities:

- (a) Site preparation works, including removal or demolition of buildings and earthworks;
- (b) Construction of a judicial court and associated facilities and infrastructure (including three waters services, roading and parking);
- (c) Accessory buildings and structures;
- (d) Site landscaping, including planting of vegetation and fencing;
- (e) Signage;
- (f) Operation of a judicial court and tribunal spaces, alongside other related land-uses and services including the collection of fines and reparation, administration, support, custodial services and ancillary activities;
- (g) Any other activities that are –
 - (i) Associated with the activities described in (a) to (f) above;
 - (ii) Within the scope of this designation

Condition 2: Scope of the Designation

All works and activities shall be undertaken in general accordance with the Notice of the Requirement (**NoR**) for the Waitākere District Courthouse Project, dated August 2025, except as modified by the conditions that follow.

Conditions Subject to OPW, Building Consent or Design Requirement

Condition 3: Urban Design

- (1) At Outline Plan of Works (**OPW**) stage, a design statement and supporting plans prepared by a suitably qualified person shall be submitted to Council that demonstrates how the design of the Waitākere District Court - New Courthouse project, including the building form, appearance, scale, height and layout, and general arrangement, materials and specifications of landscaping and access, has addressed the Urban Design Guidelines Framework (**UDGF**) outlined in the Urban Design Assessment prepared by Architectus (dated 27 February 2026), and demonstrates how the design is in general accordance with the bulk and location study titled 'Notice of Requirement Drawings' prepared by Architectus, dated February 2026, or the bulk and location study titled 'Notice of Requirement Drawings – Alternative Scheme', dated February 2026. This includes how the site layout and building design meets the UDFG principles attached in Schedule 1.
- (2) Where the design is not in accordance with the bulk and location studies prepared by Architectus, the Justice Facility should, in conjunction with addressing the above UDFG, not exceed the following:
 - (a) A maximum building height of 72.5m;
 - (b) The upper floors of a building above 32.5m in height, must be set back at least 6m from the site frontage;
 - (c) A building must not exceed the height in relation to boundary recession plane as follows:
 - (i) 16.5m + 45° recession plane for a length of 10m at the 22 Alderman Drive site boundary when measured from the road.
 - (ii) 8m + 60° recession plane at the interface of adjoining sites zoned Residential – Terrace Housing and Apartment Building Zone.
 - (iii) 3m + 45° recession plane at the interface of adjoining sites zoned Residential – Mixed Housing Urban Zone.

Condition 4: Flood Modelling

An updated HEC-RAS-2D model or equivalent modelling platform for flood assessment, prepared by a suitably qualified engineer, shall be provided at OPW stage. The purpose of the modelling and flood hazard assessment is to confirm that the final detailed design remains consistent with the flood risk outcomes assessed as part of the NoR.

The model shall demonstrate that the flood hazard generated by final earthworks and the final building slab and pile design and any impediments in the flood extents are:

- (a) appropriately managed and in general accordance with the NoR approved documents; and
- (b) do not result in any material change in extent, depth, or velocity of the hazards in the surrounding environment than modelled in the NoR approved documents.

If there is a material change in the extent, depth or velocity of the flood hazard within the NoR site, an updated flood hazard assessment including revised modelling must be provided by a suitably qualified engineer and certified by Council prior to the commencement of works.

Advice Notes:

- 1). The reference to 'earthworks' does not apply to minor works, including ground investigations and works that do not alter the existing ground level.*
- 2). The reference to 'modelled in the NoR approved documents' includes the Flood Risk Assessment Report prepared by ACH Consulting dated 2026, the Floodplain Impact Assessment Addendum prepared by ACH Consulting dated February 2026 and the Flooding Peer Review Memo prepared by Flowstate Consulting dated 2026 and applies to both the 'as lodged' and 'alternative' indicative schemes provided.*
- 3). For the purposes of identifying a 'material change' above, the change shall not directly affect the basis of the underlying flood risk outcomes and level of effects assessed in the NoR approved documents.*

Condition 5: Structural Resilience

Prior to any construction works, a statement from a suitably qualified structural engineer must be submitted to the Council confirming the pile design and other structural elements can withstand the peak flood depth and velocity for the required design life, explicitly accounting for drag forces and debris loading.

Condition 6: Minimum Floor Level (Flood)

The future building platform must achieve a minimum finished floor level of 8.6mRL (measured using 2016 NZD Datum) on the subject site, unless a lower floor level has been subject to specific engineering design by a suitably qualified engineer, such design to be submitted to the Council with the OPW for certification.

Condition 7: Servicing and Infrastructure: General Accordance

Adequate provision shall be made for the disposal of wastewater and stormwater, the supply of water, power and telecommunications in general accordance with the Flooding and Infrastructure Assessment prepared by Holmes Ltd, dated 29 January 2026. Engineering plans shall be submitted to Council with the OPW for certification. Where not in general accordance with the Infrastructure Report and Civils Plans, a new Civil Infrastructure Assessment with supporting engineering plans prepared by a suitably qualified Chartered Professional Engineer shall be submitted to Council for certification.

Advice Notes:

- 1. The Flooding and Infrastructure Assessment prepared by Holmes Ltd, dated 2026 based on review of WSL do not reflect the following in respect to Wastewater.
As part of the Takapu Street wastewater upgrade, the existing 225 AC pipe has been abandoned and replaced by a new 300 PVC pipe as shown on Watercare's publicly available GIS. The Applicant has proposed to relocate existing 225 AC pipe (and discharge into it) however this has been abandoned and replaced by the new 300
This revised understanding must be reflected in the finalised engineering plans and assessment along with any other engineering reflect this and any other changes at the time of reporting.*
- 2. For the purposes of the above condition 'where not in general accordance' is not just a divergence of the infrastructure plans but also any significant divergence from the envisaged demand and discharge of the infrastructure assessments based on a finalised design*
- 3. Works Over Approval may be required from Watercare Services Limited under the Water Supply and Wastewater Network Bylaw 2015.*
- 4. Prior to commencing construction of any part of the water supply or wastewater network to vest in the water supply and wastewater utility provider, the consent holder must obtain Engineering Plan Approval for the relevant works.*
- 5. Plans approved under Notice of Requirement or Outline Plan of Works do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public reticulation works in the absence of that approval.*
- 6. Any person wishing to connect to Watercare Services Limited's (Watercare) water and/or wastewater asset(s) must also obtain Watercare's approval to such connection under the Water Supply and Wastewater Network Bylaw 2015 (Bylaw). Under the Bylaw Watercare may refuse*

an application to connect to a network in specified circumstances, including where, in Watercare's reasonable opinion, there is insufficient capacity in the network to accommodate the connection.

Condition 8: Stormwater Mitigation

Details of any stormwater mitigation required to accommodate a future building on the site shall be shown on the engineering plans submitted to Council with the OPW for certification along with a final Stormwater Management Plan by a suitably qualified engineer. If stormwater tanks are provided, these shall be located in general accordance with the indicative tank locations shown on the Landscape Plan prepared by Architectus, titled 'Waitākere District Court - New Courthouse - Concept Design Landscape Plan' (dated XX Month 2025), and details contained within the Holmes Memorandum: Waitākere Justice Facility – Stormwater Management Plan Memorandum (dated 12 December 2025) the following mitigation as outlined below:

- 3 x Stormwater Tanks
- Type: Above Ground
- Diameter: 3.5mØ
- Height: 3.0m
- Volume: 25,000 L

It is proposed that the first tank will be a combination retention/detention tank that will overflow into the second and third tanks (which are detention only) with a 20mmØ orifice outlet placed on the third tank to allow for captured run-off to be discharge into the existing stormwater network. The specific design for these tanks will be supplied at the detailed design phase.

Condition 9: The Design of Structures in Flood Hazard Areas

Structures and surfaces within areas identified as subject to flood hazards shall have the following design requirements incorporated and demonstrated in the OPW:

- Buildings must be designed to maintain structural integrity during flood events;
- Materials used in construction below the 1% AEP flood level must be water-resistant and capable of withstanding high water velocity and debris entrainment and prolonged exposure to moisture without degradation;
- Fences and walls within flood hazard areas must be designed to allow the free passage of floodwaters;
- The Flood Barrier design shall allow for the structure to be free swinging during a flood event.

Condition 10: Geotechnical Condition

The building foundations shall be subject to specific engineering design by a suitably qualified Chartered Professional Engineer having regard to the geotechnical hazards identified in the Geotechnical Report prepared by Wentz-Pacific Limited, dated 2025. The building foundation design shall be detailed in the OPW and certified at time of Building Consent.

Condition 11: Stormwater Pipe and Clearance

A). Location and design of permanent stormwater infrastructure (existing pipe or replacement pipe) including access for maintenance shall be submitted to Council with the OPW for certification.

B). Foundations for a future building must maintain a minimum horizontal setback of 5m from the edge of the stormwater pipe that traverses the centre of the site, unless subject to an

alternative suitable clearance distance, specified by a suitably qualified engineer and approved by the Council. A pile setout plan with supporting details outlining the size of the proposed piles around the existing stormwater main shall be submitted to Council with the OPW for certification.

Condition 12: Public Parking

If public parking is proposed to be provided on site, this shall be supported by further assessment which is undertaken by a suitably qualified traffic engineer and submitted to Council with the OPW. The assessment shall determine the traffic effects associated with the provision of on-site public parking as being acceptable with reference to relevant Auckland Unitary Plan parking standards.

Condition 13: Provision for Cycle Parking

At least 20 cycle parking spaces shall be provided for visitors and 20 cycle parking spaces for staff. This may include visitor cycle parking within the road reserve directly adjacent to the site if there is sufficient space and subject to the approval of the Road Controlling Authority. This detail shall be confirmed at time of the OPW.

Note: The cycle parking must be provided prior to the operation of the Justice Facility.

Condition 14: Accessible Parking Spaces

The Justice Facility shall have access to an adequate number of accessible parking spaces, in a location that enables an accessible route to the main public entrance to the building. This can include existing or proposed accessible spaces outside of the designation boundary (subject to the approval of the Road Controlling Authority or respective site owner) and shall be determined at time of the OPW and certified at Building Consent.

Condition 15: Vehicle Manoeuvring

All vehicles must enter and exit the site in a forward direction, unless further assessment is undertaken by a suitably qualified traffic engineer (submitted with the OPW and certified by Council) that confirms reverse manoeuvring is appropriate on the site.

Condition 16: Principal Operational Access

The principal operational vehicle access to the site must be from Edmonton Road, unless further assessment is undertaken by a suitably qualified traffic engineer that confirms primary operational vehicle access via Alderman Drive is appropriate, such assessment to be submitted with the OPW and certified by Council.

Condition 17: Vehicle Access on Edmonton Road

- (1) No more than two vehicle crossings to the site shall be provided on Edmonton Road, unless further assessment is undertaken by a suitably qualified traffic engineer and certified by Council that confirms this is appropriate. This detail shall be submitted to Council with the OPW.
- (2) No vehicle crossing shall be located to the southwest of the Edmonton Road/Takapu Street intersection or on Alderman Drive (other than the existing vehicle crossing serving the Right of Way), unless further assessment is undertaken by a suitably qualified traffic engineer and certified by Council that confirms the construction of a vehicle crossing in this location is appropriate. This detail shall be submitted to Council with the OPW.

Condition 18: Queuing Space

Queuing space of at least one vehicle length shall be provided at any vehicle crossing that provides entry to the site (with the vehicle length being determined according to the largest

vehicle that is expected to enter the site at that location). This detail shall be submitted to Council with the OPW.

Condition 19: Vehicle Crossing Width

No vehicle crossing shall be more than 7m wide measured at the site boundary, unless further assessment is undertaken by a suitably qualified traffic engineer that confirms a wider vehicle crossing is appropriate for the site. This detail shall be submitted to Council with the OPW.

Condition 20: Vehicle Crossing on Edmonton Road

Any vehicle crossing onto Edmonton Road shall provide either:

- (a) A pedestrian visibility splay of 2.5m width and 5.0m depth; or
- (b) An audio-visual method (such as a system that emits an audible tone and/or illuminates a lantern when a vehicle is approaching the vehicle crossing) to alert pedestrians to vehicles about to exit the site;

unless further assessment is undertaken by a suitably qualified traffic engineer that confirms such provisions are not required. This detail shall be submitted to Council with the OPW.

Condition 21: Tree Removal and Mitigation Planting

- (1) The two notable Kauri trees shall only be removed following the approval of the OPW, and in accordance with best arboricultural practices.
- (2) In the event of removal of the notable trees, in the next planting season (May – September) immediately after the removal of the two notable Kauri trees in accordance and subject to part a, the Requiring Authority shall have four specimen trees planted in appropriate permeable areas adjacent in locations agreed in consultation with the Council Heritage Arborist to include two Kauri (*Agathis australis*) and two Tulip trees (*Liriodendron tulipifera*). These trees shall be size pb95 and a minimum height of 1.8m at the time of planting and shall be retained and replaced as necessary, should they fail to establish.

Condition 22: Lighting

Prior to the installation of any external lighting, lighting plans prepared by a qualified Lighting Engineer shall be submitted to the Council that demonstrate compliance with the requirements of AS/NZS1158.3.1 and the following standards:

- Lighting limits must be measured and assessed in accordance with Standard AS 4282-1997 Control of the Obtrusive Effects of Outdoor Lighting, except for building façade lighting where the limits may be determined by calculation or measured in accordance with the CIE 150:2003 Guide on the limitation of effects of obtrusive light from outdoor lighting installations – International Commission on Illumination ISBN 3 901 906 19 3.
- Any lighting calculation must be based on a maintenance factor of 1.0 (i.e. no depreciation).

The lighting plans must detail the location, type and intensity of lighting external to the building, taking into account the operational requirements of the Justice Facility.

Earthworks and Construction Conditions:

Condition 23: Erosion and Sediment Control

All earthworks undertaken on the site shall adopt best practice erosion and sediment control measures in accordance with the Auckland Council GD 05 Erosion and Sediment Control Guidelines document. The measures shall include the erection of silt fence, stabilised entranceways, cut off drains and the connection of downpipes to the stormwater system as

necessary. These erosion sediment control measures should be erected prior to, and maintained on site for the duration of, the works.

Condition 24: Construction Traffic Management Plan

At least 10 working days prior to the commencement of any building construction works, a Construction Traffic Management Plan (**CTMP**) shall be submitted to Council for certification. The objective of the CTMP is to provide a framework for managing adverse traffic effects which may result from construction, and to ensure that existing legal access to surrounding properties is not obstructed. To achieve this, the CTMP must be:

- (a) Prepared in accordance New Zealand Transport Authority's Code of Practice for Temporary Traffic Management and must address the surrounding environment, including routing for heavy construction vehicles and equipment, access for emergency vehicles, pedestrian and bicycle traffic, and public transport.
- (b) Included in any associated Corridor Access Request to the Road Controlling Authority.

No construction activity may commence until a CTMP has been certified by the Council and all construction traffic must be managed at all times in accordance with the certified CTMP.

Condition 25: Construction Management Plan

At least 10 working days prior to the commencement of construction works, a Construction Management Plan (**CMP**) shall be submitted to Council for certification. The objective of the CMP is to avoid, remedy or mitigate the adverse effects associated with the construction works of the Waitākere District Courthouse/the Project. The CMP must be implemented for the entire construction period, and shall include the following details:

- (a) Details of the works, intended construction timetable (including staging), and hours of work.
- (b) Contact details of the person in charge of construction works or other person responsible for implementing this Plan.
- (c) Measures to store and manage hazardous and / or dangerous materials which take into account flood risk.
- (d) Location of site infrastructure including site offices, site amenities, contractors' yards site access, equipment and material unloading and storage zones, carparking and security which take into account flood risk.
- (e) Process for notifying neighbours of work and significant milestones, including but not limited to concrete pours, large deliveries, crane install and dismantle, structure erection.
- (f) Means of providing for the health and safety of the general public.
- (g) Methods to control dust, debris on roads and silt laden runoff during construction.
- (h) Erosion and sediment control measures necessary to achieve compliance with condition 9.
- (i) Measures to maintain the site in a tidy condition in terms of the storage and disposal of rubbish, unloading and storage of building materials and similar construction activities.
- (j) Details of ingress and egress routes to and from the site for vehicles and construction machinery during the construction period.
- (k) Details of any proposed temporary protection measures that will be installed to ensure there is no damage to public roads, footpaths, berms, kerbs, drains, reserves, or other public assets.
- (l) Complaints handling procedure.

Condition 26: Construction Noise Limits

All noise arising from construction activity on-site shall not exceed the following limits when measured or assessed at any occupied building on any other site:

26 and 21 Edmonton Road and 1/2A Takapu Street

- Up to 75 dB LAeq during piling.
- At all other times – noise limits shall comply with Table 1 below:

Table 1: Construction Noise Limits that apply at all other times.

Time of Week	Time Period	Long-term duration of Construction work (more than 20 weeks)	
		L _{Aeq}	L _{Amax}
Weekdays	6:30 am – 7:30 am	55	70
	7:30 am – 6:00 pm	70	85
	6:00 pm – 8:00 pm	65	80
	8:00 pm – 6:30 am	40	70
Saturdays	6:30 am – 7:30 am	40	70
	7:30 am – 6:00 pm	70	85
	6:00 pm – 8:00 pm	40	70
	8:00 pm – 6:30 am	40	70
Sundays and public holidays	6:30 am – 7:30 am	40	70
	7:30 am – 6:00 pm	50	80
	6:00 pm – 8:00 pm	40	70
	8:00 pm – 6:30 am	40	70

22 Alderman Drive and 28 Edmonton Road

- Up to 80 dB LAeq during piling.
- At all other times – noise limits shall comply with Table 1 above

All other properties

- Noise limits shall comply with Table 1 above.

Condition 27: Construction Vibration

All vibration arising from construction activity on the site shall not exceed the following:

- Limits set out in German Industrial Standard DIN 4150-3 (1999): Structural vibration – Part 3; and
- Limits in Table 2 below in buildings in any axis when measured in the corner of the storey of interest for multi-storey buildings, or within 500mm of ground level at the foundation of a single storey building.

Table 2: Construction Vibration Limits

Receiver	Period	Peak Particle Velocity Limit millimetres/second
Occupied activity sensitive to noise	Night-time 10pm to 7am	0.3 mm/s
	Daytime 7am to 10pm	2 mm/s
Other occupied buildings	At all times	2 mm/s

- Works generating vibration for three days or less between the hours of 7am to 6pm may exceed the limits in Table 2, but must comply with limit of 5mm/s peak particle velocity in any axis when measured in the corner of the floor of the storey of interest for multi-storey buildings, or within 500mm of ground level at the foundation of a

single storey building, where:

- All occupied buildings within 50m of the extent of the works generating vibration are advised in writing no less than three days prior to the vibration-generating works commencing; and
- Written advice must include details of the location of works, the duration of the works, a phone number for complaints and the name of the site manager.

Condition 28: Construction Noise and Vibration Management Plan

- (1) At least 10 working days prior to the commencement of any construction works, a Construction Noise and Vibration Management Plan (**CNVMP**) shall be submitted to Council for certification. The objective of the CNVMP is to provide a framework for the development and implementation of measures to avoid, remedy, or mitigate the adverse effects of noise and vibration resulting from construction to be achieve the noise and vibration limits in Conditions 26 and 27 above.

No works shall commence until the CNVMP is certified and works shall be carried out in accordance with the requirements of the certified CNVMP and Conditions 26 and 27 at all times.

- (2) The CNVMP should reference Annex E of NZS 6803:1999 Acoustics –Construction Noise. At a minimum, the CNVMP should include:
- (a) Applicable site noise and vibration criteria;
 - (b) Programme of works and hours of operation;
 - (c) Identification of surrounding noise and/or vibration sensitive receivers;
 - (d) Details of the specific management and mitigation measures required to comply with the relevant noise and vibration criteria, including but not limited to acoustic screening;
 - (e) The requirement to provide written communication to occupants of all immediately neighbouring buildings prior to the commencement of activities on site. The written advice shall set out:
 - A brief overview of the construction works;
 - The working hours and expected duration;
 - All mitigation measures to be implemented;
 - The procedure for recording concerns/complaints regarding noise and vibration;
 - The procedure for noise and vibration monitoring where concerns are raised by receivers; and
 - Contact details for site personnel for any concerns regarding noise and vibration.

Note: For clarity, the neighbouring buildings includes 22 Alderman Drive and 11, 15, 22-24 & 26 Edmonton Road, and 1/2A & 2/2A Takapu Street.

Condition 29: Damage to Assets

If any assets in the road corridor, including footpaths, berms, and kerbs, are damaged by heavy vehicles entering or leaving the construction site, the requiring authority must rectify such damage and restore the assets to its original condition (at its own costs) as soon as reasonably practicable or within a timeframe agreed with the road controlling authority.

Condition 30: Flood Emergency Management Plan

Prior to the operation of the activity, a finalised Flood Emergency Management Plan (**FEMP**) detailing measures outlined in the Draft Flood Evacuation Management Plan [updated and dated xx xx 2026] shall be provided to Council for certification. The objective of the finalised FEMP shall demonstrate that risks to persons as a result of the flood hazards are appropriately managed in general accordance with the Draft Flood Evacuation Management Plan. The finalised FEMP shall include details of the following:

- Staff roles and responsibilities;
- Flood response protocols including activation and monitoring;
- Flood hazard signage and alert;
- Evacuation protocols including internally and externally within the site;
- Communication plan;
- Process for annual inspections, certification, reviews and updates;
- Post-flood event recovery protocols; and
- Confirm detail on resilience of critical infrastructure for implementation of FEMP.

The FEMP must be implemented for the duration of the activity. The FEMP is a live document that must be reviewed yearly to evaluate the effectiveness in achieving the above objective. A copy of the latest FEMP shall be provided to Council at their request.

Condition 31: Operational Noise

Within two months of the operation of the Waitākere District Courthouse, a statement from a suitably qualified acoustic professional shall be provided that certifies all fixed mechanical plant and equipment associated with the Justice Facility will achieve compliance with the following operational noise standards:

Noise levels when measured within the boundary of residential zoned site (11, 15A, 15B and 26 Edmonton Road) must comply with Table 3 below

Table 3: Operational Noise Limits

Time	Noise Level
Monday to Saturday 7:00 am to 10:00 pm	55 dB LAeq
Sunday 9:00 am to 6:00 pm	
All other times	45 dB LAeq 60 dB Leq at 63 Hz 55 dB Leq at 125 Hz 75 dB LAFmax

Noise levels when measured as incident level on the façade of any building in the Business – Metropolitan Zone (applies to 8, 10, 19 and 22-24 Edmonton Road, and 22 Alderman Drive) must comply with Table 4 below.

Table 4: Operational Noise Limits

Time	Noise Level
7:00 am to 11:00 pm	65 dB L _{Aeq}
11:00 pm to 7:00 am	60 dB L _{Aeq} 65 dB L _{eq} at 63 Hz 60 dB L _{eq} at 125 Hz 75 dB L _{AFmax}

Compliance with this condition shall be provided on an on-going basis. In the event, the mechanical plant equipment exceeds these thresholds, a Noise Management Report shall be prepared by a suitably qualified specialist that outlines mitigation measures to address the non-compliance.

Condition 32: Network Utilities Subject to Section 176 RMA

Auckland Council as the network utility operator of the reticulated stormwater network shall not require written approval under section 176(1)(b) of the RMA for works for routine operation, maintenance, repair and/or replacement of existing stormwater infrastructure in the same location within the designation.

Advice notes:

1. *The requiring authority is to obtain all other necessary regional resource consents, and any other approvals, that may be required to undertake any proposed works provided for by the designation.*
2. *The submission of an outline plan of works (OPW) to Auckland Council is a requirement of s176A of the Resource Management Act 1991 unless the requiring authority requests an OPW waiver, and Auckland Council agrees to the waiver.*
3. *The Requiring Authority must obtain Engineering Plan Approval prior to commencing construction of any part of the water supply or wastewater network to vest in the respective utility provider.*
4. *Plans approved under the Notice of Requirement or Outline Plan of Works do not constitute an Engineering Plan Approval and should not be used for the purposes of constructing public reticulation works in the absence of that approval.*

Schedule 1

Urban Design Guideline Framework Principles

(with reference to Condition 3: Urban Design, which refers to the Urban Design Assessment prepared by Architectus dated 27 February 2026)

- (a) How the site layout and building design meets the UDGf principles for safe, easy circulation and access;
- (b) How the building design meets the UDGf principles for building massing/form and building facades;
- (c) How the design meets the UDGf principles for Crime Prevention Through Environmental Design (**CPTED**);
- (d) How the design meets the UDGf principles for wayfinding and navigation;
- (e) How the design meets the UDGf principles for building entrances;
- (f) How the design meets the UDGf principles for landscape and open space.

DRAFT

APPENDIX B: CONSENTS REQUIRED

Auckland Unitary Plan (Operative in Part)

- Regional take and use of groundwater under Rule E7.4.1(A26) – discretionary activity
- Regional diversion of groundwater under Rule E7.4.1(A28) – restricted discretionary activity.
- Regional diversion and discharge from stormwater runoff under Rule E8.4.1(A10) – discretionary activity.
- Redevelopment of existing impervious areas within the Stormwater Management Area Overlay under Rule E10.4.1(A4) – discretionary activity.
- Regional earthworks under Rule E11.4.1(A9) – restricted discretionary activity.
- Regional earthworks that do not comply with the E11.6.2 General Standards – restricted discretionary activity pursuant to Rule C1.9(2).

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations 2011

- Disturbance and remediation of contaminated land – discretionary activity pursuant to Section 11.