

To: Alex Mickleson – Application Lead, Environmental Protection Authority
From: Alisa Neal – Barker & Associates Limited
Date: 12 March 2026
Re: FTAA-2508-1096 Response to Minute 5 of the Expert Panel (Waitākere District Court – New Courthouse Project)

This memorandum addresses the matters set out in the invitation for comments on draft conditions in accordance with (3) and (4) of Minute 5.

The Applicant has reviewed the Panel’s recommended conditions and has specific comments in relation to the following conditions:

- Condition 6: Minimum Finished Floor Level (Flood)
- Condition 8: Stormwater Mitigation
- Condition 10: Geotechnical Condition
- Condition 12: Public Parking
- Condition 21: Tree Removal and Mitigation Planting
- Condition 25: Construction Management Plan

A copy of the recommended changes to conditions is provided as **Attachment 1** and the rationale for the changes is outlined in further detail below. Aside from the abovementioned conditions, the Applicant supports all other conditions proposed by the Panel for this application.

Condition 6: Minimum Finished Floor Level (Flood)

The Applicant requests the minimum flood level is reduced from 8.6mRL to 8.58mRL as 8.58mRL is the finished floor level recommended in the Infrastructure Report prepared by Holmes dated 2026 (specifically noted in sections 5.3.3 and 7.0), and the Flood Risk Assessment Report prepared by ACH Consulting, dated 2026. For clarity, the proposed 8.58mRL achieves the minimum 300mm freeboard required and the technical assessment provided to date confirms that the proposed FFL of 8.58mRL and other flooding related conditions (including engineered designed solutions and the FEMP) will adequately address flooding effects of the Proposal.

Condition 8: Stormwater Mitigation

The Applicant requests the proposed condition wording outlined in the Addendum to the Joint Witness Statement provided to the Panel on 27th February 2026 is retained (see below).

Details of any 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 Outline Plan of Works 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’,

and details contained within the Holmes Memorandum: Waitākere Justice Facility – Stormwater Management Plan Memorandum (dated 12 December 2025).

The recommended panel condition includes additional text pertaining to the mitigation details outlined in the report (i.e. tank design and staging of works) that is not considered necessary to include in the NoR condition, given the details of stormwater mitigation provided in the Stormwater Management Plan and tank locations shown on the Landscape Plan are indicative and may not be required as part of the final building design/layout that is submitted to Council at OPW. It is possible that future mitigation could differ from the indicative specifications outlined in draft Stormwater Management Plan, and this detail would be captured in the final Stormwater Management Plan that is required to be submitted to Council at OPW.

Condition 10: Geotechnical Condition

The Applicant requests the following additional text is added to the condition to clarify that the indicative/concept design will be provided at OPW stage, noting the finalised design will be provided for certification of Building Consent (see new text shown as **bold underlined**).

*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 **concept** design shall be detailed in the OPW and certified at time of building consent.*

The proposed amendments to this condition is considered necessary to clarify the expectations for deliverables at OPW versus Building Consent and still achieves the intended outcome of this condition.

Condition 12: Public Parking

The following amendments are proposed to this condition:

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.~~

The Applicant requests the reference to the 'relevant Auckland Unitary Plan parking standards' is removed as providing reference to the AUP/standards in the NoR condition is not standard practice for other designations under the Auckland Unitary Plan. The Applicant requests a consistent approach to conditions, which would be achieved by removing the text shown as ~~striketrough~~ above.

Condition 21: Tree Removal and Mitigation Planting

The Applicant supports the inclusion of Condition 21(1) but requests that Condition 21(2) is deleted in its entirety.

In this case, the information provided by the Applicant to date, including the indicative landscape plan, demonstrates that space is available for planting, however, this must be balanced with the functional and operational requirements of the Justice Facility. In this regard, it is not considered necessary to specify the exact number and type of trees required to be planted on the site.

In addition, the timing trigger outlined in the condition which requires planting to be established 'in the next planting season (May to September) immediately after the removal of the two notable Kauri trees' is an issue for the Applicant given the construction methodology and timeframes that would be required to construct the Justice Facility on the site, would not align with the timing trigger outlined in the current condition, and therefore, in practice the requirements of this condition would not be met.

Notwithstanding the position above, in the event the Panel are of the mind to retain this condition, alternative condition wording is provided below:

(2) In the event of the removal of the notable trees, in the next planting season (May to September) prior to the operation of the facility, the Requiring Authority, where practicable shall, have up to four specimen trees planted in appropriate permeable areas, utilising native species. 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. This detail shall be provided to Council with the OPW.

This alternative condition wording addresses the key concerns raised above, requiring planting to be established prior to the operation of the activity which is a practical and realistic timeframe. The proposed wording 'where practicable, shall have up to four specimen trees' recognises the operational and functional requirements of the Justice Facility in the context of establishing suitable locations for specimen trees within the site. Further, the reference to native species (as opposed to two specific types of trees) aligns with the recommendations from Te Kawerau ā Maki discussed through the iwi engagement undertaken since the inception of the Waitākere District Court – New Courthouse Project. Overall, the alternative condition wording is considered to address the effects/outcome intended by the inclusion of a mitigation planting condition for this Project.

Condition 25: Construction Management Plan

The Applicant proposes specific amendments to (c), (d) and (h) of this condition as outlined below.

Condition 25 (c) and (d) both include reference to 'take into account flood risk'. It is proposed to amend the sub-bullets to include 'take into account **existing pre-development** flood risk' and include an advice note to clarify the hazard risk to be assessed at the time of construction. The proposed advice note is outlined below:

Advice Note: For clarity, the existing pre-development flood risk detailed in Condition 25 is based on the flood hazard at the time of construction without 3.8-degree climate change factor added.

Condition 25(h) is proposed to be amended to update the earthworks condition reference from '9' to 23. This is outdated numbering is likely a carryover from the proposed NoR conditions included in the Addendum to the JWS provided to the Panel on 27th February 2026.

Aside from the above, there are no further comments or feedback on Condition 25.