



Appendix A: The Point Mission Bay – Applicants’ response to comments

| PARTY | COMMENT # | COMMENTS | APPLICANTS’ RESPONSE |
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| <p>1. Andrew Parsons  (Owner/Occupier)</p> | 1.1. | Proposes condition ensuring construction workers park on-site. | <p>The Construction Traffic Management Plan required by Condition 25 will include a Parking Management Plan (Item (g) of Condition 25) for construction related vehicles. Refer to the updated Proposed Conditions of Consent dated 17 April 2026 (included as Appendix B to the Applicants’ response to comments dated 17 April 2026 (<i>updated Proposed Conditions of Consent dated 17 April 2026</i>)).</p> <p>The Parking Management Plan will manage all parking during the construction period in the most efficient manner practicable relative to the staging of the development.</p> |
| | 1.2. | Proposes condition providing for an ongoing animal and pest plant control plan. | The Landscape Management Plan required by Condition 30A will provide for the effective management of pests and weeds, including specifications relating to weed and pest control. |
| | 1.3. | Raises concerns regarding removal of the accessways from Aotea and Rukutai Streets to Bastion Point. | The Project will maintain public access to Takaparawhau through the provision of two new walkways (to be constructed prior to the closure of the existing walkways). The eastern public walkway (shown the Landscape Concept Plans (Attachment 19A to the substantive application) will be accessible from Aotea Street, while the western public walkway (also shown in Attachment 19A) will connect Te Arawa Street through the Project Site to Takaparawhau. Access to Takaparawhau from Te Arawa Street will include a day-time connection to Rukutai Street (refer Condition 69). |
| | 1.4. | Raises concerns about the height east and westward in comparison to the existing buildings. | <p>The adverse visual effects of the development have been assessed as low-moderate through to low to very low, as set out in the Urban Design and Landscape Visual Effects Assessment (refer Attachment 12A to the substantive application) (<i>UDLA</i>).</p> <p>The planners engaged on behalf of the Applicants and Auckland Council conclude that the Project is consistent with the built-form outcomes anticipated by the Auckland Unitary Plan for the Terrace Housing and Apartment Building (<i>THAB</i>) zone (Assessment of Environmental Effects provided with the substantive application (<i>AEE</i>) at [19.41] and Memorandum of Planning Matters dated 10 April 2026 (<i>Auckland Council Planning Memorandum</i>) at [22] and [134]).</p> |
| <p>2. Auckland Transport</p> | 2.1. | Auckland Transport’s comments will be provided via Auckland Council. No further information or condition amendments requested. | Responses to Auckland Transport’s comments included in response to comments #18.40 to #18.42. |
| <p>3. Dr Lucy Baragwanath  (Owner/Occupier)</p> | 3.1. | Requests that public access to Bastion Point is preserved. | Refer to the response to comment #1.3. |
| | 3.2. | Expresses concern around the existing narrow width of Rukutai Street, parking capacity, increased traffic in the streets and the distance between the Project and public transport. | <p>The primary entrance to the retirement village is proposed on Aotea Street, rather than the narrower Rukutai Street. The Construction Traffic Management Plan required by Condition 25 will include a Parking Management Plan (Item (g) of Condition 25) for construction related vehicles. The objective of the Construction Management Plan is to ensure that during construction the surrounding road network (including footpaths) operates safely and efficiently for all road users.</p> <p>The effects of the Project on the transport network (including traffic safety, parking and accessibility to public transport) have been assessed by Flow Transportation Specialists. The findings of that assessment are set out in the Integrated Transport Assessment (Attachment 6 to the substantive application). It concludes that the effects of the Project on the safety and efficiency of the existing transport network will be negligible and that the Site is well connected for walking, cycling and public transport.</p> <p>Auckland Council’s transport expert and Auckland Transport similarly agree that the Project can be safely accommodated within the existing transport network (refer Auckland Council Planning Memorandum, at [53] and [108]).</p> |
| | 3.3. | Potential shading from the Project for neighbours to the south. | Shading analysis on neighbouring properties was undertaken as part of the UDLA (noting the relevant shading diagrams are included in Attachment 17D to the substantive application). The UDLA confirms that the shading effects from the Project on neighbouring properties, including those from the over-height aspects of the Project, are considered to be very low. |

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| | 3.4. | Requests that the buildings are reduced to no more than four storeys. | Noted. No changes are proposed. The building height and scale have been carefully assessed through the application process, including by the Applicants' urban design, landscape and planning experts. That assessment concludes that the Project is appropriate for the Site and its context, and that any associated effects (including visual, dominance and shading effects) are acceptable. |
| 4. Minister for Infrastructure (Hon Chris Bishop) | 4.1. | Expresses broad support for projects which deliver positive outcomes for New Zealand, including The Point Mission Bay. Requests that the letter is taken as a reflection of the Government's economic growth and infrastructure priorities. | The Applicants acknowledge the comments provided. |
| 5. Ben Martel [REDACTED] (Owner/Occupier) | 5.1. | Raises concerns about the height of the buildings exceeding the permitted height under the THAB zone and associated visual dominance effects, including the method of assessment. | Boffa Miskell and Rebecca Skidmore have provided the following response: Building 5, which is closest to Mr Martel's property at 44 Te Arawa Street, is four storeys above ground (roof RL 55.700m ground RL 42.500m = 13.2m height) at its western end closest to Te Arawa Street, increasing to six storeys on its eastern side as the ground falls away to the east. Building 4 is one storey above the height of Building 5 as seen from the southwest on Te Arawa Street. The Auckland Unitary Plan uses the Height in Relation to Boundary (<i>HiRB</i>) control to ensure that adverse visual dominance effects experienced from neighbouring properties are avoided. The Project has been carefully designed to ensure that the development fully complies with this control. The property at 44 Te Arawa Street is three storeys in height, with the upper storey incorporating a rooftop terrace which has a current aspect north/northeast along Te Arawa Street, over the eastern portion of the existing care facility building and the vacant site, that includes Takaparawhau, Te Waitematā and Rangitoto. The 44 Te Arawa Street property is separated from the Site boundary by two residential properties with its northern boundary some 40m from the southern boundary of the Site. For the reasons set out in the UDLA, compliance in respect of the HiRB control and, in the case of 44 Te Arawa Street, substantial physical separation, mean that adverse visual dominance effects are avoided. The UDLA appropriately assesses the effects of the Project, as applied for, and concludes that adverse visual effects of the development are low-moderate through to low to very low. |
| | 5.2. | Requests condition requiring Building 4 (and ideally all buildings) comply with the 16m THAB standard. | Noted. No changes are proposed, with reference to the response to comment #5.1. |
| | 5.3. | Requests that the Applicants be required to provide a specific assessment demonstrating why the cultural and design outcomes cannot be achieved within 16m. | Warren and Mahoney provided a design statement dated 11 March 2026 outlining the Project's response to Ngāti Whātua Ōrākei's cultural narrative in response to Minute 3 of the Panel. |
| | 5.4. | Requests that conditions be imposed to ensure the landscape screening along the Te Arawa Street boundary is established to a specified standard before any buildings exceeding 16m are occupied. | No changes to the conditions are required – Condition 67 already requires the implementation of the certified landscape design prior to the first occupation of the building that the landscaping relates to, and within an appropriate planting season. Landscape implementation will be based on the final landscape plans required by Condition 30 and the final Landscape Management Plan required by Condition 30A, with both of these required to be submitted to Auckland Council for certification prior to lodgement of building consent. |
| 6. Minister for Treaty of Waitangi | 6.1. | Confirmed no comment. | Noted. |

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| Negotiations (Hon Paul Goldsmith) | | | |
| 7. Deborah Stevenson ██████████ (Owner/Occupier) | 7.1. | No comment provided. | Noted. |
| 8. Bruce Conlon 101 Rukutai Street (Owner) | 8.1. | Requests the walkway connecting Rukutai Street to the park be kept as public access. | Refer to the response to comment #1.3. |
| | 8.2. | Requests that during works onsite parking will be provided for all workers. | Refer to the response to comment #1.1. |
| 9. Minister of Transport (Hon James Meager – associate Minister) | 9.1. | Expresses support for The Point Mission Bay and notes it will provide an important type of housing, which will free up other housing in an area of New Zealand facing housing pressure, and will provide employment and other economic benefits. | The Applicants acknowledge the comments provided. |
| 10. Minister for Seniors (Hon Casey Costello) | 10.1. | Expresses broad support for projects that increase and improve the housing options and the supply of housing for older New Zealanders. | The Applicants acknowledge the comments provided. |
| | 10.2. | Notes that the staging of development will need to consider existing and new residents to minimise noise and disruption to them. | The Applicants acknowledge the importance of managing construction effects for both existing and future residents and will implement standard construction management practices, including staging and programming of works, to minimise disruption to residents to the extent practicable. In addition, residents are aware, through their Occupation Right Agreements (refer to the Residents Agreement Letter provided as Attachment 8 to the substantive application) of the operator’s ability to undertake redevelopment or further development within the village. |
| 11. Happy Campers Trustee Limited (Camilla Leonelli and Steven Walkes) ██████████ (Owner/Occupier) | 11.1. | Context of the decision-making framework: Whether the development at this scale and in this location appropriately meets the statutory tests. | <p>The decision-making framework under the Fast-track Approvals Act 2024 (FTAA) does not authorise the Panel to disregard relevant provisions of planning documents. Nor does the purpose of the FTAA affect the way in which environmental effects are assessed (i.e. whether they are minor or more significant). Rather, the decision-making framework under the FTAA (and in particular Schedule 5, clause 17(1)) requires the Panel to take into account the purpose of the FTAA and the relevant provisions of the Resource Management Act 1991 (RMA) (outlined in Schedule 5, clauses 17(1)(b) and (c)) before “standing back and conducting an overall weighting” of those matters (Decision on Drury Quarry Expansion – Sutton Block at[114.2]; <i>Enterprise Miramar Peninsula Inc v Wellington City Council</i> [2018] NZCA 541 at [52]).</p> <p>In applying that guidance however, the Panel must be careful to ensure that the clear directive from Parliament to give the greatest weight to the purpose of the FTAA is not diluted.</p> <p>In the FTAA context, facilitating the delivery of infrastructure and development projects with significant regional or national benefits is the most important and influential matter to be weighed in deciding whether to grant resource consent for the Project. To “facilitate” does not require resource consent for those projects to be granted; that is apparent from the provisions of the FTAA which authorise panels to decline substantive approvals in certain circumstances.</p> |

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| | | <p>However, once a project's benefits have been established, the FTAA framework differs in a number of meaningful ways from the RMA consenting process, including:</p> <ol style="list-style-type: none"> 1. the purpose of the FTAA and the fact that the benefits of the project are elevated in the decision-making framework for substantive approvals under the FTAA;¹ 2. certain considerations which might result in the declining of resource consent under the RMA are removed or reduced in effect under the FTAA;² and 3. the grounds on which panels may decline a substantive approval – described as a “high bar” – are substantially more limited than those in the RMA.³ <p>These factors do not absolve the Panel of the requirement to give due consideration and weight to the relevant RMA considerations. In conducting its overall assessment however, the Panel must ensure that, where the extent of those benefits has been established, facilitating the delivery of the Project remains the most important and influential matter in its decision.</p> <p>Based on the advice of Ngāti Whātua Ōrākei and the analysis undertaken by Insight Economics, the Project will deliver significant regional benefits. That has already been accepted by the Minister for Infrastructure in his decision to refer the Project. In accordance with section 81(2)(aaa), the Panel must account for the Minister's reasons for accepting the referral application for the Project as outlined in the referral notice. Importantly, the Applicants' other experts and the experts advising Auckland Council conclude the adverse impacts of the Project can be managed appropriately, with Auckland Council confirming that it has not identified any adverse impacts of the Project that, individually or collectively, would be sufficiently significant to be out of proportion to the Project's regional or national benefits (refer Auckland Council Planning Memorandum, at [119], [133] and [142]).</p> <p>In that context, the Applicants do not agree that the Project fails the relevant tests for granting approval under the FTAA, nor do they agree that the Project meets the FTAA basis on which the substantive application for the Project should be declined.</p> |
| 11.2. | <p>Out-of-scale development – height and intensity exceeding plan expectations: Consider that the proposed scale and intensity of the development will result in excessive bulk, visual dominance, intensified activity and effects on residential amenity.</p> | <p>Boffa Miskell and Rebecca Skidmore have provided the following response:</p> <p>The Architectural Design Report (included as Attachment 18 to the substantive application) clearly sets out how the Project has been designed in response to the Site's characteristics and its surrounding context. In particular, a careful design response has been developed in relation to the differing Site interfaces.</p> <p>The UDLA provides an assessment of landscape character effects (Section 7 of the UDLA), and notes that the Project will have a level of prominence in the landscape. However, the detailed architectural strategy adopted achieves a cohesive scheme while responding to the different qualities of the surrounding context and underpinning the cultural narrative.</p> <p>Visual dominance effects are specifically addressed in respect of each adjoining residential neighbour in the UDLA (refer section 8.5 Relationship to neighbouring residential properties). Based on the range of factors set out in respect of each individual property, adverse visual dominance effects are assessed to be very low.</p> <p>For residents in the wider locality, such as the property at 55 Te Arawa Street, which is separated from the Site by three intervening properties, 59, 57 and 55A Te Arawa Street, distant middle ground views do not constitute an adverse visual dominance effect. As acknowledged in Te Tangi a te Manu (Aotearoa New Zealand Landscape Assessment Guidelines at [6.55]) “seeing something is not itself an adverse effect”.</p> <p>The amenity of adjacent residential properties in the context of their Residential – Mixed Housing Suburban (MHS) environment and its transition to a THAB environment will be maintained.</p> |
| 11.3. | <p>Out-of-scale development – height and intensity exceeding plan expectations: References the relevance of the <i>Drive Holdings Ltd v Auckland Council</i> [2021] NZEnvC 159 and [2022] NZHC 3620 decisions.</p> | <p>The extent to which the proposed height and intensity of the Project's built form are consistent with the objectives and policies of the relevant zones in the Auckland Unitary Plan has been addressed in detail in the UDLA and the AEE. In summary, Bentley & Co – Resource Management Consultants (<i>Bentley & Co</i>) conclude that the Project is consistent with the various built form outcomes anticipated through the relevant objectives and policies for the parts of the Site zoned THAB, MHS, the Special Purpose – Māori Purpose (<i>Māori Purpose</i>) zone, and those of the Ōrākei 1 Precinct.</p> <p>The case referenced by the invited party (<i>Drive Holdings Limited v Auckland Council</i> [2021] NZEnvC 159) was an appeal of a decision under the RMA to refuse resource consent for a retail/residential development in a commercial zone (Business – Local Centre) on a site in the Mission Bay town</p> |

¹ FTAA, Schedule 5, clause 17(1); section 85(3)(b) – requires adverse impacts to be weighed proportionally against the benefits.

² FTAA, Schedule 5, clause 17(1)(b) which excludes the gateway test under section 104D RMA; section 42(5) which allows applicants to seek resource consent for prohibited activities.

³ Refer Amendment Paper No 238 to the Fast-track Approvals Bill, Explanatory Note; and CAB-24-MIN-0484, 9 December 2024, at [2.3] <https://environment.govt.nz/assets/publications/CAB-493-MfE.pdf>, accessed 4 February 2026.


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| | | <p>centre. The site in <i>Drive Holdings</i> was also subject to a dedicated height variation control in the Auckland Unitary Plan, developed through what the Environment Court referred to as “a fine-grained approach” to the site adopted by the Independent Hearings Panel during the development of the Auckland Unitary Plan. The appeal was determined in accordance with the RMA decision-making framework (including the relevant subsidiary planning documents such as the Auckland Unitary Plan).</p> <p>The particular circumstances of <i>Drive Holdings</i> are, in short, materially different to the Project and the planning and factual context in which it is proposed to locate. The Project is for an Integrated Residential Development on a predominantly residential-zoned site that is not subject to any bespoke height control and is located in a different part of Mission Bay. While RMA considerations are certainly relevant to the Panel’s decision on the Project (as outlined in the response to comment #11.1), the FTAA has an intentionally different decision-making framework for substantive applications compared to the RMA. The Applicants therefore do not agree that the Environment Court’s decision in <i>Drive Holdings</i> is directly relevant to the Project or that it includes any findings that should have particular bearing on the Panel’s decision.</p> |
| 11.4. | <p>Out-of-scale development – height and intensity exceeding plan expectations: Consider that non-compliance with building coverage, impervious area and yard and setback standards will result in an over-developed site with excessive built form and hard surfaces, exacerbating visual dominance, reducing open space and increasing stormwater runoff risk affecting adjoining residential streets and properties.</p> | <p>Bentley & Co, Boffa Miskell, Rebecca Skidmore, and CLC Consulting Group (CLC) have provided the following response:</p> <p>The extent to which a proposal generates visual dominance is not a consequence of compliance or otherwise with building coverage and/or impervious area standards. The Project team has taken a contextual and holistic approach to both the masterplan and the detailed architectural and landscape design response. The Project has been designed to comply with the HiRB standard which is the primary control in respect of managing visual dominance experienced by neighbouring properties. In addition, the masterplan arrangement of buildings and the form of the development with five well separated north / south oriented buildings above the two and three storey podium assists in managing visual dominance effects. The set back of buildings from the southern boundary enables appropriate landscape planting at the residential interface.</p> <p>Standard H6.6.10 ‘Maximum impervious area’ and Standard H6.6.11 ‘Building coverage’ are not listed in Table H6.4.1 of the THAB zone as standards to be complied with for ‘Integrated Residential Development’ (which includes retirement villages by definition). These standards are listed in matter of discretion H6.8.1(3)(b) and have been appropriately addressed in the substantive application, which confirms the effects arising from such matters are suitably managed, with a condition proposed to require the preparation and certification of a Stormwater Management Plan by Healthy Waters in accordance with the requirements of the Auckland Regionwide Stormwater Network Discharge Consent (refer Condition 28).</p> <p>The impervious area infringement referenced in the comments to the Māori Purpose zone standard is in respect of the two public walkways through the Project site, which are being replaced as part of the Project (with the walkway lots developed with buildings and landscaping). Following the revocation of the reserve status, the walkways lots are expected to be rezoned to THAB consistent with the balance of the Site as part of the next Council initiated plan change irrespective of the Project. The development of the walkway lots (and their proposed replacements) has been sufficiently addressed in the substantive application.</p> <p>In respect of compliance with ‘yard’ setback requirements, the Project has been designed to comply with the 1.5m front yard and 1m side and rear yard setback requirements specified in Table H6.6.9.1 ‘Yards’ of the THAB zone (demonstrated on Drawing RC03-01 ‘Proposed Site Plan’ Rev B in Attachment 17A – Architectural Drawings). The extent of yard setback infringements sought as part of the substantive application are limited to technical infringements generated as a result of the Project site including the two public walkways zoned Open Space – Informal Recreation (<i>Open Space zone</i>) and Māori Purpose. As the walkway lots form part of the Project Site, there is no effect from these infringements.</p> <p>Stormwater runoff from the Site will be managed in-accordance with the Stormwater Management Plan required by Condition 28 in the updated Proposed Conditions of Consent dated 17 April 2026 to be submitted to and certified by Healthy Waters, which will include on-site mitigation measures that have been identified. This includes detention tanks being proposed to collect runoff and discharge it to the network at a controlled rate, ensuring that post-development flows for the 10% AEP rainfall event do not exceed pre-development levels; and additional detention storage being provided for the 1% AEP rainfall event. Runoff from the 1% AEP rainfall event will also be captured and discharged at pre-development rates, ensuring no increase in flooding risk to surrounding properties.</p> |
| 11.5. | <p>Out-of-scale development – height and intensity exceeding plan expectations: Visual dominance grows as the contour of the land falls away, rather than more sensitively with the contour and has been skewed to directly negatively impact residences in Te Arawa</p> | <p>Boffa Miskell and Rebecca Skidmore have provided the following response:</p> <p>The elevated location of the Site does increase the prominence of the Project from surrounding areas, as noted in Section 7 of the UDLA. However, the design response has been assessed as suitable in relation to the characteristics of its context and the particular contribution the Project will make to the evolving character of the urban environment.</p> <p>It is not correct to say that the visual dominance of the buildings grows as the contour falls away. The Project, and particularly the distribution of height across the Site, responds to the natural topography. Other than the single level height difference between Buildings 5 and 4, the buildings</p> |

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| | Street, Rukutai Street and Aotea Street as well as the public viewing the area from the site of Takaparawhau. | <p>step down the slope as illustrated in the cross section provided on page 30 of the Architectural Design Report (refer Attachment 18A to the substantive application).</p> <p>The establishment of a unified podium connecting Buildings 2 through 5 is essential to the liveability of the retirement village for residents. The height and materiality of the podium also anchors the building forms to the ground plane and relates directly to the scale of development in the wider residential neighbourhood.</p> |
| 11.6. | Out-of-scale development – height and intensity exceeding plan expectations: Recommend that the Panel requests simulations of how the proposed development will look when viewed from other, nearby public spaces, including the Michael Joseph Savege Memorial, the trig point, the memorial site, the fountain in Selwyn Reserve, Mission Bay and the corner of Aotea Reserve. | <p>Boffa Miskell and Rebecca Skidmore have provided the following response:</p> <p>The suggested additional viewpoints have been identified on the annotated Viewpoint Location Plans for the Visual Simulations that formed part of the substantive application documentation (refer Annotated Viewpoint Location Plan prepared by Boffa Miskell dated 13 April 2026, Attachment 1 to this table).</p> <p>It is considered that the eleven visual simulations that have been undertaken are suitable to assist an understanding of how the Project will be viewed from surrounding areas, including the viewpoint locations suggested. Additional visual simulations are therefore not required.</p> <p>Specifically with respect to the viewpoints requested:</p> <ol style="list-style-type: none"> 1. Michael Joseph Savage Memorial, the trig point and the memorial site: The first three additional viewpoints requested are adequately illustrated by VS1 and VS2, which are closer variants of the same public view from Takaparawhau. 2. The fountain in Selwyn Reserve: In respect of this requested viewpoint, VS11 illustrates the way in which the Project is largely screened by foreground development from locations in closer proximity to existing development within Mission Bay. A similar effect will be experienced at the requested location. The extent to which any component of the Project will be observable from this location or elsewhere in Selwyn Reserve is limited and given the distance and orientation any adverse visual effects would similarly be low. 3. Mission Bay and the corner of Aotea Reserve: The requested visual simulation viewpoints from low within the valley, such as from Aotea Reserve, are not practical as the intervening landform and suburban development will obscure the Project from view. It is from more elevated viewpoints across the valley, as illustrated by VS8 and VS9, that the Project will be seen in the wider context. |
| 11.7. | Zoning context – a THAB zone anomaly in a low-rise residential valley: Request the Panel consider the broader zoning pattern. | The THAB zoning of the Site is not an anomaly, it was purposefully applied to this Site together with the overlying Ōrākei 1 Precinct provisions. The layout and design of the Project, and the assessments undertaken, are based on the operative zoning and provisions that apply to the Site and the broader zoning pattern. |
| 11.8. | Zoning context – a THAB zone anomaly in a low-rise residential valley: Refer to the relevance of the fast-track “Quarterdeck” decision (Box Property Investments Ltd, 2024). | <p>For similar reasons to those outlined in the response to comment #11.3, the Applicants do not agree that the expert panel’s decision on the Quarterdeck project (determined under the COVID-19 Recovery (Fast-track Consenting) Act 2020) provides a useful comparison to the Project. The panel in that instance refused resource consent for a project comprising 12 terraced houses and three apartment buildings proposed in the Residential – Single House (SH) zone in Howick, Auckland.</p> <p>The built form and amenity outcomes anticipated by the SH zone are fundamentally different to the outcomes anticipated by the THAB zone (which applies to the majority of the Site). As described in the AEE (at [12.7]):</p> <p><i>The THAB zone is described in the Unitary Plan as being a high-intensity zone that provides for the greatest density, height and scale of development of all the residential zones, and in doing so, the zone provisions acknowledge that such a form of development will, over time, result in a change from a suburban to urban built character with a resultant high degree of visual change.</i></p> <p>The AEE concludes that the Project is consistent with the outcomes anticipated by the THAB zone.</p> <p>By comparison, the Auckland Unitary Plan provides that the SH zone is generally characterised by one to two storey high buildings consistent with a suburban built character and does not anticipate multi-unit development. In that context, the decision-making panel appointed under the COVID-19 Recovery (Fast-track Consenting) Act 2020 did not accept that the Quarterdeck project (and particularly the proposed apartment buildings) would be consistent with the SH zone.</p> <p>Given the vastly different factual scenarios and planning frameworks, the Applicants do not agree that there are any relevant parallels between the Project and the Quarterdeck project.</p> |

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| 11.9. | <p>Prolonged construction effects: Concern around the length of the construction period and associated effects including construction noise and vibration, heavy vehicle movements and traffic management, dust, mud tracking, degraded local amenity, prolonged visual intrusion from cranes, scaffolding and an active worksite and economic impact on transacting land.</p> | <p>The construction effects of the Project are addressed in the 'Temporary Construction Effects' section of the AEE (at [18.79] to [18.113]). As that section explains, consent conditions are proposed by the Applicants to suitably manage the temporary effects of construction activities necessary to complete the Project. These include requirements for the consent holder to prepare and submit various management plans to Auckland Council for certification, consistent with standard practice for development of this nature, including:</p> <ol style="list-style-type: none"> 1. Construction Management Plan (Condition 18). 2. Earthworks Management Plan (Condition 19). 3. Construction Noise and Vibration Management Plan (Condition 24). 4. Construction Traffic Management Plan (Condition 25). <p>Draft versions of the Earthworks Management Plan, Construction Noise and Vibration Management Plan and Construction Traffic Management Plan were submitted as part of the substantive application and provided to Auckland Council prior to lodgement.</p> <p>Condition 16 requires the consent holder to comply with all certified management plans at all times, with such plans/reports giving effect to the relevant conditions and ensuring compliance with any standards or limits or other requirements specified in those conditions (Condition 11).</p> <p>The Construction Traffic Management Plan must include a comprehensive list of information (set out in Condition 25) to achieve the objective of the Construction Traffic Management Plan, which is to "ensure that during construction, the surrounding road network (including footpaths) operates safely and efficiently for all road users, including pedestrians". That information includes requirements around heavy vehicle movements and prevention of mud tracking.</p> <p>Condition 51 also requires that movement of vehicles and plant with a gross mass exceeding 3.5t must only take place on the site between the hours of 7:30am and 6:00pm, Monday to Saturday (with no heavy vehicle movements on Sundays or public holidays).</p> <p>Other specific conditions that seek to manage construction noise and vibration related effects beyond the Construction Noise and Vibration Management Plan include:</p> <ol style="list-style-type: none"> 1. Condition 51 – Construction Hours. 2. Conditions 52 - 56 – Construction Noise Limits. 3. Condition 57 – Construction Vibration Limits. |
| 11.10. | <p>Prolonged construction effects: Consider that construction effects are properly characterised as "adverse impacts" under the FTAA, must be assessed cumulatively when considering whether adverse impacts are out of proportion to any regional or national benefits claimed, and that the mitigation thresholds required by s85(3) are not met.</p> | <p>It has been consistently accepted by fast-track panels that adverse impacts (referenced in section 85 of the FTAA) can include adverse effects on the environment (Draft Decision on the Delmore project, at [112] and the Decision for the Southland Wind Farm project, at [62] and [63])). The term "effect" under the FTAA has the same meaning as it does under the RMA and therefore includes cumulative effects and effects such as construction effects that are temporary in nature.</p> <p>The Applicants acknowledge that the construction of the Project will result in effects on the surrounding environment during the construction phase. As the Environment Court has acknowledged however, construction effects are an inevitable consequence of development and Auckland's ongoing intensification (<i>Summerset Villages St Johns Limited v Auckland Council</i> [2019] NZEnvC 173 at [70]-[71]).</p> <p>The Applicants' proposed construction management measures are addressed in the response to comment #11.9.</p> <p>For its part, Auckland Council agrees that the proposed use of management plans to coordinate staging and site development is appropriate and "represents industry best practice" (Auckland Council Planning Memorandum, at [40]). It also considers that the proposed management plans will provide a robust framework for managing the temporary construction effects and can be adapted over time to adjust to changing local conditions. In light of those conclusions – and those of their expert team – the Applicants do not agree that the adverse impacts relating to construction are unacceptable or that they are out of proportion to the benefits of the Project.</p> |
| 11.11. | <p>Prolonged construction effects: Consider the clay soil characteristic of their property and the area is more susceptible to carrying low-frequency vibrations than hard ground, causing significant</p> | <p>Styles Group has provided the following response:</p> <p>The Acoustic Assessment (Attachment 29 to the substantive application) predicts that compliance with the construction vibration standards set in proposed Condition 57 will be achieved at 55 Te Arawa Street. This takes into account the ground conditions at and around the Site.</p> |


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| | shaking in nearby structures and ask the Panel to look into the geological character of the neighbourhood in assessing the substantive application. | <p>Proposed Condition 57 sets construction vibration limits that must be complied with and a clear process to be followed when construction vibration is expected to exceed 2mm/s PPV. Condition 57 requires that construction vibration must always comply with limits to avoid damage to buildings in accordance with the permitted standards in the Auckland Unitary Plan.</p> <p>Section 12 of the draft Construction Noise and Vibration Management Plan (Attachment 30 to the substantive application) sets out the mitigation measures that will be adopted to reduce and manage vibration in neighbouring buildings. Section 13 of the Construction Noise and Vibration Management Plan sets out the requirements for monitoring construction vibration.</p> |
| 11.12. | Adverse effects on amenity and neighbourhood character: Consider that MHS zoned properties will experience unacceptable dominance, shading, privacy loss, noise and a degradation of suburban amenity. | <p>Boffa Miskell and Rebecca Skidmore have provided the following response:</p> <p>Refer to the response to comment #11.2.</p> <p>Additionally, section 8.1 of the UDLA addresses neighbourhood character. This section acknowledges that “<i>the bulk and scale of the proposed buildings will result in a substantial change to this existing environment. The Site is, however, largely THAB zoned. This zoning anticipates a planned character which has buildings of the greatest density, height and scale of the AUP’s residential zones, and requires height, bulk, form and appearance to achieve a high density urban built character of predominantly five to seven storey buildings in a variety of forms. It also anticipates a variety of housing forms, including retirement village typologies</i>”. The UDLA and the accompanying Urban Design and Landscape Assessment Peer Review (Attachment 21 to the substantive application) detail how both the masterplan for the Site and the detailed architectural strategy have been used to create a high-quality design response that can integrate with its setting while achieving these outcomes.</p> |
| 11.13. | Adverse effects on amenity and neighbourhood character: References the relevance of the <i>Drive Holdings Ltd v Auckland Council</i> [2021] NZEnvC 159 and [2022] NZHC 3620 decisions and the <i>Larksbay Trustees v Central Otago District Council</i> (EnvC 2025) decision. | <p>Please refer to the response to comment #11.3 regarding the relevance of <i>Drive Holdings</i>.</p> <p>The factual and planning contexts for the Environment Court’s decision in <i>Larksbay New Zealand Trustees Limited v Central Otago District Council</i> [2025] NZEnvC 48 are distinguishable from the Project. <i>Larksbay</i> was concerned with an appeal on the consent authority’s first instance decision to decline a resource consent application to establish a single building platform on a 20ha site adjoining Lake Dunstan. The site was zoned Rural Resource Area under the relevant district plan and approximately one third of the site was also located within an Outstanding Natural Landscape. As with <i>Drive Holdings</i>, the applicable decision-making framework for the Environment Court’s decision was established by the RMA and its subsidiary planning documents.</p> <p>The Court declined resource consent for the building platform on the basis of its adverse effects on landscape and visual amenity and the resultant inconsistency between the proposal and objectives and policies relating to landscape and the Rural Resource Area.</p> <p>In relation to the Project, the experts for both Auckland Council and the Applicants agree that the urban form and design related effects of the Project will be successfully mitigated through the high-quality design layout and materiality proposed, and that the intensification delivered by the Project is consistent with the policy framework for the THAB zone which seeks to enable a mix of housing types of predominantly five, six and seven storeys.</p> |
| 11.14. | Conflict with the Auckland Unitary Plan: Consider that the development is contrary to the Auckland Unitary Plan and gives rise to issues of plan integrity with reference to <i>Baker Boys Ltd v Christchurch City Council</i> [1998] NZRMA 433 (HC). | <p>The Applicants do not agree that the Project is contrary to the Auckland Unitary Plan. The planning experts for both the Applicants and Auckland Council conclude that the Project is consistent with the relevant provisions of the Auckland Unitary Plan (refer AEE, at [21.2] and Auckland Council Planning Memorandum at [22], [113] and [134]).</p> <p>In light of those conclusions, granting resource consent for the Project would not threaten or undermine the integrity of the Auckland Unitary Plan and therefore does not give rise to any plan integrity concerns that may be relevant under section 104(1)(c) of the RMA.</p> |
| 11.15. | Cultural and environmental impacts: Consider that there will be the following impacts: <ol style="list-style-type: none"> 1. Lost views of Rangitoto – sense of belonging and connection to beautiful and iconic neighbourhood. | <p>Boffa Miskell and Rebecca Skidmore have provided the following response:</p> <ol style="list-style-type: none"> 1. Lost views to Rangitoto: The Auckland Unitary Plan provides for the protection of views to the maunga, including to Rangitoto, through the identification of protected maunga viewshafts by way of the Maunga Viewshafts and Height Sensitive Areas Overlay. This Overlay does not apply to the Site. Other views, including residential views, are not protected by the Auckland Unitary Plan. The Site is zoned for the highest intensity of residential development with an expectation of at least five to seven storey development, and in this context unprotected views currently experienced across a vacant site will not be guaranteed. 2. Effects from Takaparawhau being overlooked: From an urban design and landscape visual perspective, the Project design team has worked closely with joint applicant Ngāti Whātua Ōrākei’s advisors through the design process, with the Project responding to the gifted narrative ‘He |

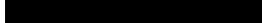
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| | | <p>2. Damage to the solemnity and spirituality of the reserve arising from Takaparawhau being overlooked.</p> <p>3. Ornithological impacts.</p> | <p>mātārae kua tauria e te kapua’ – ‘Clouds only settle upon lofty headlands’. Warren and Mahoney provided further explanation in respect of this engagement in their Cultural Narrative Statement dated 11 March 2026 in response to Minute 3 of the Panel. It is generally considered good urban design practice to provide ‘passive surveillance’ over adjacent public open spaces. The Project successfully achieves an activated edge to the adjacent open space. The submission of Ihapera Paniora on behalf of Te Rūnanga o Ngāti Whātua (comment #13) also provides strong support for the Project. It identifies that the Project outcomes are grounded in manaakitanga, including “<i>strengthening connection to Takaparawhau for both Ngāti Whātua, kaumatua and kuia residents as well as the wider public</i>”.</p> <p>Bentley & Co have provided the following response:</p> <p>3. Ornithological impacts: The nature of the Project and associated construction activity is not unusual in an urban context and the Site is remote from any Natural Resources or Natural Heritage Overlays. Therefore no particular consideration of ornithological effects is required.</p> |
| 11.16. | Statutory basis for decline is satisfied: Contend that the adverse effects of the Project are so significant that they are out of proportion to the benefits claimed, and therefore that the statutory basis for decline is met. | | <p>The Applicants do not agree with this statement. Based on the advice of its experts, the adverse effects of the Project are considered to be acceptable and do not outweigh the significant regional benefits of the Project.</p> <p>For its part, Auckland Council concludes that (refer Auckland Council Planning Memorandum, at [142] and [143]):</p> <p><i>“No modification of the [Project] itself is considered necessary to achieve an acceptable environmental outcome”.</i></p> <p><i>“Even applying a conservative view of the Project’s benefits, the Council is satisfied that the proportionality threshold under section 85(3)(b) of the FTAA is not reached”.</i></p> |
| 11.17. | <p>Conclusion: Seek that the substantive application is declined, but that if approval is to be granted, seek:</p> <ol style="list-style-type: none"> 1. Significant reductions in building height and bulk. 2. Increased setbacks and step-downs to protect neighbouring outlook and amenity. 3. Neighbour-specific shading, privacy and dominance assessments. 4. Strict construction noise, vibration and traffic controls, including real-time monitoring. 5. Limits on construction duration and staging. 6. Binding infrastructure upgrade and capacity confirmation prior to occupation. 7. Lighting and privacy controls at residential boundaries. | | <p>Requests 1-3: These are addressed in the responses to comments #3.3, #3.4, #5.1, #11.2 and #11.4.</p> <p>Request 4: Refer to the responses to comment #11.9.</p> <p>Request 5: The staging of the Project represents the most efficient delivery of the development, relative to existing buildings and residents who live on the Site (which includes the two apartment blocks in the eastern portion of the Site that are proposed to be demolished and replaced). The duration of the Project reflects what is anticipated to be required to deliver the redevelopment of the Site as proposed. As outlined in the response to comment #11.10, the Environment Court has recognised that construction effects are an inevitable consequence of development and Auckland’s ongoing intensification. As also outlined in that response, the Applicants are proposing a number of measures to manage construction effects, including through the preparation and implementation of management plans which are secured through the proposed conditions of consent.</p> <p>Request 6: The updated Proposed Conditions of Consent dated 17 April 2026 require the consent holder to design and construct utilities, water, wastewater, and stormwater reticulation to service the development (relative to the staging of works), with certification from the utility provider that works have been satisfactorily undertaken. These works will be completed relative to the staging of works.</p> <p>Specific conditions include:</p> <ol style="list-style-type: none"> 1. Condition 59 – Water and Wastewater Reticulation Connection to Public Network. 2. Condition 60 – Stormwater Reticulation Connection to Public Network. 3. Condition 61 – Stormwater Reticulation Connection to Private Network. 4. Condition 62 – Utilities Connection to Public Network. 5. Condition 63 – Fire Fighting. 6. Conditions 65 - 66 – Stormwater Management. <p>Request 7: Sheet 63 of the Landscape Concept Plans submitted with the substantive application (Attachment 19C) includes a concept lighting plan for the development. An External Lighting Assessment was prepared by Mesh (Attachment 22 to the substantive application) which “<i>considered several control measures to manage the adverse effects of light spill and glare, including appropriate luminaire and photometry selection, position of luminaires, zero-degree tilt and orientation of luminaires</i>” and confirmed “<i>the lighting design will comply with the relevant requirements of Chapter E24 Lighting of the Unitary Plan</i>”.</p> <p>Conditions 67A and 67B of the updated Proposed Conditions of Consent dated 17 April 2026 require the proposed lighting design to be implemented prior to the first occupation of the buildings (relative to staging) and for a report to be submitted to Auckland Council within 30 days confirming the external lighting has been installed as specified on the lighting design layouts included in the External Lighting Assessment prepared by Mesh.</p> |

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| <p>12. Dianne and Peter Burgham  (Owner/Occupier)</p> | 12.1. | <p>Height exceedances and dominance effects: Consider that the height exceedances will result in loss of outlook, increased shading, reduced openness and adverse effects on residential character and amenity.</p> | <p>Boffa Miskell and Rebecca Skidmore have provided the following response:</p> <p>57 Te Arawa Street is separated from the Site by 59 Te Arawa Street to the north. 55A Te Arawa Street comprises a rear lot property to the east.</p> <p>Loss of outlook across the THAB zoned Site is not unexpected, given that the policy framework for the THAB zone seeks to enable a mix of housing types of predominantly five, six and seven storeys. The building setbacks, stepping of the upper levels of the buildings, and building orientation will retain an extent of openness for this property.</p> <p>The shading analysis provided with the substantive application (refer Architectural Drawings at Attachment 17D to the substantive application) demonstrates that there are no shading effects on 57 Te Arawa Street at the Summer Solstice, Autumn Equinox, or Spring Equinox. At the Winter Equinox (Refer WAM RC80-03 Rev B within Attachment 17D) in the morning, at 9am there is some additional shading to the rear of the property due to the Project, although some sun remains and increases as the morning moves on with no effect on the property by noon.</p> |
| | 12.2. | <p>Bulk, coverage and impervious area exceedances: Consider that non-compliance with building coverage, impervious area and yard and setback standards will result in an over-developed site with excessive built form and hard surfaces, exacerbating visual dominance, reducing open space and increasing stormwater runoff risk affecting adjoining residential streets and properties.</p> | <p>Refer to the response to comment #11.4.</p> |
| | 12.3. | <p>Non-complying activity status: Consider that the non-complying activity status means that the Project is inconsistent with the planning framework and that the Applicants have not demonstrated that the adverse effects on neighbouring residential amenity are outweighed by benefits.</p> | <p>The majority of the activities proposed require resource consent as a restricted discretionary or discretionary activity, however as Integrated Residential Development (which includes retirement villages by definition) is not an activity provided for on that part of the Site zoned Open Space – Informal Recreation (the existing Aotea Street public walkway), the application overall defaults to a non-complying activity.</p> <p>The UDLA has assessed the urban design and landscape effects of the Project on neighbouring properties and concludes that those effects will be very low. Accounting for the advice of Ngāti Whatua Ōrākei (including as provided in its letter to the Panel dated 11 March 2026, provided as part of the response to Minute 3), and the analysis undertaken by Insight Economics (both within the Economic Impact Assessment provided with the substantive application as Attachment 16 and the Technical Memorandum dated 14 April 2026 – Attachment 2 to this table) the adverse impacts of the Project (including on residential amenity) do not outweigh its significant regional benefits.</p> <p>Section 104D of the RMA (being the 'gateway test' for non-complying activities) does not apply to a decision on a substantive application under the FTAA and therefore the Applicants are not required to demonstrate the gateway tests under the RMA have been met.</p> |
| | 12.4. | <p>Construction noise, vibration and duration: Consider there will be a prolonged and unacceptable period of disturbance for neighbouring residents, including exposure to high noise levels, vibration, dust, heavy vehicle movements and loss of amenity.</p> | <p>Styles Group has provided the following response:</p> <p>The Acoustic Assessment (Attachment 29 to the substantive application) predicts that compliance with the construction vibration standards set in proposed Condition 57 will be achieved at 57 Te Arawa Street. This takes into account the ground conditions at and around the Site.</p> <p>Proposed Condition 57 sets construction vibration limits that must be complied with and a clear process to be followed when construction vibration is expected to exceed 2mm/s PPV. Condition 57 requires that construction vibration must always comply with limits to avoid damage to buildings in accordance with the permitted standards in the Auckland Unitary Plan.</p> <p>Section 12 of the draft Construction Noise and Vibration Management Plan (Attachment 30 to the substantive application) sets out the mitigation measures that will be adopted to reduce and manage vibration in neighbouring buildings. Section 13 of the Construction Noise and Vibration Management Plan sets out the requirements for monitoring construction vibration.</p> |

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| | | | <p>Any potential dust effects will also be managed as part of the information/detail required to be included in the Construction Management Plan (Condition 18), Earthworks Management Plan (Condition 19) and Construction Traffic Management Plan (Condition 25).</p> <p>Construction noise and vibration will be managed through the Construction Noise and Vibration Management Plan which must be provided to the Council for certification and must address the matters set out in Condition 24. Construction activities must also comply with the specific noise and vibration limits set out in Conditions 52 – 57.</p> <p>In addition, the management plans and conditions of consent will ensure that appropriate erosion and sediment control measures are in place (refer Conditions 41-42 and Condition 48, which requires that there “<i>must be no airborne or deposited dust beyond the Site as a result of the earthworks / construction activity, that in the opinion of the Council, is noxious, offensive or objectionable</i>”).</p> <p>Condition 51 also requires that movement of vehicles and plant with a gross mass exceeding 3.5t must only take place on the Site between the hours of 7:30am and 6:00pm, Monday to Saturday (with no heavy vehicle movements on Sundays or public holidays).</p> <p>The respective management plans and conditions are considered appropriate to mitigate the effects on residential amenity during construction. As outlined in the response to comment #11.10, Auckland Council agrees with the Applicants’ proposed use of management plans and staging to address construction effects.</p> |
| 12.5. | Traffic and construction access impacts: References the traffic related consents required. Considers that construction traffic, servicing movements, and contractor parking are likely to affect Te Arawa Street and nearby residential streets, including residential safety and amenity. | | <p>The Integrated Transportation Assessment (Attachment 6 to the substantive application) comprehensively assesses the transport effects of the Project, including in respect of trip generation and other transport related matters.</p> <p>In particular, the assessment undertaken by Flow Transportation Specialists makes the following conclusions:</p> <p><i>“The Site has good walkable access to rapid and frequent public transport services, high-quality walking and cycling paths, and complementary land uses.</i></p> <p><i>The proposed use of the vehicle accesses will not result in adverse effects on the surrounding road network nor internal site traffic.</i></p> <p><i>The vehicle traffic generated by the retirement village activity can be readily accommodated by the capacity of the adjacent road network.</i></p> <p><i>The infringements to the transport standards of the Unitary Plan do not generate adverse off-site effects.</i></p> <p><i>Construction traffic can be suitably managed consistent with standard practice.</i></p> <p><i>Overall, we consider the construction and operational transport effects of the Proposal to be acceptable.”</i></p> <p>Condition 25 requires a Construction Traffic Management Plan to be prepared, with the condition including a comprehensive list of information required to be included in the management plan order to achieve the objective of the Construction Traffic Management Plan, which is to “<i>ensure that during construction, the surrounding road network (including footpaths) operates safely and efficiently for all road users, including pedestrians</i>”. This includes a requirement for a Parking Management Plan to be prepared to ensure that contractor parking is suitably managed under Condition 25(g).</p> |
| 12.6. | Infrastructure capacity and stormwater effects: References the substantial increase in demand on stormwater, wastewater and water supply infrastructure. Consider there is a risk of surface flooding, wastewater overflows, or construction-related discharges affecting neighbouring properties and streets and consider that risks must be addressed conservatively and | | <p>Infrastructure capacity and flood risk have been comprehensively assessed by CLC in the Infrastructure Assessment (Attachment 7 to the substantive application) and the Flood Risk Assessment (Attachment 26 to the substantive application, now updated and included as Attachment 3 to this table) which demonstrate there is sufficient capacity in the networks to accommodate the development. The Applicants have consulted with Auckland Council (including Healthy Waters) and Watercare to ensure that suitable upgrades are agreed upon and undertaken by the Applicants (secured through Condition 59 of the updated Proposed Conditions of Consent dated 17 April 2026).</p> <p>CLC has provided the following response:</p> <p>Currently the Site is serviced for stormwater and wastewater drainage via public drainage networks that discharge to the north of the Site through Takaparawhau, and public networks to the south of the Site through Te Arawa Street, Rukutai Street, and Aotea Street. Watercare has identified wastewater capacity issues with the 450mm transmission line that traverses the rear boundary of 86 to 94 Aotea Street, and considers that there are some capacity issues in some local stormwater pipes.</p> |

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| | | <p>through binding consent conditions.</p> | <p>The Project amends the manner in which stormwater and wastewater runoff from the Site is managed, with the discharge of wastewater flows and stormwater rainfall events up to the 10% AEP (Auckland Council network design event) being directed to the north of the Site through Takaparawhau. This ensures all wastewater discharged from the Site bypasses the undersized 450mm transmission line and connects into the network downstream which has sufficient capacity as well as relieving pressure on the existing network.</p> <p>In accordance with the Auckland Regionwide Network Discharge Consent, surface water runoff will be controlled by way of on-site stormwater mitigation in the form of detention tanks. This will ensure that stormwater discharge from the Site does not exceed pre-development levels, ensuring that the pipe network is not overloaded. In addition, further mitigation is proposed to capture and discharge flows for the 1% AEP Rainfall Event, ensuring that in larger rainfall events, surface flooding is not increased due to the development.</p> <p>Condition 28 of the updated Proposed Conditions of Consent dated 17 April 2026 requires the preparation and submission of a Stormwater Management Plan that complies with the Auckland Regionwide Stormwater Network Discharge Consent requirements.</p> <p>The water supply network is proposed to be upgraded to service the Project. These are localised offsite catchment upgrades, namely Ngake Street and Kupe Street, with final design and staging details to be confirmed with Watercare as required by Condition 59 of the updated Proposed Conditions of Consent dated 17 April 2026.</p> <p>Construction related discharges will be suitably managed by the Construction Management Plan, Earthworks Management Plan, and Chemical Treatment Management Plan, which are required by Condition 10 - 16 of the updated Conditions of Consent dated 17 April 2026 to be finalised and submitted to Auckland Council for certification. In addition, other specific conditions of consent are proposed to ensure control measures are in place to prevent the discharge of sediment-laden water beyond to the Site or to the stormwater network (Condition 42). Condition 42 also requires in the event that a discharge does occur, <i>"works must cease immediately, and the discharge must be mitigated and/or rectified"</i>.</p> |
| | <p>12.7.</p> | <p>Relief sought: Request that the substantive application be declined, or if consent granted, consider that substantial redesign and stringent conditions required including:</p> <ol style="list-style-type: none"> 1. Significant reductions in building height and bulk adjacent to Te Arawa Street. 2. Increased setbacks and step-downs to protect neighbouring outlook and amenity. 3. Neighbour-specific shading, privacy and dominance assessments. 4. Strict construction noise, vibration and traffic controls, including real-time monitoring. 5. Limits on construction duration and staging. 6. Binding infrastructure upgrade and capacity confirmation prior to occupation. 7. Lighting and privacy controls at residential boundaries. | <p>Refer to the response to comment #11.17.</p> |

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| 13. Te Rūnanga o Ngāti Whātua | 13.1. | Expresses strong support for the Project confirming that the Project is a clear and direct expression of mana whenua exercising rangatiratanga over their own whenua. | The Applicants acknowledge and support the comments provided. |
| | 13.2. | Recognises the Project as precisely the type of development the Fast-track regime is intended to enable; is hapū-led and seeks to resolve long standing and material issues; seeks to deliver cultural, social and sustainable economic benefits and is grounded in long term intergenerational kaitiakitanga. | The Applicants acknowledge and support the comments provided. |
| 14. Kyle Lai (Owner/Occupier) | 14.1. | Requests clarification on what will be provided to define the boundary between the Project and his property at 1/113 Rukutai Street (e.g. fencing), and whether existing landscaping within his property will be affected. | <p>Boffa Miskell has provided the following response:</p> <p>Boundary Treatments are illustrated on page 50 of the Landscape Concept Plans (Attachment 19B to the substantive application). A 1.8m closed board aluminium fence is proposed on the boundary with Mr Lai's property.</p> <p>The snip below illustrates the relationship of Mr Lai's property to the Site and Project. Vegetation on the side boundaries of Mr Lai's property, where located within the boundary of his property, will not be affected.</p>  <p>Should an alternative arrangement be preferred, new Condition 30AA of the updated Proposed Conditions of Consent dated 17 April 2026 provides that where fencing / landscape planting is proposed to be located on the common boundary with a neighbouring residentially zoned property, then subject to the agreement of the neighbouring landowner, an alternative arrangement can be implemented.</p> |
| | 14.2. | Requests clarification on whether the Project will obstruct views from his property. | <p>Boffa Miskell and Rebecca Skidmore have provided the following response:</p> <p>1/113 Rukutai Street is a rear lot property accommodating 1/113, and four smaller ancillary units - 2 to 5/ 113 Rukutai Street. 1/113 is the most northerly of the dwellings, and interfaces with the Site boundary. The portion of the Site adjoining the boundary is zoned MHS. This part of the Site has no proposed buildings and comprises a small (five car) surface carpark and production gardens for residents' amenity.</p> |

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| | | | Mr Lai's dwelling is well separated from any buildings within the Project. However, given the relatively low lying nature of his dwelling relative to the Site and land contour, the proposed solid panel fencing and planting are likely to screen his currently open, unfenced, views across the Site. This would likely be the case with any form of development of the Site. |
| | 14.3. | Requests clarification on how waste and noise will be managed throughout the construction period. | <p>As part of the information requirements of the Construction Management Plan required by Condition 18, measures are "to be adopted to maintain the Site in a tidy condition in terms of disposal/storage of rubbish, storage of building materials, and similar activities" (Item (c) of Condition 18).</p> <p>Condition 24 requires the consent holder to prepare and submit a final version of the Construction Noise and Vibration Management Plan (a draft of which was submitted as part of the substantive application – Attachment 30). The objective of this management plan is to set out the procedures to identify and adopt the best practicable options for minimising adverse construction noise and vibration effects; and define the procedures to be followed to ensure that the project construction noise and vibration standards are being met.</p> <p>Other specific conditions that seek to manage construction noise and vibration related effects include:</p> <ol style="list-style-type: none"> 1. Condition 51 – Construction Hours. 2. Conditions 52 - 56 – Construction Noise Limits. 3. Condition 57 – Construction Vibration Limits. |
| 15. Trustee of EDL Family Trust  (Owner/Occupier) | 15.1. | Height exceedances and dominance effects: Considers that the height exceedances will dominate views from their property at 59 Te Arawa Street, result in loss of outlook, increased shading, reduced openness and adverse effects on residential character and amenity. | <p>Refer to the response to comment #12.1.</p> <p>Additionally, Boffa Miskell and Rebecca Skidmore have provided the following response:</p> <p>59 Te Arawa Street adjoins the southern boundary of the Site on the east side of the Te Arawa Street cul-de-sac. The property sits below the road. The MHS zoned property directly interfaces with the THAB zoned Site. The property currently has views over the vacant Site, and loss of outlook is not unexpected given the policy framework for the THAB zone seeks to enable a mix of housing types of predominantly five, six and seven storeys. Visual dominance effects in respect of adjoining neighbours have been carefully considered with a focus on ensuring the Project is fully compliant with the HiRB standards. These are specifically addressed in respect of 59 Te Arawa Street at section 8.5 of the UDLA and are assessed, due to the range of factors set out therein, to be very low.</p> <p>Shading analysis provided with the substantive application (Architectural Drawings at Attachment 17D to the substantive application) demonstrates while there is shadow from the Project over 59 Te Arawa Street on the Winter Solstice, the area of shadow is less than what would be cast by a building within a bulk and location envelope that complied with the standards of the zone.</p> |
| | 15.2. | Bulk, coverage and impervious area exceedances: Considers that non-compliance with building coverage, impervious area and yard and setback standards will result in an over-developed site with excessive built form and hard surfaces, exacerbating visual dominance, reducing open space and increasing stormwater runoff risk affecting adjoining residential streets and properties. | Refer to the response to comment #11.4. |
| | 15.3. | Non-complying activity status: Considers that the non-complying activity status means that the Project is inconsistent with the planning framework and that the | Refer to the response to comment #12.3. |

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| | Applicants have not demonstrated that the adverse effects on neighbouring residential amenity are outweighed by any claimed benefits. | |
| 15.4. | Construction noise, vibration and duration: Considers there will be a prolonged and unacceptable period of disturbance for neighbouring residents, including exposure to high noise levels, vibration, dust, heavy vehicle movements and loss of amenity. | <p>The Acoustic Assessment submitted as Attachment 29 to the substantive application identified the following infringements of E25.6.30(1)(b) for approximately three days to each receiver during the nine-year construction period:</p> <p><i>Vibration levels of between 2 and 5 mm/s PPV within the dwellings at 59 [Te Arawa Street], 104, 119, and 119B Rukutai Street, and 97-99 Aotea Street.</i></p> <p>Section 4.11 of the Acoustic Assessment explains <i>"This will occur intermittently over a period of 2-3 days at the nearest dwellings. During this compaction, vibration will be clearly noticeable and may cause some annoyance. However, the effects will be mitigated by the proposed consultation. The residents will know when and for how long to expect the highest levels"</i>.</p> <p>Section 4.11 also explains that <i>"Unreasonable noise and vibration effects on the neighbouring sites will be avoided by adopting the following measures during the proposed construction works:</i></p> <ul style="list-style-type: none"> • <i>Communication with the neighbours. The occupants of the neighbouring buildings will know when to expect the highest noise and vibration levels and will have contact details for any questions or concerns.</i> • <i>The use of physical mitigation including acoustic barriers and shrouds.</i> • <i>Management of construction noise and vibration effects through the provisions of a project CNVMP.</i> • <i>Restrictions on the locations of high-noise and vibration generating equipment, such as sheet piling which will only be used on the northern boundaries of Stages 2 and 4.</i> • <i>Heavy vehicles (greater than 3.5 t) and machinery will only be used on the Site between 07:30 and 18:00, Monday to Saturday"</i>. <p>These measures will be implemented by the following conditions proposed as part of the application:</p> <ol style="list-style-type: none"> 1. Condition 24 – Construction Noise and Vibration Management Plan. 2. Condition 51 – Construction Hours. 3. Condition 57 – Construction Vibration Limits. <p>In addition, the Construction Management Plan required by Condition 18 will include <i>"details of the Project Manager, including their contact details (name, phone, email, and postal address), after hours and emergency contacts, and where those details are displayed for public viewing on the Site"</i>.</p> |
| 15.5. | Traffic and construction access impacts: Reference the traffic related consents required. Considers that construction traffic, servicing movements, and contractor parking are likely to affect Te Arawa Street and nearby residential streets, including residential safety and amenity. | Refer to the response to comment #12.5. |
| 15.6. | Infrastructure capacity and stormwater effects: References the substantial increase in demand on stormwater, wastewater and water supply infrastructure. Considers there is a risk of surface flooding, | Refer to the response to comment #12.6. |

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| | | wastewater overflows, or construction-related discharges affecting neighbouring properties and streets and consider that risks must be addressed conservatively and through binding consent conditions. | |
| | 15.7. | <p>Relief sought: Request that the substantive application be declined, or if consent granted, consider that substantial redesign and stringent conditions required including:</p> <ol style="list-style-type: none"> 1. Significant reductions in building height and bulk adjacent to Te Arawa Street. 2. Increased setbacks and step-downs to protect neighbouring outlook and amenity. 3. Neighbour-specific shading, privacy and dominance assessments. 4. Strict construction noise, vibration and traffic controls, including real-time monitoring. 5. Limits on construction duration and staging. 6. Binding infrastructure upgrade and capacity confirmation prior to occupation. 7. Lighting and privacy controls at residential boundaries. | Refer to the response to comment #11.17. |
| 16. Kathleen Mathers (Owner/Occupier) | 16.1. | <p>Drainage:</p> <ol style="list-style-type: none"> 1. Concerned with increased flood risk to their property at 104 Rukutai Street. 2. Concerned with effects on underground water with reference to previous development considerations. 3. Concerned with effects that raising the ground | <p>CLC has provided the following response:</p> <p>The updated Flood Risk Assessment (Attachment 3 to this table) contains detailed 2D flood modelling for the proposed development for both the pre-development and post-development scenarios. Modelling for the pre-development scenario identifies that sheet flows currently cross and meander through the property at 104 Rukutai Street (similar to the flowpath indicated on Auckland Council’s GIS system).</p> <p>The proposed development will rationalise this existing flowpath by directing runoff in a controlled manner through the Project Site, within the proposed accessway, and discharge to the road carriageway of Rukutai Street, which will reduce the current flows entering the property at 104 Rukutai Street. Modelling has indicated a post-development reduction in existing flooding depths by approximately 10mm.</p> <p>The Project also includes mitigation measures in the form of detention tanks for the 1% AEP rainfall event, ensuring that runoff from the Site does not exceed pre-development levels.</p> |

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| | | level may have on direction of water. | |
| 16.2. | Hazardous substances: Concerned with extensive monthly spraying and 24-hour notice period. | | The Applicants acknowledge the comments provided – noting these relate to property management matters rather than to the substantive application. |
| 16.3. | <p>Light:</p> <ol style="list-style-type: none"> Concerned with the effects of the proposed lighting and considers that pole lights should be shielded and directed downwards to prevent glare/spill onto neighbouring properties, and façade lights installed with shielded or recessed fixtures. Also concerned with the effect of car headlights. Concerned with shading effects from Building 4 and the proposed trees to be planted between the road and the boundary. Object to the construction of a solid 1.8m fence along the boundary, as consider this would worsen the impact of shadowing, affect gardens and lawn maintenance. | | <p>Boffa Miskell and Rebecca Skidmore have provided the following response:</p> <ol style="list-style-type: none"> Lighting: Boffa Miskell has prepared a Lighting Strategy included at page 63 of the Landscape Concept package (refer Attachment 19C to the substantive application). Lighting will be designed at the detailed design stage of the Project by a Lighting Specialist Engineer to meet the relevant Auckland Council standards which include avoidance of light spill / glare in respect of neighbouring properties as required by Conditions 31 and 32. As illustrated in the shading diagrams included in the Architectural Drawings (Attachment 18A to the substantive application), shading effects in respect of 104 Rukutai Street, which adjoins the southern boundary of the Site, are addressed specifically at section 8.5 (Relationship to neighbouring residential properties) of the UDLA. Shading to the property will occur only in the morning during the Winter Solstice as a consequence of the relative topography of the land (the Site is elevated above 104 Rukutai Street) in a way that is not unexpected given the Auckland Unitary Plan's stated objectives for the THAB zone. Fencing and planting proposed to the boundary has been provided to create a typical fenced condition and vegetated residential interface. The type of fencing and vegetation / species selection and location can be agreed with the property owner. New Condition 30AA included in the updated Proposed Conditions of Consent dated 17 April 2026 provides that where fencing / landscape planting is proposed to be located on the common boundary with a neighbouring residentially zoned property, then subject to the agreement of the neighbouring landowner, an alternative arrangement can be implemented. The alternative arrangement shall be submitted in accordance with the requirements of Condition 30. An advice note has been included at the end of Condition 30AA identifying that "the owner of 104 Rukutai Street has requested consideration of an alternative fencing design, and the consent holder is encouraged to engage with them in this regard". The amendments to the conditions will also provide an opportunity to arrange fencing and planting to address the potential sweep of car lights. |
| 16.4. | <p>Visual amenity:</p> <ol style="list-style-type: none"> Concerned with visual dominance effects and perception of privacy, with reference to Auckland Design Manual recommendations. Concerns with additional pressure on narrow and winding streets. | | <p>The landscape and urban design experts for the Applicants have considered the effects of the Project in the context of the existing environment and in light of the outcomes set out in the THAB zone (which applies to the majority of the Site). As the planning experts for the Applicants and for Auckland Council recognise, the THAB zone is intended to enable the greatest density and scale of development of all residential zones within the Auckland Unitary Plan (Auckland Council Planning Memorandum, at [16], AEE at [19.66]). Accounting for that context, the UDLA concludes that the Project will result in a significant change to the existing environment, but that the scale of the buildings is anticipated within the THAB zone (UDLA, at section 9).</p> <p>Boffa Miskell and Rebecca Skidmore have provided the following additional response:</p> <ol style="list-style-type: none"> The Auckland Design Manual provides non-statutory guidance to assist in achieving good design outcomes from development under Auckland's aspiration for a city with 'quality compact urban form'. The Auckland Design Manual recommends a 12m minimum privacy separation distance between facing principal living rooms. The closest portion of Building 4 (comprising a two and three level podium) is set back approximately 14.5m from the boundary with 104 Rukutai Street, and the dwelling within 104 Rukutai Street is further set back from the property boundary. The units within the podium levels of Building 4 are orientated to have their primary (living room) outlook to the east/west, with no balconies orientated to the south (towards 104 Rukutai Street) – refer Architectural Drawing R11-41 to 43 of the Architectural Drawings (Attachment 18B to the substantive application). Planting is also proposed within the Site to provide a further level of screening. Additional measures in respect of privacy are not considered necessary to mitigate adverse amenity effects. |

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| | | | 2. The effects of the Project on the transport network (including traffic safety, parking and accessibility to public transport) have been assessed by Flow Transportation Specialists. The findings of that assessment are set out in the Integrated Transport Assessment (Attachment 6 to the substantive application). It concludes that the effects of the Project on the safety and efficiency of the existing transport network will be negligible and that the Site is well connected for walking, cycling and public transport. |
| | 16.5. | Vibration during earthworks and construction: Concerned with vibration generating activities and requests that a contact be available, including on Saturdays, to immediately respond to vibration concerns to prevent damage to the structure of the building at the property. | Refer to the response to comment #15.4. |
| 17. Minister for Māori Crown Relations | 17.1. | Expresses support for the Project. | The Applicants acknowledge the comments provided. |
| 18. Auckland Council | <i>Planning – Auckland Council (Andrew Miller)</i> | | |
| | 18.1. | C.1 Character, amenity and design, landscape and visual effects: Refers to Mr Kensington's (landscape architect) assessment and support of the Project and requested minor amendments to conditions and confirms that the changes have been adopted by the Applicants satisfactorily in the latest condition set adopts Mr Kensington's findings. | The Applicants acknowledge the comments provided. |
| | 18.2. | C.1 Character, amenity and design, buildings / urban design / landscaping / wind: Refers to Mr Bredemeijer's (urban design) and Mr Hannink's (parks planner) support of the substantive application and confirms that the changes requested to conditions have been adopted by the Applicants. | The Applicants acknowledge the comments provided. |
| | 18.3. | C.1 Character, amenity and design, bulk, shading and privacy: Refers to Mr Bredemeijer and Mr | The Applicants acknowledge the comments provided. |

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| | Kensington's assessments that the privacy and outlook of adjacent occupants are safeguarded. Considers that bulk, shading and privacy effects are appropriately managed and consistent with the intensification outcomes sought by the THAB zone. | |
| 18.4. | C.2 Construction effects, duration and management approach: Refers to Auckland Council specialist assessments and concludes that the proposed suite of management plans provides a robust framework to manage these temporary effects. | The Applicants acknowledge the comments provided. |
| 18.5. | C.2 Construction effects, earthworks and sediment control: Refers to Mr Byrne's (earthworks specialist) assessment that the erosion and sediment control measures are in accordance with GD05 and represent industry best practice and confirms that the changes requested to conditions have been adopted by the Applicants. | The Applicants acknowledge the comments provided. |
| 18.6. | C.2 Construction effects, earthworks and sediment control: Refers to Mr Bryne's identification that Rule E11.4.1(A8) should apply as a reason for consent. | Refer to the response to comment #18.93. |
| 18.7. | C.2 Construction effects, construction noise and vibration: Refers to Ms Visser's (acoustic specialist) support of the substantive application and confirms that her recommendation that specific noise and vibration limits be codified in the conditions aligns with the approach that the Applicants have taken in the proposed conditions. Concludes that the scale of construction noise and | The Applicants acknowledge the comments provided. |

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| | | vibration are reflective of the potential of the zone. | |
| 18.8. | C.2 Construction effects, construction traffic: Refers to Mr Shen (traffic engineer) and Mr Divakar's (Auckland Transport) support of the Project. Confirms that all condition changes requested by Mr Shen and Mr Divakar have been adopted by the Applicants with the exception of the specific prohibition on heavy vehicle movements during peak commuter hours (7-9am and 4-6pm). Concludes that construction traffic is a feature of urban development facilitated by the zone. | The Applicants acknowledge the comments provided. Refer to the response to comment #18.41 regarding the proposed restriction on heavy vehicles. | |
| 18.9. | C.2 Construction effects, contamination: Refers to Ms Visser's (contaminated land specialist) assessment and confirms that there are no contamination-related issues that require further management. | The Applicants acknowledge the comments provided. | |
| 18.10. | C.3 Geotechnical and land stability matters, land stability and landslide risk: Refers to the range of technical queries raised by Mr Peng and Mr Berry (geotechnical). Notes that their final geotechnical assessment will be made once the information has been provided by the Applicants but that it is understood there is no global or fundamental concern with the assessment methodologies or overall conclusions reached by Tonkin+Taylor. Concludes that subject to the satisfactory resolution of the outstanding queries, the land stability effects can be appropriately managed. | The requested information has now been provided, refer to the response to comments #18.50 to #18.66. | |
| 18.11. | C.3 Geotechnical and land stability matters, groundwater and settlement: Refers to the range of technical queries | The requested information has now been provided, refer to the responses to comments #18.50 to #18.66. | |

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| | | <p>raised by Mr Peng and Mr Berry. Concludes that in the absence of any fundamental concerns having been raised by Mr Peng and Mr Berry to date, the effects of groundwater diversion and settlement can likely be appropriately managed in principle.</p> | |
| <p>18.12.</p> | | <p>C.4 Servicing and infrastructure effects, stormwater management: Refers to Dr Hanna (stormwater specialist) and Mr Zou's (development engineering) support of the proposed framework.</p> <p>Refers to Ms Johnston's (Healthy Waters specialist) concern that there is uncertainty as to whether the Project will result in increases to downstream flooding effects. Refers to the Applicants' proposed revision to Condition 28 and considers that:</p> <ol style="list-style-type: none"> 1. If the Panel is accepting of a condition in lieu of demonstration of compliance, the condition could be acceptable in principle, provided that minor wording changes are made by the Applicants to require the Stormwater Management Plan to demonstrate that the Project will not result in any increase in downstream flooding effects on existing habitable floors within the wider flood-prone area. 2. Subject to a suitably worded condition, stormwater and flood risk effects can be appropriately managed. <p>Confirms that the other requested condition changes</p> | <p>The Flood Risk Assessment has been updated (Attachment 3 to this table) to include on-site stormwater management provisions (detention for the 10% and 1% AEP Events), including consideration of the effects on downstream properties. The updated assessment demonstrates that, with the proposed mitigation measures, there is no increase in peak flow for the 1% AEP rainfall event, and subsequently there will be no adverse effects on down-stream properties. As a consequence of there being no effects generated to the down-stream properties, it is not necessary to address or mitigate the effects on the wider flood-prone area.</p> <p>To address the request for Condition 28 to be updated, the following wording is proposed:</p> <p>Stormwater Management Plan</p> <p>Prior to the lodgement of any application for Engineering Plan Approval Building Consent relating to the private stormwater network, Aa Stormwater Management Plan, compliant that complies with the regionalwide Stormwater Network Discharge Consent (NDC) requirements, must be submitted and approved by Council's Healthy Waters team prior to the commencement of construction works. The Stormwater Management Plan must demonstrate that the development will not result in any increased flooding effects on the down-stream properties.</p> <p>Advice note:</p> <p><i>The Stormwater Management Plan is subject to review and approval by Healthy Waters <u>as required under NDC.</u> This is a requirement under the Local Government Act</i></p> <p>The amendments to Condition 28 are included in the updated Proposed Conditions of Consent dated 17 April 2026.</p> |

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| | | have been adopted by the Applicants satisfactorily. | |
| 18.13. | C.4 Servicing and infrastructure effects, water and wastewater: Refers to the information gaps identified by Ms Maddock (Watercare specialist). Concludes that it is likely the matters raised by Watercare can be dealt with via suitably worded conditions or via the Engineering Plan Approval process. Notes that the recommended changes to servicing conditions proposed by Mr Zou have been fully adopted by the Applicants. | Refer to the response to comments #19.1 to #19.3. | |
| 18.14. | C.4 Servicing and infrastructure effects, waste management: Refers to Ms Drive's (waste planning specialist) support of the substantive application subject to minor updates being made to the Waste Management Plan. Notes that while the specific wording changes to the Waste Management Plan have not been fully implemented in Condition 27, the certification step would provide adequate opportunity for these matters to be addressed. | The Applicants acknowledge the comments provided. | |
| 18.15. | C.5 Natural hazards (flooding): Records that Ms Johnston and Mr Zou's assessment has not yet been updated to reflect the revised flood risk assessment. Recommends that Condition 28 be updated to include the requirement to confirm the Project will not have any downstream flooding effects. Confirms that requested amendments have been made to Condition 66A-66B. Concludes that the natural hazard effects posed by flooding can likely be appropriately managed, subject to any final information gaps relating to the Stormwater | <p>The Flood Risk Assessment has been updated (Attachment 3 to this table).</p> <p>Consistent with what is described in the substantive application and Rule Compliance Assessment (Attachment 31 to the substantive application), the Project is for an activity that is "potentially tolerable" within a "low flood hazard area". An activity where natural hazard risk is potentially tolerable in accordance with Table E36.3.1B.1 in flood hazard areas is a restricted discretionary activity pursuant to Rule E36.4.1A(A79).</p> <p>In respect of overland flow, as a consequence of the further review undertaken, the updated Flood Risk Assessment identifies that resource consent is required under (A102) with reference to Plan Change 120 (PC120) as a restricted discretionary activity 'Diverting the entry or exit point, piping or reducing the capacity of any part of an overland flow path' (and is now sought by the Applicants as part of the substantive application). The assessment undertaken in the updated Flood Risk assessment confirms that the Project will safely convey overland flow through the Site without increasing flood effects on surrounding properties and will maintain downstream flow characteristics.</p> <p>The proposed 'Flooding' conditions of consent (Conditions 66A – 66B) in the updated Proposed Conditions of Consent dated 17 April 2026 address the above matters.</p> | |

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| | | Management Plan being resolved. | |
| 18.16. | | C.6 Economic effects: Refers to Mr Yeoman's (economist) assessment. Concludes that the Project will provide economic benefits and that there remains an outstanding technical debate between the economists regarding whether the scale of economic benefits meets the section 3 FTAA 'significance' threshold. | <p>Please refer to the Technical Memorandum prepared by Insight Economics dated 14 April 2026 – Attachment 2 to this table.</p> <p>The phrase "significant regional or national benefits" is not defined in the FTAA, although guidance as to the meaning of that phrase may be taken from the criteria outlined in section 22 of the FTAA. Those criteria include whether:</p> <ol style="list-style-type: none"> 1. the project will deliver significant economic benefits; 2. the project 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); and/or 3. the project is consistent with local or regional planning documents. <p>Importantly, other expert panels appointed under the FTAA have accepted that there can be multiple benefits arising from a project that result in the significance threshold being met.</p> <p>In relation to Rangitooopuni (being a project to subdivide and develop 208 residential allotments and a 260-unit retirement village with 36 care units), the expert panel accepted (at [280] of its decision) that the project would generate significant benefits:</p> <ol style="list-style-type: none"> 1. regionally, through the provision of more retirement village options; and 2. regionally and nationally because of the social, cultural, economic and environmental benefits it would bring to Te Kawerau ā Maki. <p>In considering the benefits to Te Kawerau ā Maki specifically, the expert panel for Rangitooopuni highlighted (at [103] – [105]):</p> <ol style="list-style-type: none"> 1. the significance of the proposal given it is occurring on land returned to the iwi as Treaty settlement; 2. the opportunity provided by the proposal for Te Kawerau ā Maki to generate an economic base for Te Kawerau ā Maki's people; 3. the relationship between Te Kawerau ā Maki and its development partner (Avant), and the way in which the values of Te Kawerau ā Maki have influenced the rationale and approach to the proposal; and 4. the advice from Te Kawerau ā Maki on the way in which the proposal will benefit Te Kawerau ā Maki, including by strengthening the cultural identity of Te Kawerau ā Maki's people in the future. <p>In relation to Maitahi Village (being a project to subdivide 184 residential allotments and develop a 192-unit retirement village and 32-bed care facility), the expert panel accepted (at [528] of its decision) that not all benefits can be assessed in monetary terms and that benefits such as the enhanced opportunity provided by the project for the exercise of rangatiratanga and kaitiakitanga in particular may be difficult to quantify monetarily (at [824]). Nevertheless, the Panel recognised that the project was significant to all Māori in the region, including Ngāti Koata, and that its benefit in terms of enhanced opportunities for mana whenua in particular were positive to a material extent (at [824]). It also accepted that the project would increase the supply of housing and, through the involvement of Ngāti Koata in the project, the project would also enable the expression of Ngāti Koata's cultural values through the development. In light of those and other benefits, the Panel accepted that the regional or national benefits of the project, when viewed in totality, would be substantial (at [829]).</p> <p>In a similar manner, the regionally significant benefits of the Project arise from a number of distinct factors – increasing the supply of housing and addressing the specific housing needs of the retirement aged community; providing more employment opportunities and an increase to national gross domestic product of \$330m; contributing to a well-functioning urban environment; and significant benefits to iwi. In its letter to the Panel dated 11 March 2026, provided as part of the response to Minute 3, Ngāti Whatua Ōrākei Trust has outlined the significant, enduring benefits of the Project to Ngāti Whatua Ōrākei, highlighting in particular:</p> <ol style="list-style-type: none"> 1. the significance of the Site (being within the papakainga and whenua rangatira of Ngāti Whatua Ōrākei) due to its proximity to the nationally significant Takaparawhau; 2. the opportunities provided by the Project to contribute economically (through financial value and employment and contracting opportunities) to Ngāti Whatua Ōrākei; 3. the recognition of Ngāti Whatua Ōrākei as tangata whenua and kaitiaki; and 4. the expression of Ngāti Whatua Ōrākei's values (including manaakitanga), through the design and operation of the Project. <p>Based on that advice and the conclusions of Insight Economics (both within the Economic Impact Assessment provided with the substantive application as Attachment 16 and the Technical Memorandum dated 14 April 2026 – Attachment 2 to this table), the benefits of the Project are, in totality,</p> |

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| | | | "sufficiently great or important to be worthy of attention" in the Auckland regional context (citing the expert panel's decision in relation to the Maitahi Village project, at [516]). Importantly, accounting for the advice of the Applicants' other experts, the adverse impacts of the Project clearly do not outweigh the extent of the Project's significant regional benefits. In that context, the Applicants maintain that granting resource consent for the Project on the updated Proposed Conditions of Consent dated 17 April 2026 would meet the purpose of the FTAA. |
| 18.17. | C.7 Cultural effects: Refers to Ms Plowman's (archaeological advisor) assessment that the inclusion of Accidental Discovery Protocol conditions is an appropriate management step for this Project. Concludes that the cultural effects of the Project are considered to be positive and well-integrated and that the partnership between Ngāti Whātua Ōrākei and the developer ensures that cultural narratives and values are embedded in the Project's physical form. | The Applicants acknowledge the comments provided. | |
| 18.18. | C.8 Operational effects, lighting: Refers to Mr De Vincentis' (lighting specialist) assessment and confirms the Project is compliant with the Auckland Unitary Plan standards, including as amended by the PC79 Consent Order. Concludes that the operational lighting effects will be appropriate and managed in accordance with Conditions 31-32 and 67A-67B. | The Applicants acknowledge the comments provided. | |
| 18.19. | C.8 Operational effects, operational transportation and parking: Refers to Mr Shen and Mr Divakar's assessments and confirms that all operational conditions recommended have been adopted. Concludes with reference to the technical assessments that the increase in vehicle trips can be safely and efficiently accommodated within the road network. | The Applicants acknowledge the comments provided. Please also refer to the letter included as Attachment 4 to this table, which includes an updated E27 Transport compliance table (in track change) from Flow Transportation Specialists confirming that there are no implications arising from the PC79 Consent Order in respect of the reasons for consent applied for. | |
| 18.20. | C.8 Operational effects, operational noise: Refers to Ms Visser's assessment and concludes that operational noise effects can be appropriately managed, and | The Applicants acknowledge the comments provided. Please refer to Condition 58 in the updated Proposed Conditions of Consent dated 17 April 2026 which confirms the design noise limit for all mechanical plant and transformers, with this to be confirmed by a suitably qualified and experienced practitioner (SQEP) as part of the Project detailed design phase. | |

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| | | that the final acoustic design for mechanical plant will maintain aural amenity. | |
| 18.21. | Section D: Statutory Strategies and Policies Assessment: Confirms Auckland Council is in broad agreement with the Applicant's assessment of the key statutory strategies and policies that are relevant to the substantive application. | <p>The Applicants acknowledge the comments provided and note that since lodgement of the substantive application, the National Policy Statement for Natural Hazards 2025 has come into force (15 January 2026). The matters that the National Policy Statement is concerned with are addressed in the updated Flood Risk Assessment (Attachment 3 to this table), and the Geotechnical Assessment (Attachment 28 to the substantive application), and no further assessment is necessary.</p> <p>The National Environmental Standards for Electricity Transmission and Electric Vehicle Charging Infrastructure Activities Amendment Regulations 2026 come into effect on 7 May 2026. The Project makes provision for electric charging for vehicles. This is addressed in the Integrated Transportation Assessment submitted as Attachment 6 to the substantive application. No further assessment is necessary.</p> <p>The other following statutory documents that have come into effect are not relevant or not engaged by any aspect of the Project:</p> <ol style="list-style-type: none"> 1. Resource Management (National Environmental Standards for Detached Minor Residential Units) Regulations 2025 2. National Policy Statement for Infrastructure 2025 3. National Policy Statement for Highly Productive Land Amendment 2025 4. New Zealand Coastal Policy Statement Amendment 2025 5. National Policy Statement for Indigenous Biodiversity Amendment 2025 6. National Policy Statement for Freshwater Management Amendment 2025 7. Resource Management (National Environmental Standards for Freshwater) Amendment Regulations 2025 8. National Policy Statement for Renewable Electricity Generation Amendment 2025 9. National Policy Statement for Electricity Networks Amendment 2025 10. Resource Management (Stock Exclusion) Amendment Regulations 2026 | |
| 18.22. | <p>Section E: Summary of assessment outcomes and proportionality conclusions, section 85 adverse impacts / proportionality assessment: Confirms that Auckland Council's assessment has not identified any adverse impacts that, individually or collectively, would meet the section 85(3) threshold.</p> <p>References Mr Yeoman's assessment that the economic benefits have been overstated, but that the direct economic benefits to Ngāti Whātua Ōrākei are likely to be substantial and that Mr Yeoman supports the development on economic grounds.</p> <p>Concludes that Auckland Council's overall assessment is that any adverse effects are not out of proportion to the Project's actual benefits, given that no significant adverse environmental effects have</p> | Refer to the Technical Memorandum prepared by Insight Economics dated 14 April 2026 – Attachment 2 to this table and to the response to comment #18.16. | |

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| | <p>been identified and that the benefits to Ngāti Whātua Ōrākei, while potentially requiring further clarification, are potentially a significant regional benefit that aligns with the purpose and intent of the FTAA.</p> | |
| 18.23. | <p>Section E: Summary of assessment outcomes and proportionality conclusions, key information gaps:</p> <ol style="list-style-type: none"> 1. Provision of Stormwater Management Plan. 2. Economic information: <ol style="list-style-type: none"> a. Quantification of the benefits for Ngāti Whātua Ōrākei. b. Baseline / counterfactual analysis to establish net economic benefits. c. Market assessment of Ōrākei-Mission Bay demand and the nature of the proposed development. d. Present value conversion and CBA assessment. e. Assessment of externalities associated with the proposed development. f. Update and correct error in population projections. 3. Outstanding geotechnical queries. 4. Outstanding Watercare queries. 5. Earthworks reason for consent. 6. Protected trees – reason for consent within the open space zone | <p>In respect of the information gaps identified:</p> <ol style="list-style-type: none"> 1. Stormwater Management Plan: Refer to the response to comment #18.12. 2. Economic information: Refer to the Technical Memorandum prepared by Insight Economics dated 14 April 2026 – Attachment 2 to this table and to the response to comment #18.16. 3. Geotechnical queries: Refer to the response to comments #18.50 to #18.66. 4. Watercare queries: Refer to the response to comments #19.1 to #19.3. 5. Earthworks reason for consent: Refer to the response to comment #18.93. 6. Protected trees reason for consent: Given the proximity of the works required for the construction of Building 1 to vegetation within Takaparawhau, some tree trimming and/or works within the root zones of trees along this boundary will be necessary. Resource consent as a restricted discretionary activity under (A6) and (A8) of Chapter E16 Trees in Open Space zones of the Auckland Unitary Plan is required to the extent that the relevant permitted activity thresholds are triggered (and is now sought by the Applicants as part of the substantive application). <p>The extent of such works will be limited to a small number of trees, with vegetation further north and east comprising a considerable mass that will remain unaffected. The works to this small number of trees are therefore not appreciable in the context of the overall amenity provided by the wider vegetation within this part of Takaparawhau. Any works will be limited to those necessary to enable the development and will be undertaken in accordance with appropriate arboricultural practices and in coordination with the Ngāti Whātua Ōrākei Reserves Board.</p> <p>A supplementary memorandum has been prepared by Bentley & Co dated 17 April 2026 (Attachment 5 to this table) to address the relevant assessment matters of Chapter E16 Trees in Open Space zones of the Auckland Unitary Plan relating to the additional consent triggers. That assessment proposes the inclusion of:</p> <ol style="list-style-type: none"> 1. new arboricultural Condition 35B which would require the preparation and submission of a Tree Works Plan to Auckland Council for certification; and 2. new Conditions 66E – 66G requiring the implementation of the tree works in accordance with the Tree Works Plan. <p>These new conditions are included in the updated Proposed Conditions of Consent dated 17 April 2026.</p> <p>Please also refer to the letter from Ngāti Whātua Ōrākei dated 16 April 2026 included as Attachment 2 to the supplementary memorandum prepared by Bentley & Co dated 17 April 2026, which confirms Ngāti Whātua Ōrākei agrees that the overall amenity of Takaparawhau will not be implicated by the limited scope of works to this existing vegetation and that the landscaping proposed within the Site to the perimeter of the Project will integrate with and enhance the retained vegetation within Takaparawhau.</p> <p>Additionally, the following information was requested from the Applicants by Auckland Council when reviewing a draft of the updated Proposed Conditions of Consent:</p> <p><i>A reason for consent is identified under Standard H4.6.4 Building Height. Based on the submitted plans, the proposed structures on the land zoned Residential – Mixed Housing Suburban Zone appear to comply with the 8m height limit. This should be clarified to ensure that the correct nature of consents is identified and assessed.</i></p> <p>The Applicants provided the following information in response to Auckland Council on 9 April 2026 which is also included in this table for the Panel’s reference:</p> |

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| | | <p>applying to Takaparawhau.</p> | <p>The height infringements listed for the MHS zone in the Rule Compliance Assessment (Attachment 31 to the substantive application) relate to the 2-3-storey element of Building 4 that partially occupies 106 Rukutai Street (Lot 264 DP 37687) – zoned MHS under the Auckland Unitary Plan.</p> <p>The sectional drawing for Building 4 provided in the Architectural Drawings (Attachment 17D to the substantive application) (RC31-41 Rev B) only showed the 16m THAB height standard. This has been updated by Warren and Mahoney in Attachment 6 to this table to now also show the MHS zone 8m height standard, with the dimensions for the infringements also included. The 8m height exceedances shown range from 1.49m – 5.45m (noting this is a minor correction to the range identified in the Rule Compliance Assessment (Attachment 31 to the substantive application) which identified a range of 1.64m – 5.4m).</p> |
| | <p>18.24.</p> | <p>Section E: Summary of assessment outcomes and proportionality conclusions, key conclusions: Confirms that effects can be appropriately managed and that while there are certain information gaps, adverse effects in these categories are not considered likely to be of a nature or scale that would individually or collectively meet the section 85(3) threshold.</p> <p>Confirms that Auckland Council is in broad agreement with the Applicants’ assessment against the relevant Schedule 5 statutory documents. Considers that the information gap of greatest significance to the overall assessment is the quantification of the economic benefits to Ngāti Whātua Ōrākei.</p> <p>Considers that the letter from Ngāti Whātua Ōrākei responding to Minute 3 does not provide the specific data or confirmation that would allow a conclusive finding to be made on this point. Considers that this gap is directly relevant to whether the Project can be said to deliver significant regional or national benefits for the purposes of section 3 of the FTAA.</p> | <p>The Applicants do not agree that the quantification of the Project’s economic benefits to Ngāti Whātua Ōrākei is necessary in order for the Panel to grant resource consent for the Project.</p> <p>As outlined in the response to comment #18.16, the Project will result in a range of benefits that are, in totality, noteworthy in the Auckland regional context. Granting resource consent for the Project will therefore achieve the purpose of the FTAA. In addition (and as Auckland Council acknowledges), even taking a conservative view of the Project’s benefits, the adverse impacts of the Project do not outweigh those benefits. Consequently, section 85(3) does not offer a basis on which the Panel may decline resource consent in this instance.</p> |
| | <p>18.25.</p> | <p>Section E: Summary of assessment outcomes and proportionality conclusions, recommendations and s3 assessment: Recommends approval subject to the</p> | <p>The Applicants acknowledge the comments provided.</p> <p>In respect of economics matters, refer to the response to comment #18.16.</p> <p>With respect to the condition amendments requested, the Applicants have amended the conditions of consent where there is general agreement, as noted within this table and as reflected in the Proposed Conditions of Consent dated 17 April 2026.</p> |

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| | conditions being amended as indicated throughout the report and the Applicant demonstrating the regional economic significance of the Project's benefits to Ngāti Whātua Ōrākei and their ~7,000 registered members. | |
| 18.26. | Section E: Summary of assessment outcomes and proportionality conclusions, Part 2: Considers that the Project is consistent with the relevant provisions of Part 2 of the RMA. | The Applicants acknowledge the comments provided. |
| <i>Annexure 1: Development engineering – Auckland Council (Quentin Zou)</i> | | |
| 18.27. | Section 6.0: Additional cross-sections requested and further information regarding any mitigation measures relating to potential effects on downstream properties requested. | The additional cross-sections requested are appended as Attachment 7 to this table. An updated Flood Risk Assessment has been prepared by CLC (Attachment 3 to this table), which now includes modelling of the proposed stormwater mitigation measures to ensure that the 1% AEP Flows generated by the development do not increase flood risk to the downstream properties. |
| 18.28. | Section 9.0: Proposed advice note regarding approval of the Stormwater Management Plan by Healthy Waters. | An amendment to the advice note to Condition 28 has been made in the updated Proposed Conditions of Consent dated 17 April 2026. |
| 18.29. | Section 9.0: Proposed condition requiring that the stormwater connections are undertaken in accordance with plans. | Amendments have been made to Condition 60 in the updated Proposed Conditions of Consent dated 17 April 2026. |
| 18.30. | Section 9.0: Proposed condition regarding a covenant on the maintenance of the detention tank recommended. | The proposed condition requesting a covenant is not accepted on the basis that the relevant obligations are addressed by the Stormwater Management conditions (Conditions 65-66), which include an operation and maintenance plan and corresponding responsibilities. |
| 18.31. | Section 9.0: Proposed condition requiring that the wastewater connections are undertaken in accordance with plans. | Amendments have been made to Condition 59 in the updated Proposed Conditions of Consent dated 17 April 2026. |
| 18.32. | Section 9.0: Proposed condition requiring a written statement to confirm maintenance of the stormwater overland flow path. | A new Condition 66A is included in the updated Proposed Conditions of Consent dated 17 April 2026, with reworded text to reflect the design intention that a portion of the overland flow path enter the Site so that it can be appropriately managed through design measures, rather than bypassing the Site and potentially increasing flooding on neighbouring properties. The design approach is illustrated and explained in the Flood Risk Assessment which has been updated by CLC (Attachment 3 to this table). |
| 18.33. | Section 9.0: Proposed condition ensuring the boundary fencing as identified by CLC is constructed with an opening | A new Condition 66B is included the updated Proposed Conditions of Consent dated 17 April 2026, with amended text to remove "This must be an ongoing requirement in perpetuity". |

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| | and must be an ongoing requirement in perpetuity. | |
| <i>Annexure 2: Noise and vibration – Auckland Council (Duffy Visser)</i> | | |
| 18.34. | Section 7.0: Proposed Condition C1 relating to heavy vehicle work hours. | C1 – Condition 51 already requires that heavy vehicle movements on the Site only take place between the hours of 7:30am and 6:00pm, Monday to Saturday. An amendment Condition 51 has also been made to also refer to “plant” in the updated Proposed Conditions of Consent dated 17 April 2026. |
| 18.35. | Section 7.0: Proposed Condition C2 relating to Construction Noise Vibration Management Plan approval. | C2 – No change required to conditions. Condition 11 already requires that all management plans be submitted Auckland Council for certification at least 10 working days prior to commencement of works. |
| 18.36. | Section 7.0: Proposed Condition C3 relating to Construction Noise Vibration Management Plan implementation. | C3 – No change required to conditions. Condition 16 already requires that all certified management plans are complied with at all times. |
| 18.37. | Section 7.0: Proposed Condition C4 regarding temporary construction noise barriers. | C4 – Not accepted, as this would require all acoustic screening to be in place for the entire construction project – whether it is needed to achieve compliance with the Auckland Unitary Plan standards or not. Acoustic screening already forms part of the requirements of the Construction Noise and Vibration Management Plan (Condition 24(c)). As part of meeting Condition 24(c), the Construction Noise and Vibration Management Plan will identify all activities that require acoustic screening for compliance and specify the minimum setback distances and barrier heights. This approach is preferred because the construction works are over a long duration and involve many different activities at different times and locations. The various activities will require different forms of screening (such as barriers on the boundary, localised screening, and shrouds) depending on their location. For example, foundation works across the Site will be undertaken in stages. Therefore it may not be necessary to require screening on all boundaries for the duration of all foundation works. Condition 24(c) requires the Construction Noise and Vibration Management Plan to clearly set out the physical mitigation needed for each activity based on location. |
| 18.38. | Section 7.0: Proposed Conditions C5, C6 and C7 regarding noise and vibration level restrictions. | C5, C6, and C7 – Not accepted. These recommended noise and vibration level limits are not consistent with the assessment undertaken by Styles Group for the proposed construction work and, as a result, do not enable the noise and vibration levels that have been predicted and assessed and for which resource consent (subject to conditions which address the predicted noise and vibration levels) has been sought. Additionally, the proposed vibration condition (C7) requires compliance with 5 mm/s PPV for approximately three days at the listed receivers, which does not reflect the activity as sought in the substantive application. |
| 18.39. | Section 7.0: Proposed Condition C8 regarding design of mechanical plant and transformers. | C8 – No change required– this wording is already included as Condition 58. |
| <i>Annexure 3: Auckland Transport (Vignesh Divakar)</i> | | |
| 18.40. | Section 4.0: Requests the proposed No Stopping at All Times (NSAAT) markings for the cul-de-sac heads of Te Arawa Street, Rukutai Street, | A new Condition 68D is included in the updated Proposed Conditions of Consent dated 17 April 2026 to require the implementation of these line markings prior to occupation. Previously numbered Advice Note 7 addressed the proposed NSAAT line markings. This advice note has now been relocated to sit under new Condition 68D. |

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| | | and Aotea Street are implemented prior to the occupation of the proposed units. | |
| 18.41. | Section 6.0: Requested amendment to the Construction Traffic Management Plan condition to include restriction on times that heavy vehicles can access the Site (i.e. no access between 7am-9am and 4pm-6pm) and to include tracking plans for heavy vehicles along the intended routes, including potential mitigation measures. | <p>The requested amendment relating to the restriction of heavy vehicle access is not accepted. The Construction Traffic Management Plan will sufficiently manage heavy vehicle movements relative to times of day, numbers of trucks, and intended routes. The proposed restrictions would have significant implications for the construction programme.</p> <p>Flow Transportation Specialists has provided the following additional response:</p> <p>The forecasted 5-6 truck movements per hour during peak periods is not significant. Given the surrounding streets are low volume local roads, network capacity is not considered to be an issue.</p> <p>Furthermore, restricting truck movements to certain times will prolong construction, resulting in a longer overall period of heavy vehicle movements within the road network.</p> <p>Condition 25 has been amended to include new item (dd) in the updated Proposed Conditions of Consent dated 17 April 2026 to require the Construction Traffic Management Plan to include tracking plans for heavy vehicles along the intended routes and any potential mitigation measures if the carriageway is not adequate to accommodate the vehicle swept path.</p> | |
| 18.42. | Section 6.0: Requested inclusion of advice note recommending a pram crossing on the south-western corner of Aotea Street and Nihill Crescent intersection at the Engineering Approval stage. | Not accepted. The request by Auckland Transport for a pram crossing on the south-western corner of Aotea Street and Nihill Crescent intersection does not relate to an effect generated by the Project. | |
| <i>Annexure 4: Contamination – Auckland Council (Duffy Visser)</i> | | | |
| 18.43. | No further information or condition amendments requested. | The Applicants acknowledge the comments provided. | |
| <i>Annexure 5: Economics – Auckland Council (Rodney Yeoman)</i> | | | |
| 18.44. | Section 7.1: Requests quantification of the benefits for Ngāti Whātua Ōrākei. | Please refer to the Technical Memorandum prepared by Insight Economics dated 14 April 2026 – Attachment 2 to this table. Please also refer to the response to comment #18.16. | |
| 18.45. | Section 7.2: Requests consideration of the baseline and/or the counterfactual to establish net economic benefits. | Please refer to the Technical Memorandum prepared by Insight Economics dated 14 April 2026 – Attachment 2 to this table. | |
| 18.46. | Section 7.3: Requests market assessment of Ōrākei-Mission Bay demand and nature of proposed development. | Please refer to the Technical Memorandum prepared by Insight Economics dated 14 April 2026 – Attachment 2 to this table. | |

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| 18.47. | Section 7.4: Requests present value conversion and CBA assessment. | Please refer to the Technical Memorandum prepared by Insight Economics dated 14 April 2026 – Attachment 2 to this table. |
| 18.48. | Section 7.5: Requests assessment of externalities associated with the proposed development. | Please refer to the Technical Memorandum prepared by Insight Economics dated 14 April 2026 – Attachment 2 to this table. |
| 18.49. | Section 7.6: Requests update and correct error in population projections. | Please refer to the Technical Memorandum prepared by Insight Economics dated 14 April 2026 – Attachment 2 to this table. |
| <i>Annexure 6: Geotechnical and groundwater review – Auckland Council (“JP/SB”)</i> | | |
| 18.50. | Item 1: Requested further information related to the perched groundwater system. | <p>T+T has provided the following response:</p> <p>BH01/BH01a is the primary basis for the inferred groundwater model. These were nested piezometers with 2m screened intervals and bentonite seals above/below at 1–3m & 5–7m (BH01a), and 3–5m and 7–9m (BH01), which isolates each zone and limits cross-connection between screened zones. The missing BH01a log is included as Attachment 8 to this table.</p> <p>The monitoring shows the groundwater pressure does not uniformly increase with depth, indicating a non-hydrostatic regime and that the 'regional' groundwater level was not encountered within the shallow East Coast Bays Formation (ECBF) rock. This is likely because permeability in the horizontal direction is greater than in the vertical direction and groundwater drains laterally toward the coastal cliffs, which act as a discharge boundary and constrain regional groundwater levels to well below ground level.</p> <p>BH02 (T+T) shows similar behaviour (screens at 3–5m and 11–13m), supporting the same interpretation.</p> <p>T+T agrees that the Aurecon shallow standpipes with no bentonite plug below the screened zone may be influenced by deeper regional groundwater, however their recorded pressures broadly align with the T+T results and are therefore considered to be supportive. Given the low groundwater pressures in the T+T boreholes and the likely depth of regional groundwater, it is unlikely these are influenced from deeper groundwater pressures.</p> <p>While the groundwater system may not be entirely “perched” in the strict sense (aquicludes and aquifers), the monitoring demonstrates a consistent water pressure with depth, which is the relevant conclusion for the T+T assessment. The ground profile can remain saturated without developing a full hydrostatic pressure distribution, and adopting full hydrostatic conditions would be overly conservative for assessing potential groundwater drawdown settlement effects.</p> <p>The groundwater pressures were adopted from the base of the 2m response zone (rather than the midpoint), which therefore represents the upper-bound pressure applicable to that interval and is likely to be conservative.</p> <p>The calculated groundwater pressures typically range between 25.5 kPa and 27.5 kPa, with 30 kPa conservatively adopted for assessment.</p> <p>The T+T assessment is based off monitoring data from June 2025, which is unlikely to represent a seasonal low.</p> |
| 18.51. | Item 2: Supporting calculations for consolidation settlements and radius of influence requested. | <p>T+T has provided the following response:</p> <p>The groundwater drawdown was originally assessed in accordance with Figure 13 of CIRIA Report 113 (1986, S.H. Somerville, Control of Groundwater for Temporary Works). The reference to the drawdown assessment method will be corrected in the Geotechnical Assessment Report.</p> <p>The coefficients of permeability used in the calculations are generally consistent with the values presented in Table 3.7 of the Geotechnical Assessment Report. These are typical values adopted for ECBF materials based upon large infrastructure projects in which testing was undertaken. However,</p> |

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| | | <p>using these values, the calculated radius of influence for Section 2 (Building 2) and Section 1 (Buildings 3 & 4) is 4.7m and 1.5m, respectively, which T+T consider may not be conservative.</p> <p>Accordingly, T+T undertook a sensitivity check for these two sections using a revised coefficient of permeability of 6×10^{-7} m/s. With this revised value, the resulting radius of influence are 11.5m (Section 2) and 3.7m (Section 1), respectively. These values were conservatively adopted for the subsequent assessment of effects.</p> <p>Calculations for groundwater drawdown and settlement calculations at Section 2 are provided in Attachment 9 to this table for both the anticipated permeability (1×10^{-7}) and sensitivity check (6×10^{-7}).</p> |
| 18.52. | Item 3: Requested clarification on total ground settlements assessment. | <p>T+T has provided the following response:</p> <p>Mechanical settlement behind the retaining wall was estimated from the WALLAP-predicted lateral wall deflection. Using CIRIA C760 (Figure 6.17), the maximum mechanical settlement was taken as $0.5 \times$ the wall deflection, and the settlement influence zone was assumed to extend $1.5 \times$ the wall depth behind the wall.</p> |
| 18.53. | Item 4: Clarification on use of terminology with reference to proposed basement excavation requested. | <p>T+T has provided the following response:</p> <p>The assessed settlements at adjacent structure locations fall within the "Negligible" category in accordance with the CIRIA guidelines (1996).</p> |
| 18.54. | Item 5: Requested confirmation on applicability of earthwork recommendations with reference to lodged civil plans. | <p>T+T has provided the following response:</p> <p>Based on a review of the earthworks plans prepared by CLC, T+T understands the following maximum fill depths are proposed:</p> <ol style="list-style-type: none"> 1. Stage 1 (Buildings 2 & 3) = up to 1.9m 2. Stage 2 (Building 1) = up to 1.9m 3. Stage 3 (Buildings 4 & 5) = up to 4.6m <p>T+T has confirmed the recommendations in Section 3.7 of the Geotechnical Assessment Report (included as Attachment 28 to the substantive application) remain applicable. As set out in the Geotechnical Assessment Report (refer to the response to comment #18.57, Item 8), the potential effects on proposed buildings and external pavements associated with these earthworks will be assessed further during detailed design once final levels, fill properties and the foundation/pavement solutions are confirmed.</p> <p>Potential settlements can be managed during construction through measures such as appropriate programme allowance (early placement of fill and consolidation time, delaying ground floor concrete placement), preloading/surcharge, and/or ground improvement (and, where required, settlement monitoring with trigger levels).</p> <p>The Water Permit conditions of consent provided with the substantive application (Attachment 23 to the substantive application) continue to be appropriate.</p> |
| 18.55. | Item 6: Requested analysis regarding potential fill induced consolidation settlements. | <p>T+T has provided the following response:</p> <p>A detailed quantitative consolidation settlement assessment has not been undertaken at this stage because predicted settlements (and acceptability) depend on the final earthworks levels/fill thicknesses, fill properties, and the foundation solution (piled foundations generally being less sensitive than shallow/raft foundations).</p> <p>Due to the high stiffness of the residual ECBF and the shallow depth to underlying bedrock, settlements associated with fill placement are expected to be minor. A preliminary settlement assessment was undertaken based on the Cut/Fill Plan prepared by CLC, which indicates that total settlement within the Building 4 and Building 5 footprints, with up to 4.6m of fill to be placed, is expected to be in the range of 10 to 20mm.</p> <p>As stated in the Geotechnical Assessment Report, this will be assessed at detailed design once these inputs are confirmed. If the assessment indicates potentially unacceptable settlement for the proposed structure, mitigation will be implemented through programme/staging (placing fill early and allowing time for primary consolidation prior to building/pavement construction) and/or alternative measures such as preload/surcharge, local ground improvement/replacement, or adoption of less settlement-sensitive foundations.</p> |

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| | | <p>Where warranted, settlement monitoring (e.g., survey points/plates with trigger levels) will be used to confirm that settlement has largely occurred, or reduced to an acceptable rate, before construction proceeds.</p> <p>The Water Permit conditions of consent provided with the substantive application (Attachment 23 to the substantive application) continue to be appropriate.</p> |
| 18.56. | Item 7: Annotated site plan and cross-sections regarding the landslide hazard risk assessment requested. | Refer to Attachment 10 to this table showing the landslide scenarios. |
| 18.57. | Item 8: Requested further information regarding the landslide hazard risk assessment. | <p>T+T has provided the following response:</p> <p>Likelihood ratings in Section 3.8 of the Geotechnical Assessment Report (Attachment 28A to the substantive application) were based on observed site conditions (generally competent ground, shallow depth to rock and moderate surrounding slopes) and the absence of visible instability indicators (e.g. shear surfaces, headscarps, tension cracks, hummocky ground), combined with the trigger required for each mechanism.</p> <ol style="list-style-type: none"> 1. Shallow debris slide (intense rainfall) – Unlikely: would require steep susceptible slopes and concentrated runoff/infiltration. Given the moderate slopes/competent ground, and lack of evidence of similar failures across the Site, this was considered unlikely. 2. Moderate rotational/translational slide (prolonged wet weather) – Rare: would typically need sustained saturation plus a weak horizon/known instability features. No evidence of these conditions was indicated by Site observations or investigation data, so this is considered rare. 3. Extensive deep-seated landslide (major seismic/extreme rainfall) – Likelihood: Barely credible: would require a large-scale regional failure mechanism and an unprecedented trigger event. No evidence of instability features indicated by Site observations or investigation data, so treated as barely credible. <p>Climate change is expected to increase the severity and frequency of rainfall events required for the scenarios considered. However, based on the competent ground conditions and moderate slopes observed at and around the Site, T+T do not consider this would materially change the likelihood categories adopted in the Geotechnical Assessment.</p> |
| 18.58. | Item 9: Labelling of cross-sections requested. | Section names have been added onto Figure 1 of Attachment 11 to this table. |
| 18.59. | Item 10: Updated figure title requested. | The title of Figure 4 in Attachment 12 to this table has been updated to "ECBF ROCK CONTOUR PLAN". |
| 18.60. | Item 11: Clarification on definition of alert level requested. | <p>T+T has provided the following response:</p> <p>The definition is intended to explain this design value is above (i.e., on the safe side of) the level where damage could occur – therefore it triggers review before reaching the damage threshold.</p> |
| 18.61. | Item 12: Queried absence of reference to 59 Te Arawa Street in table of potentially affected structures. | <p>T+T has provided the following response:</p> <p>As shown in earthworks plans prepared by CLC (included as Attachment 27 to the substantive application), no excavation or dewatering activities are proposed in the vicinity of 59 Te Arawa Street, with the proposed levels within the building footprint requiring 0.5m to 4.6m of fill to raise existing ground levels. Accordingly, no settlement is anticipated at this property, and it is not considered a potentially affected property.</p> |
| 18.62. | Item 13: Further information related to proposed trigger levels requested. | <p>T+T has provided the following response:</p> <p>The proposed ground deformation monitoring points (G1–G12) are located predominantly on external pavements and in the vicinity of services, which are not highly sensitive to small ground movements. Accordingly, adopting very low trigger levels in line with the predicted contours (e.g., of the order of the 5–10mm) is not necessary or proportionate, particularly given:</p> <ol style="list-style-type: none"> 1. The predicted movements are well within typical serviceability tolerances. No damage is anticipated and exceedance at these low levels would be unlikely to warrant intervention. |

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| | | <p>2. The tolerable differential settlement limits for concrete (1:173) and PVC (1:67) pipes are significantly higher than the alert (1:550) and alarm (1:450) levels proposed in the Groundwater and Settlement Monitoring Contingency Plan (required by Condition 77). Accordingly, damage to the services is unlikely if the ground settlements remain within the Groundwater and Settlement Monitoring Contingency Plan trigger limits.</p> <p>3. Very low trigger levels close to predicted movements can be unduly influenced by survey tolerance (typically $\pm 2\text{mm}$) and seasonal shrink/swell movements unrelated to construction activities (e.g. adjacent tree roots causing localised settlement).</p> <p>The cost and programme implications of alert/alarm response actions following exceedances (e.g., increased monitoring, hold points, investigation and potential mitigation) are not justified given the very low risk identified, and unlikelihood that any intervention would be undertaken other than continued monitoring and visual inspections.</p> |
| 18.63. | Item 14: Clarification regarding alert and alarm levels requested. | An amendment to Condition 74 was made in the Proposed Conditions of Consent dated 5 March 2026 provided with the Applicants' response to Minute 2 and is retained in the updated Proposed Conditions of Consent dated 17 April 2026. |
| 18.64. | Item 15: Clarification regarding sequence of events where alarm levels are exceeded requested. | <p>T+T has provided the following response:</p> <p>The proposal is to adopt the below revised actions in accordance with Condition 76 (Alarm Level Actions) that were included in the Proposed Conditions of Consent filed with the substantive application:</p> <p><i>(a) Immediately halt construction activity relevant to the location of the Alarm Level exceedance, including excavation, dewatering, or any other works that may result in increased deformation, unless halting the activity is considered by a SQEP to be likely to be more harmful (in terms of effects on the environment) than continuing to carry out the activity.</i></p> <p><i>(b) Notify the Council within twenty-four (24) hours of the Alarm Level exceedance being detected and provide details of the measurements taken.</i></p> <p><i>(c) Take advice from the author of the Alert Level exceedance report (if there was one) on actions required to avoid, remedy or mitigate adverse effects on ground, buildings or structures that may occur as a result of the exceedance.</i></p> <p><i>(d) Not resume construction activities (or any associated activities), halted in accordance with paragraph (a) above, until any mitigation measures have been implemented to the satisfaction of a SQEP.</i></p> <p><i>(e) Submit a written report, prepared by the SQEP responsible for overseeing the monitoring on the mitigation measures implemented, and any remedial works and/or agreements with affected parties within five (5) working days of recommencement of works.</i></p> |
| 18.65. | Item 16: Reference correction requested in water permit condition. | The correct reference was included in Condition 72 and Attachment 1 of the Proposed Conditions of Consent filed with the substantive application and the reference has been retained in the updated Proposed Conditions of Consent dated 17 April 2026. |
| 18.66. | Item 17: Cross-reference correction requested in water permit condition. | An amendment to Condition 80 was made in the Proposed Conditions of Consent dated 5 March 2026 provided with the Applicants' response to Minute 2 and is retained in the updated Proposed Conditions of Consent dated 17 April 2026. |
| <i>Annexure 7: Healthy waters and flood resilience (Hillary Johnston)</i> | | |
| 18.67. | Section 6.0: Requested confirmation of whether proposed peak flow mitigation has been incorporated into the Flood Risk Assessment and whether there will be an effect on existing habitable floors. Requested an assessment of potential impacts on the broader flood-prone and floodplain areas downstream. | <p>An updated Flood Risk Assessment has been prepared by CLC (Attachment 3 to this table). The assessment confirms that the proposed peak flow mitigation measures will ensure the development does not increase downstream flood risk beyond existing conditions.</p> <p>The report demonstrates that with the proposed mitigation measures and no increase in peak flow for the 1% AEP rainfall event, there will be no adverse effects generated.</p> |

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| 18.68. | Section 8.0: Proposed advice note to Condition 60 to identify that alterations to the public stormwater reticulation network require Engineering Plan Approval. | Advice note for Condition 60 has been amended in the updated Proposed Conditions of Consent dated 17 April 2026. |
| 18.69. | Section 8.0: Proposed condition requiring the preparation of a Stormwater Management Plan. | An amendment to Condition 64 was made in the Proposed Conditions of Consent dated 5 March 2026 provided with the Applicants' response to Minute 2. This has now been relocated to Condition 28 in the updated Proposed Conditions of Consent dated 17 April 2026 (to the "prior to construction matters" section of the conditions) and amended to reflect the timing for the lodgement of the Stormwater Management Plan requested by Healthy Waters. |
| 18.70. | Section 8.0: Amendment to Condition 64 terminology proposed. | Condition 65 has been amended in the updated Proposed Conditions of Consent dated 17 April 2026 to reflect the change in terminology requested by Auckland Council, i.e. from "hydrology mitigation" to "flood mitigation". |
| 18.71. | Section 8.0: New Conditions 64A and 64B regarding the stormwater management system proposed. | New Conditions 65A and 65B have been included in the updated Proposed Conditions of Consent dated 17 April 2026. |
| 18.72. | Section 8.0: Proposed amendment to Condition 66 relating to the operation and maintenance of the stormwater management device or system. | Condition 66 has been amended in the updated Proposed Conditions of Consent dated 17 April 2026 to reflect text requested to be deleted. |
| <i>Annexure 8: Heritage – Auckland Council (Mica Plowman)</i> | | |
| 18.73. | No further information or condition amendments requested. | The Applicants acknowledge the comments provided. |
| <i>Annexure 9: Landscape architecture – Auckland Council (Peter Kensington)</i> | | |
| 18.74. | Section 6.0: Proposed amendment to Condition 30 title. | An amendment to Condition 30 was made in the Proposed Conditions of Consent dated 5 March 2026 provided with the Applicants' response to Minute 2 and is retained in the updated Proposed Conditions of Consent dated 17 April 2026. |
| 18.75. | Section 6.0: Proposed amendment to location of Condition 28 and additional amendments to Conditions 28 and 30 recommended. | Condition 28 was relocated to new Condition 30A in the Proposed Conditions of Consent dated 5 March 2026 provided with the Applicants' response to Minute 2 and is retained in the updated Proposed Conditions of Consent dated 17 April 2026. Additional amendments are not required as the conditions of consent already require the certification and implementation of the certified landscape design (refer management plan Conditions 10 – 17 and Condition 67). |
| 18.76. | Section 6.0: Proposed amendment to Condition 28 to refer to maintenance that will be required for the implemented landscape design. | An amendment to Condition 30A(f) was made in the Proposed Conditions of Consent dated 5 March 2026 provided with the Applicants' response to Minute 2 and is retained in the updated Proposed Conditions of Consent dated 17 April 2026. |
| 18.77. | Section 6.0: Proposed amendment to Condition 28 to | An amendment to Condition 30(d) was made in the Proposed Conditions of Consent dated 5 March 2026 provided with the Applicants' response to Minute 2 and is retained in the updated Proposed Conditions of Consent dated 17 April 2026. |

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| | | relocate procurement strategy for trees under Condition 30. | |
| 18.78. | Section 6.0: Proposed terminology reference correction in advice notes to Conditions 29, 30 and 67. | Advice notes were amended in the Proposed Conditions of Consent dated 5 March 2026 provided with the Applicants' response to Minute 2 and are retained in the updated Proposed Conditions of Consent dated 17 April 2026. | |
| <i>Annexure 10: Lighting – Auckland Council (Domenico De Vincentis)</i> | | | |
| 18.79. | Section 8.0: Proposed condition relating to lighting management. | A new Condition 67B is included in the updated Proposed Conditions of Consent dated 17 April 2026, with amended wording proposed for clarity. "Within 30 days of the development external lighting <u>within the Site</u> being put into service <u>implemented</u> , the consent holder...". The items of the condition seeking that spill light does not cause any adverse effect, and that there be no obtrusive glare, are not accepted as these are dealt with by compliance with the External Lighting Assessment referenced in the condition. | |
| <i>Annexure 11: Parks planning – Auckland Council (Cas Hannink)</i> | | | |
| 18.80. | Section 6.4(1): Information sought regarding Takaparawhau reserve upgrades. | Upgrades within Takaparawhau reserve are outside the scope of the Project. | |
| 18.81. | Section 6.4(1): Information sought regarding path upgrades for 'grassed area'. | Upgrades within Takaparawhau reserve are outside the scope of the Project. | |
| 18.82. | Section 6.4(2): Information sought regarding path material specification. | Specification for the proposed paths (including specific path material/treatment) will be coordinated and finalised as part of the detailed design phase. Condition 30(f) requires an annotated pavement plan and related specifications (including the materiality and colour of all proposed hard surfacing) to be included in the finalised landscape design drawings to be provided to Council for written certification prior to lodging building consent. | |
| 18.83. | Section 6.4(3): Information sought regarding signage and wayfinding. | Specification for the proposed paths (including signage and wayfinding) will be coordinated and finalised as part of the detailed design phase. Condition 18 has been amended to include new item (m) in the updated Proposed Conditions of Consent dated 17 April 2026 to require the Construction Management Plan to include details for any temporary signage (including wayfinding) throughout the construction period. Permanent wayfinding signage for the proposed paths is required to be provided as part of the separate reserve revocation agreement with Auckland Council. Specification for this will be coordinated and finalised as part of the detailed design phase. Condition 30(i) requires details of publicly accessible connections through the Site (which must be signposted to assist wayfinding for users of the area) to be included in the finalised landscape design drawings to be provided to Council for written certification prior to lodging building consent. | |
| 18.84. | Section 6.4(5): Information sought regarding the maintenance of public access throughout the construction staging. | Condition 18 has been amended to include new item (m) in the updated Proposed Conditions of Consent dated 17 April 2026 in respect of detail to be provided on how public access will be maintained to Takaparawhau during the various construction stages. | |
| 18.85. | Section 8.0: Proposed amendments to Condition 18 Construction Management Plan to include details of how public pedestrian access will be | Condition 18 has been amended to include new item (m) in the updated Proposed Conditions of Consent dated 17 April 2026 in respect of detail to be provided on maintenance of pedestrian access, with a minor amendment for clarity. The proposed upgrades of the informal pedestrian connections within Takaparawhau do not form part of the substantive application and are therefore not a matter for inclusion in the Construction Management Plan (Condition 18). | |

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| | | maintained and details of upgrades including required upgrade of the existing informal connection within Takaparawhau. | |
| 18.86. | Section 8.0: Proposed amendments to Condition 29 relating to location of servicing for the building when viewed from the public and communal realm and fencing details. | Condition 29(c) has been amended in the updated Proposed Conditions of Consent dated 17 April 2026 relating to details of location of servicing, with amendments where appropriate. It is not practicable to require screening for every servicing component of a building and therefore the last part of the proposed last sentence is not accepted. Screening requirements can be confirmed as part of finalised plans process for Condition 29. Condition 30(h) has been amended in the updated Proposed Conditions of Consent dated 17 April 2026 relating to fencing details. | |
| 18.87. | Section 8.0: Proposed amendment to Condition 69 Public Pedestrian Access to 'ensure' public pedestrian access provided between the cul-de-sac heads of Te Arawa Street and Rukutai Street. | The Applicants do not accept the proposed amendment. The current wording of Condition 69 which already requires that the consent holder "must provide" public pedestrian access is considered appropriate. | |
| 18.88. | Section 8.0: Proposed new Condition X70 to require public pedestrian access to Takaparawhau to be available at all times. | A new Condition 69A is included in the updated Proposed Conditions of Consent dated 17 April 2026, with amended wording proposed for clarity. | |
| 18.89. | Section 8.0: Water permit – recommended removal of "commencement of excavation" duplication in definitions table. | The Water Permit definitions table has been amended to remove the duplicated definition in the updated Proposed Conditions of Consent dated 17 April 2026. | |
| 18.90. | Section 8.0: Proposed new Condition X89 regarding pathway wind mitigation. | The Applicants do not accept the proposed amendment. A Wind Assessment was prepared by RWDI and submitted with the substantive application as Attachment 34. The Wind / Urban Design specialist memorandum prepared by Wayne Bredemeijer (dated 11 March 2026) on behalf of Auckland Council confirms "the wind study meets the requirements of the relevant provisions, follows relevant Auckland Design Manual guidance, and its comprehensiveness is proportionate to the size of the application. The design recommendations included in the wind study seem appropriate and the mitigation measures included in the application in response to wind effects seem adequate". On this basis, no further condition is proposed. | |
| 18.91. | Section 8.0: Proposed new advice note X01 regarding tree asset owner approvals. | No street tree removals are required; however, Advice Note 4A has been inserted in the updated Proposed Conditions of Consent dated 17 April 2026, with amended text to advise a Tree Asset Owner Approval will be required should any works affect street trees. Works to trees within Takaparawhau reserve do not require Auckland Council's Tree Asset Owner Approval as Auckland Council does not own the land and works within the reserve are subject to the decision-making authority of the Ngāti Whātua Ōrākei Reserves Board. No advice note to capture this requirement is necessary given Ngāti Whātua Ōrākei are a joint Applicant for the Project. | |
| 18.92. | Section 8.0: Proposed new advice note X02 regarding landowner/Ngāti Whātua Ōrākei Reserve Board approval. | The Applicants do not accept the proposed amendment. No advice note to capture this requirement is necessary given Ngāti Whātua Ōrākei are a joint Applicant for the Project. | |
| <i>Annexure 12: Earthworks and erosion and sediment control – Auckland Council (Matthew Byrne)</i> | | | |
| 18.93. | Section 5.0: Identification of consent requirement under rule E11.4.1(A8). | Please refer to CLC Drawing 22064-C907-A SLOPE ANALYSIS PLAN (Attachment 13 to this table) which shows earthworks area on slopes 10 degrees or greater is equal to 2,409m ² , which is less than the 2,500m ² permitted activity threshold (beyond which requires resource consent). On this basis, E11.4.1(A8) is not triggered. | |

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| 18.94. | Section 9.0: Proposed amendments to Conditions 21 and 22 regarding the Chemical Treatment Management Plan. | Conditions 21-22 have been amended in the updated Proposed Conditions of Consent dated 17 April 2026. The request for "written" certification to be added is not accepted as it would result in an inconsistency with the requirements under Conditions 10-11 for all management plans. |
| 18.95. | Section 9.0: Proposed amendments to Condition 23 regarding chemical treatment. | An amendment to Condition 23 was made in the Proposed Conditions of Consent dated 5 March 2026 provided with the Applicants' response to Minute 2 to refer to the method of water treatment. Further phrasing amendments to address this comment have been made to Condition 23 in the updated Proposed Conditions of Consent dated 17 April 2026. |
| 18.96. | Section 9.0: Proposed amendment to Condition 34 to clarify reference to 'certified' Earthworks Management Plan. | Condition 34 has been amended in the updated Proposed Conditions of Consent dated 17 April 2026. |
| 18.97. | Section 9.0: Proposed amendment to Condition 35 to include reference to ESCMP. | Condition 35 has been amended in the updated Proposed Conditions of Consent dated 17 April 2026. |
| 18.98. | Section 9.0: Proposed amendment to Condition 41 to include reference to ESCMP. | Condition 41 has been amended in the updated Proposed Conditions of Consent dated 17 April 2026. |
| 18.99. | Section 9.0: Proposed amendment to Condition 49 to include reference to EMP. | Condition 49 has been amended in the updated Proposed Conditions of Consent dated 17 April 2026. |
| 18.100. | Section 9.0: Proposed amendment to Condition 50 to delete 'annual' renewal requirement. | Condition 50 has been amended in the updated Proposed Conditions of Consent dated 17 April 2026. |
| <i>Annexure 13: Stormwater – Auckland Council (Arsini Hanna)</i> | | |
| 18.101. | Section 9.0: Recommendation that a consent notice requiring inert roofing materials be used on all properties. | Condition 29(b) has been amended in the updated Proposed Conditions of Consent dated 17 April 2026 to require finalised architectural plans to be submitted to Auckland Council for certification and to include details of inert roof materials to be used. The recommendation for this to be a consent notice is not accepted on the basis that it can be adequately dealt with by the condition of consent. |
| 18.102. | Section 9.0: Recommendation that detailed design of the proposed stormwater management devices (specifically Stormwater 360Stormfilters) be provided at engineering approval stage. | Condition 65 has been amended in the updated Proposed Conditions of Consent dated 17 April 2026, with amended text to exclude the specificity of the type of filter referenced and to confirm that the design will be provided at the building consent stage rather than engineering approval stage as stormwater management devices are private and do not require engineering approval. |
| 18.103. | Section 9.0: Recommendation that pre-and-post construction meetings with Auckland Council are arranged. | Condition 65 has been amended in the updated Proposed Conditions of Consent dated 17 April 2026 to require a post-construction meeting to be held with Auckland Council. Conditions 6-8 already require a pre-construction meeting with Auckland Council to be held. |
| 18.104. | Section 9.0: Recommendation that an operation and maintenance plan for the proposed devices, including | A new Condition 66(c) is included in the updated Proposed Conditions of Consent dated 17 April 2026, requiring an operation and maintenance plan to be prepared for the stormwater management device or system. |



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| | | details regarding the short- and long-term ownership responsibilities, be prepared. | |
| 18.105. | Section 9.0: Requested amendment to Condition 66 to define SQEP. | SQEP is defined in the abbreviations and definitions table provided on page 1 of the Proposed Conditions of Consent filed with the substantive application and the definition is retained in the updated Proposed Conditions of Consent dated 17 April 2026. | |
| <i>Annexure 14: Traffic engineering – Auckland Council (Honwin Shen)</i> | | | |
| 18.106. | Section 7.0(a): Proposed condition relating to surface finish of vehicle access, parking areas and pedestrian paths. | Condition 68 has been amended in the updated Proposed Conditions of Consent dated 17 April 2026. | |
| 18.107. | Section 7.0(b): Proposed condition regarding car park signage. | A new Condition 68B is included in the updated Proposed Conditions of Consent dated 17 April 2026, with amended text to reference “retirement units” instead of “residential units”, and with the addition of “(associated with the relevant stage of works)”. | |
| 18.108. | Section 7.0(c): Proposed condition regarding bicycle parking requirements. | A new Condition 68C is included in the updated Proposed Conditions of Consent dated 17 April 2026, with amended text “The consent holder must install 10 secure and 3 visitor bicycle spaces in accordance with the minimum requirements of the Auckland Transport TDM cycling infrastructure approved plans referenced in Attachment 2 ”. | |
| 18.109. | Section 7.0(d): Proposed condition regarding suitable lighting. | The relocated Condition 67A and the new Condition 67B (as requested in the Auckland Council Lighting memorandum, Annexure 10 to Auckland Council’s Planning Memorandum) included in the updated Proposed Conditions of Consent dated 17 April 2026 suitably address lighting, and therefore the proposed wording in Section 7.0(d) is not necessary. | |
| 18.110. | Section 7.0(e): Proposed condition regarding new vehicle crossing requirements. | A new Condition 66C is included in the updated Proposed Conditions of Consent dated 17 April 2026, with amended text to reference “retirement units” instead of “residential units”. Wording has also been amended with: “The new crossing must maintain an at-grade acceptable (level) pedestrian footpath across...”. | |
| 18.111. | Section 7.0(f): Proposed condition regarding removal of redundant vehicle crossings. | A new Condition 66D is included in the updated Proposed Conditions of Consent dated 17 April 2026. | |
| 18.112. | Section 7.0(g): Proposed condition regarding installation of a clearance height bar at the entrance of the basement car park. | A new Condition 68A was included in the Proposed Conditions of Consent dated 5 March 2026 provided with the Applicants’ response to Minute 2 and is retained in the updated Proposed Conditions of Consent dated 17 April 2026. | |
| 18.113. | Section 7.0(h): Proposed condition regarding installation of Electric Vehicle Supply Equipment. | A new Condition 35A is included in the updated Proposed Conditions of Consent dated 17 April 2026. | |
| 18.114. | Section 7.0(i): Proposed Construction Traffic Management Plan condition. | <p>Condition 18 (Construction Management Plan) and Condition 25 (Construction Traffic Management Plan) have been amended in the updated Proposed Conditions of Consent dated 17 April 2026. Item (c) of the requested Construction Traffic Management Plan condition is not accepted, which requested that “Parking must be contained within the site”. The Parking Management Plan required by Condition 25(g) will manage all parking during the construction period in the most efficient manner practicable relative to the staging of the development.</p> <p>The condition proposed by Auckland Council referenced the “NZTA “Code of Practice for Temporary Traffic Management” (COPTTM) document”, however Flow Transportation Specialists has advised the appropriate document to be referenced is the “New Zealand Guide to Temporary Traffic Management (NZGTTM)” and reference to this document has therefore been made in Condition 25(i).</p> | |

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| | | | The condition proposed by the Auckland Council requesting a pedestrian management plan has been incorporated into Condition 25(m). |
| <i>Annexure 15: Urban design – Auckland Council (Wayne Bredemeijer)</i> | | | |
| 18.115. | Section 9.0: Proposed amendment to Condition 29(c) relating to location of servicing for the building when viewed from the public and communal realm. | | Condition 29(c) amended in the updated Proposed Conditions of Consent dated 17 April 2026, with amendments where appropriate as per the response to comment #18.86. |
| <i>Annexure 16: Waste planning – Auckland Council (Elizabeth Driver)</i> | | | |
| 18.116. | Section 6.4: Requested amendments to Draft Waste Management and Minimisation Plan to neutralise waste service provider type and provide flexibility in terms of methodology. | | Not accepted - Condition 27 requires waste management to be undertaken in “general accordance” with the Waste Management Plan, and that the final plan must be submitted to Auckland Council for certification under the management plan conditions. On that basis, any requested amendments can be appropriately addressed through that certification process. |
| 18.117. | Section 6.6: States that the Applicants should ensure all residents are within 30m carry distance from dwelling to bin storage areas/floor level refuse rooms in accordance with the Building Code. | | Not accepted – the Project relates to a retirement village and is not a standard residential development – waste collection will be managed by the village operator / staff, rather than carried by elderly residents from individual dwellings. |
| <i>Annexure 17: Wind review – Auckland Council (Wayne Bredemeijer)</i> | | | |
| 18.118. | No further information or condition amendments requested. | | The Applicants acknowledge the comments provided. |
| <i>Annexure 18: Watercare Services Limited</i> | | | |
| 18.119. | Seeks clarification on a number of matters relating to demands, flow requirements and staging approach. | | Further engagement has taken place with Watercare since the date of these comments, with additional information provided. Please refer to the responses to Watercare’s comments provided in response to comments #19.1 to #19.3. |
| 19. Watercare Services Limited | 19.1. | Based on the information provided and subject to the conditions, Watercare considers that there is no in-principle objection to the provision of water supply and wastewater services to the proposed development. Subject to detailed design review, required approvals, and compliance with Watercare’s standards and policies, the | The Applicants acknowledge the comments provided and propose amendments to Condition 59 to address items 19.2 and 19.3, which require the necessary water supply and wastewater upgrades to be undertaken, subject to the detailed design being certified by Watercare. Refer to amended Condition 59 included in the updated Proposed Conditions of Consent dated 17 April 2026. The amendment to Condition 59 more clearly reflects Watercare’s comments and ensures that the delivery of water supply and wastewater infrastructure is appropriately aligned with any staging of the Project. It also provides for ongoing engagement with Watercare through the detailed design and Engineering Plan Approval processes, noting that details of the design are subject to agreement as the Project progresses. |

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| | | works proposed are capable of meeting the criteria for the future vesting of public water supply and waste-water infrastructure. | |
| | 19.2. | Water: Proposes Kupe Street Water Main upgrade and Ngake Street Water Main upgrade/new installation. | Refer to the response to comment #19.1. |
| | 19.3. | Wastewater: Identifies further information and additional details that will be required in order to support progression of the design through the next stage of review and approval. | Refer to the response to comment #19.1. |
| <p>20. Karyn O'Connor ██████████ (Owner/Occupier)</p> <p>(Note: Address identified as ██████████ in response to comments, which the Applicants understand to be an error.)</p> | 20.1. | Operational effects: Raises air pollution, car and garage door noise, flood risk and heat reflection. | <p>Any discharges to air associated with the operation of the activity (such as plant/extracts, etc) will comply with the permitted standards of Chapter E14 Air Quality of the Auckland Unitary Plan.</p> <p>Operational noise effects generated by the retirement village (including plant and vehicle movements) were assessed by Styles Group in the Acoustic Assessment included as Attachment 29 to the substantive application and Styles Group confirmed that the Project will comply with the relevant operational noise limits for residential zones. Condition 58 in the updated Proposed Conditions of Consent dated 17 April 2026 requires all mechanical plant and transformers to be designed and operated to comply with a specific design noise limit, with compliance to be confirmed by a SQEP as part of the Project detailed design phase.</p> <p>Infrastructure capacity and flood risk have been comprehensively assessed by CLC in the Infrastructure Assessment (Attachment 7A to the substantive application) and the Updated Flood Risk Assessment (Attachment 3 to this table) which demonstrate there is sufficient capacity in the networks to accommodate the development. The Applicant has consulted with Auckland Council (including Healthy Waters) and Watercare to ensure that suitable upgrades are agreed upon and undertaken by the Applicants.</p> <p>The cladding treatment of the buildings includes materials designed to avoid glare or reflectivity, with glazing designed to have a visible light reflection of less than 25%.</p> |
| | 20.2. | Building design: Raises effects of height of buildings, potential shading and wind tunnel effects. | <p>The height of buildings and potential shading effects has been comprehensively assessed as part of the substantive application material.</p> <p>The UDLA confirms that the visual dominance, privacy and shading effects of Building 3 (being located to the north of 119B Rukutai Street) on the property will be very low, resulting from the combination of a deep building setback, a short façade length and apartment layout that orientates away from the southern boundary of the Site.</p> <p>An assessment of Wind effects was undertaken by RWDI – refer Attachment 34 to the substantive application.</p> |
| | 20.3. | Construction effects: Concerned with noise, dust, air pollution and privacy effects and potential effects of vibration on property. | Refer to the response to comment #11.9. |
| | 20.4. | Access to Takaparawhau: Raises loss of access. | Refer to the response to comment #1.3. |
| 21. M and C Kinmont | 21.1. | Height exceedances and dominance effects: Consider | Refer to the response to comment #12.1. |

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| <p>██████████ (Owner/Occupier)</p> | | <p>that the height exceedances will dominate views from their property at 55A Te Arawa Street, result in loss of outlook, increased shading, reduced openness and adverse effects on residential character and amenity.</p> | <p>Additionally Boffa Miskell and Rebecca Skidmore have provided the following response:</p> <p>55A Te Arawa Street is a rear lot property located behind 57 Te Arawa Street and to the south of 59 Te Arawa Street, which adjoins the southern boundary of the Site. It has an aspect northeast over the rear yards of 59 Te Arawa Street and 104 Rukutai Street.</p> <p>The property will retain an open outlook over the adjacent residential sites to the north which separate this property from the Site. The policy framework for the THAB zone seeks to enable a mix of housing types of predominantly five, six and seven storeys. Loss of outlook across the THAB zoned site would therefore be associated with this built outcome. The building setbacks, stepping of the upper levels of the buildings, and building orientation will retain an extent of openness for this property.</p> <p>Shading analysis provided with the substantive application, refer Architectural Drawings (Attachment 17D to the substantive application) demonstrates that there are no shading effects at the Spring, Summer and Autumn Solstices. At the Winter Solstice shading from the Project has a very minor impact on part of the property early in the morning, around 9am, with sun also falling on the property at this time. Later in the day in winter the property is not affected.</p> |
| | 21.2. | <p>Bulk, coverage and impervious area exceedances: Consider that non-compliance with building coverage, impervious area and yard and setback standards will result in an over-developed site with excessive built form and hard surfaces, exacerbating visual dominance, reducing open space and increasing stormwater runoff risk affecting adjoining residential streets and properties.</p> | <p>Refer to the response to comment #11.4.</p> |
| | 21.3. | <p>Non-complying activity status: Consider that the non-complying activity status means that the Project is inconsistent with the planning framework and that the Applicants have not demonstrated that the adverse effects on neighbouring residential amenity are outweighed by any claimed benefits.</p> | <p>Refer to the response to comment #12.3.</p> |
| | 21.4. | <p>Visual environment – Bastion Point and the Michael Joseph Savage Memorial Park: Request that the Panel consider whether the proposed development is in keeping with this popular visual environment.</p> | <p>Boffa Miskell and Rebecca Skidmore have provided the following response:</p> <p>Takaparawhau is a culturally significant headland open space provided to the community under the management of the Ngāti Whātua Ōrākei Trust. The Project has been developed in partnership with Ngāti Whātua Ōrākei as joint Applicants. The submission of Ihapera Paniora on behalf of Te Rūnanga o Ngāti Whātua (comment #13) provides strong support for the Project. Mana Whenua consider the proposed development to be in keeping with the values of Takaparawhau.</p> <p>The Site has a very generous setback from Takaparawhau. Together with the sloping topography, the separation means the Project will not be prominent from this viewing location and the amenity enjoyed by visitors will not be diminished.</p> |

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| | 21.5. | Construction noise, vibration and duration: Consider there will be a prolonged and unacceptable period of disturbance for neighbouring residents, including exposure to high noise levels, vibration, dust, heavy vehicle movements and loss of amenity. | Refer to the response to comment #12.4 which also applies to 55A Te Arawa Street. |
| | 21.6. | Traffic and construction access impacts: Reference the traffic related consents required. Consider that construction traffic, servicing movements, and contractor parking are likely to affect Te Arawa Street and nearby residential streets, including residential safety and amenity. | Refer to the response to comment #12.5. |
| | 21.7. | Infrastructure capacity and stormwater effects: References the substantial increase in demand on stormwater, wastewater and water supply infrastructure. Considers there is a risk of surface flooding, wastewater overflows, or construction-related discharges affecting neighbouring properties and streets and consider that risks must be addressed conservatively and through binding consent conditions. | Refer to the response to comment #12.6. |
| | 21.8. | Relief sought: Request that the substantive application be declined, or if consent granted, consider that substantial redesign and stringent conditions required including: <ol style="list-style-type: none"> 1. Significant reductions in building height and bulk adjacent to Te Arawa Street. 2. Increased setbacks and step-downs to protect neighbouring outlook and amenity. 3. Neighbour-specific shading, privacy and dominance assessments. | Refer to the response to comment #11.17. |

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| | | <ol style="list-style-type: none"> 4. Strict construction noise, vibration and traffic controls, including real-time monitoring. 5. Limits on construction duration and staging. 6. Binding infrastructure upgrade and capacity confirmation prior to occupation. 7. Lighting and privacy controls at residential boundaries. | |
| <p>22. Bruce Harland, Gordon Chong and Chang Oh   (Owners/Occupiers)</p> | <p>22.1.</p> | <p>Loss of connectivity both physical and visually: Considers that connectivity to Takaparawhau should be maximised for the wider neighbourhood with reference to the NZ Urban Design protocol and Auckland Council’s Urban Design Manual. Considers that best practice urban design would be to extend the roads of Te Arawa, Rukutai and Aotea such that they terminate at Takaparawhau. Considers that summer hour restriction of internal site access of 6pm in Condition 69 is too early. Queries whether the restricted hours walkway will be clearly signposted.</p> | <p>Boffa Miskell and Rebecca Skidmore have provided the following response:</p> <p>The best practice guidance Mr Harland refers to in the Auckland Design Manual (described as the Urban Design Manual in the response to comments) relates to ‘Neighbourhood and Subdivision Design’. The Project is not a subdivision, that process occurred many years ago at which time the subdivision terminated Te Arawa, Rukutai and Aotea Streets as cul-de-sacs. The suggestion that a ‘best practice’ urban design response would be to extend the roads of Te Arawa Street, Rukutai Street and Aotea Street to terminate at Takaparawhau would preclude the use of the Site to accommodate a retirement village. The Applicants and their design team have carefully considered the relationship of the Site to the established neighbourhood and surrounding open space network. Good pedestrian access will be provided from the head of all three cul-de-sacs to Takaparawhau. This extent of public access fully meets the New Zealand Urban Design Protocol and Auckland Design Manual’s aspiration for connectivity in respect of Takaparawhau.</p> <p>The current ‘viewshaft’ that Mr Harland identifies along the axis of Rukutai Street (Figure 2 of his response) and which he seeks to retain, is across the vacant Site. Due to the sloping topography, it does not provide a visual connection to the public open space. It is also not protected in the Auckland Unitary Plan.</p> <p>The 6:00pm closing time in summer relates to the nature of the Site as a retirement village. (Refer to the response to comment #22.5.)</p> <p>Signposting is proposed for all of the public accessways including the through Site accessway, as required by Condition 30(i).</p> |
| | <p>22.2.</p> | <p>Future generations: Considers that the Rukutai Street walkway should be retained for the benefits of the wider community and future generations and considers that closure of the walkway is not consistent with Policy 1 of the National Policy Statement on Urban Development.</p> | <p>Refer to the response to comment #1.3.</p> |
| | <p>22.3.</p> | <p>Height and dominance: Considers that the built form proposed will result in a scale and built form that is out of context with the wider neighbourhood and Mission Bay setting. Dias agrees with the</p> | <p>H6.3(4) provides direction on when a Height Variation Control should be applied; it does not however preclude greater building heights in any other location. Where proposed buildings exceed the relevant building heights, the effects of the height exceedances must be assessed on a site by site basis in accordance with the relevant provisions of the Auckland Unitary Plan. That is the approach that has been taken by the Applicants and their expert team, as outlined in the substantive application materials (and the UDLA in particular).</p> <p>Boffa Miskell and Rebecca Skidmore have provided the following response:</p> |

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| | UDLA which omits reference to Policy H6.3(4) regarding the application of the Height Variation Control which does not apply to the Site and considers that the additional height is substantially over the 16m height limit in a location where this would not normally be expected as it has no walkable access to a town centre or rapid transport. Considers access to meaningful public transport from the Site is questionable. Considers keeping to within the 16m height limit is appropriate. | The UDLA acknowledges the Project will introduce significant change to the locality but finds this to be appropriate in the context of the Site's zoning and characteristics of the neighbourhood, having carefully designed the Project in respect of adjoining southern neighbours. Auckland Council's independent landscape architect and urban design peer reviewers also find the Project to be appropriate (refer Annexures 9 and 15 to Auckland Council's Planning Memorandum). |
| 22.4. | PC120: Considers it is premature to rely on or give weight to PC120. | As confirmed in the Applicants' response to Minute 3, the Applicants' urban design, landscape visual and planning experts did not account for intensification that may be enabled under PC120 in their assessment of the Project. |
| 22.5. | <p>Relief sought:</p> <ol style="list-style-type: none"> 1. That the substantive application be amended so that there is direct pedestrian access from the end of Rukutai Street to Takaparawhau. 2. Should the above not be accepted, that the alternative restricted pedestrian access proposed be amended in Condition 69 to increase the restricted access hours to: Daylight savings 7am-8pm. Outside of daylight savings: 7:30am-5pm. 3. That signage be erected at either end of the alternative pedestrian access between Te Arawa Street and Rukutai Street cul de sacs informing of public access and hours of such access. 4. That the development generally fit within the | <p>Request 1: No changes are proposed to the Project to provide direct access to Takaparawhau from Rukutai Street.</p> <p>Request 2: The Applicants have considered the request to extend the daylight saving hours from 6.00pm to 8.00pm but have not adopted this request, as 6.00pm coincides with the time when all gates are locked to secure the village overnight. Ensuring the safety and security of elderly residents is of critical importance to the Applicants.</p> <p>Request 3: Condition 30(i) requires the finalised landscape design drawings (to be provided to Auckland Council for certification prior to lodgement of building consent) to include "<i>Details of publicly accessible connections through the Site, which must be signposted to assist wayfinding for users of the area</i>".</p> <p>Request 4: The height of buildings has been comprehensively assessed as part of the substantive application material. No changes are proposed.</p> |

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| | | existing 16m height limit for the THAB zone. | |
| 23. Fleur Nixon (Owner/Occupier) | 23.1. | Relief sought: Decline the use of the fast-track legislation for the Project. | Noted. The Project was accepted for referral under the FTAA on 17 June 2025. The Applicants are therefore authorised to apply for resource consents under the FTAA. |
| | 23.2. | Relief sought: Decline the Project unless height and scale are reduced. | Noted. No changes proposed. |
| | 23.3. | Relief sought: Decline the Project due to the following perceived gaps in evidence: <ol style="list-style-type: none"> 1. Economic: How the development supports the social and economic wellbeing of the local community, including how local products will be used. How future tangata whenua employment or residence will be achieved. 2. Earthworks: How earthworks will be managed. 3. Three waters: How stormwater and other water issues will be addressed, including flood risk. 4. Transport: How the local transport and roading environment can sustain the development. 5. Landscape and visual: How the height of the buildings will affect the character of the area and relationships through design elements enhanced. Loss of sunlight, views and amenity values and consideration of effects on volcanic view shafts, identification of setbacks. 6. Other: <ol style="list-style-type: none"> a. How technical infringements of the Māori | With reference to the items identified, the Applicants do not consider there are any information gaps in the substantive application material. More specifically: <ol style="list-style-type: none"> 1. The Economic Impact Assessment submitted with the substantive application as Attachment 16 addresses these matters and is further supported by the Technical Memorandum prepared by Insight Economics dated 14 April 2026 included as Attachment 2 to this table. Refer also to the response to comment #18.16. 2. The construction effects of the Project are addressed in the 'Temporary Construction Effects' section of the AEE (at [18.79] to [18.113]). As that section explains, consent conditions are proposed by the Applicants to suitably manage the temporary effects of construction activities. These include requirements for the consent holder to prepare and submit various management to Auckland Council for certification, including a Construction Management Plan, Earthworks Management Plan, Chemical Treatment Management Plan, Construction Noise and Vibration Management Plan, Construction Traffic Management Plan. 3. Infrastructure capacity and flood risk have been comprehensively assessed by CLC in the Infrastructure Assessment (Attachment 7A to the substantive application) and the Flood Risk Assessment (Attachment 26 to the substantive application, noting the report has been updated as Attachment 3 to this table in the response to comments #18.12 and #18.15) to ensure there is sufficient capacity in the networks to accommodate the development. The Applicants have consulted with Auckland Council (including Healthy Waters) and Watercare to ensure that suitable upgrades are agreed upon and undertaken by the Applicants at the appropriate time / stage of development. 4. The effects of the Project on the transport network (including traffic safety, parking and accessibility to public transport) have been assessed by Flow Transportation Specialists. The findings of that assessment are set out in the Integrated Transport Assessment (Attachment 6 to the substantive application), which concludes that the effects of the Project on the safety and efficiency of the existing transport network will be negligible and that the Site is well connected for walking, cycling and public transport. 5. Refer to the responses to comments #3.3, #11.4, #11.12, #11.15, and #12.1. 6. <ol style="list-style-type: none"> a. These are technical infringements triggered as a result of the Project spanning across the existing public walkways that are not residentially zoned (and proposed to be relocated as part of the Project) and the effects of these have been addressed in the substantive application material. b. The Project will contribute to the Future Development Strategy's climate change and emissions reduction goals by enabling higher residential density in an urban location, supporting public transport use and reducing dependence on private vehicles. c. An assessment of wind effects was undertaken by RWDI – refer Attachment 34 to the substantive application. d. Operational noise effects generated by the retirement village (including plant and vehicle movements) were assessed by Styles Group in the Acoustic Assessment submitted with the substantive application as Attachment 29 and Styles Group confirmed that the Project will comply with the relevant noise limits for residential zones. Condition 58 in the updated Proposed Conditions of Consent dated 17 April 2026 requires all mechanical plant and transformers to be designed and operated to comply with a specific design noise limit, with compliance to be confirmed by a suitably qualified and experienced person as part of the Project detailed design phase. |

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| | | <p>Purpose and Open Space zones will be managed.</p> <p>b. How the development will be resilient to the effects of climate change.</p> <p>c. Assessment of wind effects.</p> <p>d. Assessment of acoustic effects.</p> | |
| 23.4. | Relief sought: Decline the Project unless the Applicants provide programmes and funding bonds to support promised initiatives. | Any initiatives underlying the Project are part of the commercial arrangement between Ngāti Whātua Ōrākei Whai Rawa Limited and Generus Living Group Limited. Those initiatives are outside of the scope of the assessment of effects of the Project under the FTAA. | |
| 23.5. | Relief sought: Seeks binding conditions to protect and formalise public pedestrian access through the Site from all streets that currently have this access. | <p>Refer to the response to comment #1.3. As confirmed in the Applicants' response to Minute 3 of the Expert Panel dated 13 March 2026, the reserve status of the existing walkways has been revoked subject to the granting of pedestrian right of way access (via an easement) from Te Arawa Street and Aotea Street to Takaparawhau.</p> <p>Access to Takaparawhau will be maintained from Aotea Street and access to Takaparawhau from Te Arawa Street will include a day-time connection to Rukutai Street (Condition 69).</p> | |
| 23.6. | Relief sought: Seeks an independent Coastal and Hazard Sea Level Rise Assessment covering the full 125 year life of the development. | With reference to the Auckland Council's GeoMaps in respect of coastal inundation, the Site is not identified as being affected by any of the projections for sea level rise. | |
| 23.7. | Relief sought: Seeks that a comprehensive stormwater management and coastal water quality assessment with ongoing monitoring conditions be required. | <p>Condition 28 of the updated Proposed Conditions of Consent dated 17 April 2026 requires the preparation and submission of a Stormwater Management Plan that complies with the Auckland Regionwide Stormwater Network Discharge Consent requirements.</p> <p>The quality of the stormwater discharges from the Site, with reference to the Infrastructure Report submitted as Attachment 7 to the substantive application, is managed by way of the buildings inert roof materials and stormwater treatment devices. Conditions 60 and 61 of the updated Proposed Conditions of Consent dated 17 April 2026 require the consent holder to design and construct stormwater reticulation in accordance with approved services plans, and Conditions 65 – 65A require the stormwater management devices to achieve the flood mitigation requirements set out in CLC's Infrastructure Report (Attachment 7 to the substantive application).</p> | |
| 23.8. | Relief sought: Seeks that a Construction Environment Management Plan with specific coastal management provisions be required. | <p>Construction related effects will be suitably managed by the Construction Management Plan, Earthworks Management Plan, and Chemical Treatment Management Plan, which are required by the updated Proposed Conditions of Consent dated 17 April 2026 to be finalised and submitted to Auckland Council for certification.</p> <p>Dedicated management provisions relating to coastal hazards are not required as the Site is not subject to any identified coastal hazards.</p> | |
| 23.9. | Relief sought: Considers that the substantive application should be updated to address PC120 and that the Applicants should be required to reapply when PC120 hearings and final | As confirmed in the Applicants' response to Minute 3, the Applicants' urban design, landscape visual and planning experts did not account for intensification that may be enabled under PC120 in their assessment of the Project. No further action is required. | |

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| | determinations have been achieved. | |
| 23.10. | Relief sought: Considers that infrastructure issues should be addressed. | Noted. The Applicants consider that infrastructure capacity has been adequately addressed in the substantive application materials, Attachment 3 to this table, and the updated Proposed Conditions of Consent dated 17 April 2026. |
| 23.11. | Relief sought: Considers that the Project should be assessed for protection of Bastion Point. | <p>An assessment of the effects of the Project on the amenity of "Bastion Point" (Takaparawhau) is contained in the UDLA, which concludes:</p> <p><i>The design of the Proposal has been carefully considered in respect of its immediate interface to the open space of Takaparawhau to the north and its established and evolving residential neighbourhood to the south. There are no infringements to the HiRB standard in respect of residential neighbours, with the building setbacks and stepped height of the development ensuring compliance. The north-south alignment of the buildings above the podium base, the building separation, and width of the building elements create openness, light, solar access and views/aspect through the Site, ameliorating potential adverse effects in respect of the scale of the development relative to the neighbourhood and neighbouring properties.</i></p> <p><i>The Proposal will form part of the urban backdrop to a part of the Waitematā Harbour but is well set back from the coastline and is not incongruous with the established and continually evolving built character of the landward urban backdrop.</i></p> <p><i>The Proposal will create a high-quality interface to Takaparawhau, with a variable and spacious built form when viewed from this important open space through the clear design approach of an articulated and activated building podium that steps down with the land, and separated and off-set podium top buildings, all incorporating a cohesive design narrative that responds to the Site's headland, coastal and cultural context.</i></p> <p><i>The Proposal will introduce large-scale, high intensity residential buildings onto the Site. This housing form is anticipated by the Site's predominant THAB zoning and is an effective and appropriate use of its location adjoining a major open space asset and close to a town centre.</i></p> <p><i>While a significant change to the existing environment, the distribution and placement of building bulk and form on the Site positively assists in integrating the Proposal into the neighbourhood.</i></p> |
| 23.12. | Relief sought: Considers a hearing and site visit would assist the Panel. | The Panel undertook a site visit on 27 February 2026 as recorded in Minute 3 of the Expert Panel. |