

**SUBMISSION TO THE PANEL Re: The Point Mission Bay — Fast Track Resource Consent**

**Submitter:** Ben Martel, [REDACTED]

**Contact:** [REDACTED]

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### **1. My Position**

I am a resident in Te Arawa Street. I do not oppose retirement village development on this site. My submission is confined to one issue: the proposed buildings significantly exceed the 16m permitted height under the THAB zone, and this exceedance will cause **visual dominance effects on my property that would not occur — or would be materially reduced — if the buildings were required to comply with the permitted height.**

I seek a condition requiring all buildings to comply with the 16m height standard, or at a minimum that Building 4 — the building most directly relevant to Te Arawa Street — be reduced to comply.

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### **2. The Height Exceedance is Substantial**

The applicants' own UDLA (Boffa Miskell, 10 November 2025) acknowledges that the proposed buildings exceed the 16m THAB permitted height by the following amounts as viewed from the south:

- **Building 4: approximately three storeys over** the permitted height
- Building 3: approximately two storeys over
- Building 5: approximately one storey over

A three-storey exceedance on Building 4 — the building sitting most directly to the north of Te Arawa Street properties — is not a minor or technical infringement. It represents a building mass roughly 9–10 metres taller than the law permits without a specific justification being made out.

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### **3. The Visual Dominance Assessment Was Conducted at the Wrong Height**

The UDLA's assessment of effects on Te Arawa Street properties (VS 4, p.26) concludes that adverse effects are "very low / negligible." The peer review (Skidmore, para. 5.14) similarly concludes effects will be "very low."

However, **both assessments were conducted at the proposed over-height scale, not at the permitted 16m scale.** This means the panel has not been given an analysis of what the effects would be at the legally permitted height, and therefore cannot properly assess whether the exceedance is necessary or justified.

This is a gap in the evidence. The correct question is not "are effects acceptable at the proposed height?" but rather "are the stated design outcomes achievable at 16m, such that the exceedance is genuinely necessary?" The applicants' reports do not answer this question.

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#### 4. The Assessors' Own Logic Undermines the Case for Exceedance

Both the UDLA and the peer review argue that visual dominance effects are mitigated by:

- The short southern elevation of the buildings (approximately 20m wide)
- Generous setbacks from the southern boundary
- Stepped upper floors complying with the HiRB recession plane
- Landscape screening and specimen tree planting

These are all **design features independent of height**. They could equally be applied to a 16m-compliant building. The applicants' case implicitly concedes that it is the *design approach* — not the excess height — that manages visual dominance. If so, the same design approach at 16m would produce the same or better outcomes for neighbouring properties.

The peer reviewer notes (para. 2.4) that static visual simulations "cannot fully replicate the more dynamic and moving way people experience the environment." As someone who lives at the end of Te Arawa Street, I can confirm that the experience of looking north from my property toward buildings three storeys above the permitted height will be materially different from what the simulations convey.

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#### 5. The Exceedance Has Not Been Justified

For a restricted discretionary activity infringing a height standard, the applicant must demonstrate the infringement is justified — not merely that effects can be managed. The cultural narrative gifted by Ngāti Whātua Ōrākei is meaningful and I respect it, but the THAB zone already anticipates five to seven storey buildings at 16m. No analysis has been provided showing the cloud-and-headland design concept requires buildings beyond that height. The concept could be expressed at 16m.

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#### 6. Relief Sought

I ask the Expert Panel to:

1. **Require** Building 4 (and ideally all buildings) to comply with the 16m THAB height standard; **or**
2. **Require** the applicant to provide a specific assessment demonstrating why the cultural and design outcomes cannot be achieved within 16m, with that assessment subject to independent review; **and**

3. **Impose conditions** ensuring the landscape screening along the Te Arawa Street boundary is established to a specified standard before any buildings exceeding 16m are occupied.



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Ben C Martel

25<sup>th</sup> March 2026