

Memorandum

To: Alex Mickleson – Environmental Protection Authority
 From: Alisa Neal and Hannah Pettengell – Barker & Associates Limited
 Date: 23 January 2026
 Re: Memorandum in response to Auckland Council Preliminary Information Request

Further to the preliminary information requests issued by Joe Wilson, Auckland Council Principal Project Lead, (full copies of information requested provided in **Attachment 1 of the response issued on 11/12/25**), we provide an update to confirm the matters that have been resolved, the matters that can be resolved subject to further assessment, and the matters that remain outstanding.

Table 1 provides a consolidated summary of the preliminary information requests that have been received, with response comments to provide the panel with an update following recent further engagement that has been undertaken between the Requiring Authority and Auckland Council.

Item	Preliminary information request matter	Requiring Authority Response	Status / agreed action	Updated Requiring Authority Response – 19/12/25	Updated Requiring Authority Response – 23/01/25
	Flooding – Effects and Downstream				
1	<p>Plan Change 120</p> <p>As discussed in the convenor meeting and confirmed in previous correspondence it is necessary for the assessment (notably Planning Report and appendix 3,4 and 19) to also consider the proposed provisions with immediate legal effect within PC120. An assessment against the provisions is considered critical to form comments on the application. There are potentially significantly implications for the proposed development as a result of PC120 particularly in relation to flood hazard management, development feasibility, and risk requirements. The timing of the release of PC120 is recognised but given the nature, scale, and location of the proposed development relative to existing flood hazards, the absence of consideration of PC120 as a proposed policy context represents a high-risk information gap.</p> <p>The Flood Management Plan has been reviewed by Healthy Waters. PC120 introduces specific performance criteria for safe egress. The Flood Management Plan includes an analysis of the proposed egress route and this should also be compared to the requirements of PC120.</p> <p>This information and consideration of this proposed policy context is required to enable Council and the Panel to assess the potential flood risk to people and property and to determine the appropriateness and feasibility of the proposed development under the planning framework inclusive of proposed provisions.</p>	<p>A revised risk assessment in alignment with the PC120 information requirements along with an updated Flood Management Plan is underway and can be provided once finalised. Following discussions, it is agreed between both parties that the overall conclusions regarding flood effects will have a high likelihood of remaining unchanged.</p>	<p>Outstanding but agreed way forward through provision of requested assessment.</p> <p>Council advised depending on timing, that they may still formally request this within their 22 January comments.</p>	<p>A PC 120 Planning Memo is provided as Attachment 1. The Infrastructure Report prepared by Holmes has been updated (refer to Attachment 2) to include a revised risk assessment in alignment with the PC 120 requirements and addresses the special information requirements in E36.9(2). Further, the Flood Management Plan has been updated to further refine the Evacuation Plan and evacuation pathway risk assessment (refer to Attachment 3). We confirm that risk to persons is appropriately managed as a safe and obstructed route can be provided from the building, in the event of a flood hazard. A copy of the further flooding assessment undertaken by ACH Consulting is included as Attachment 4. This concludes that the revised PC 120 provisions result in a decrease in downstream water surface elevation leading to a less conservative outcome compared to the existing flood model. Therefore, the existing flood model ensures that the proposed FFL is conservative and the PC 120 amendments will not negatively effect flood risk or water surface elevations on the site.</p>	-
2	<p>Mitigation of Build Over Risk</p> <p>The proposal clearly envisages and in the drafting of condition 6 and 7 provides for development over a critical stormwater asset, being a 1500mmØ concrete</p>	<p>It was discussed by both parties that the pipe cannot be re-routed. The project site does not have sufficient</p>	<p>Outstanding but agreed way forward through meeting to lock in a preferable pipe</p>	<p>A meeting was held with Council and Healthy Waters on Monday 15th December to discuss options for a preferred pipe solution. Following this</p>	<p>Further to the meeting held with Healthy Waters on 15th December, Holmes prepared a markup to the Stormwater Plan outlining a</p>

	<p>pipe that services a large upstream area within the Oratia Catchment. Concern regarding build over of this asset was raised by Healthy Waters and in correspondence as part of pre-application discussions and that under the Stormwater By-law 2015, Part 3, Clause 10 Council has identified it may refuse approval for the building structure to be built over this asset.</p> <p>The infrastructure design proposes to retain the 1500mmØ pipe unchanged and to construct the courthouse above it. The building's foundation piles are proposed to span over the pipe with a 5.0m clearance zone. Development over this extent of network presents serious challenges for the operation, maintenance, and long-term resilience of this key asset. This is not as has been stated a preferred approach for a pipe of this scale, and raises significant concerns regarding future access, maintenance risk, and structural vulnerability.</p> <p>On the basis of concerns regarding the ongoing operation and maintenance of the existing 1500mm and the proposed build-over of this asset it is again suggested to explore whether this pipe could be duplicated to introduce future resilience in terms of network conveyance (not flood conveyance). This matter has not been addressed within the application documents or explicitly provided for within the draft conditions.</p> <p>The applicant is therefore asked to consider how these matters could be addressed in the notice of requirement application. The Application does not provide comment or assess the ongoing operation and maintenance risk of building over the existing 1500mmØ stormwater pipe. Measures to improve resilience of this critical asset, such as duplication, have not been considered.</p> <p>An assessment of the ongoing operation and maintenance risks and possible mitigation or alternative solutions is needed to understand the potential adverse effects on the public stormwater network in this.</p>	<p>space to install a second pipe unless it was potentially installed directly next to the existing and a dispensation was provided for building near it which is not practical.</p> <p>The Requiring Authority are open to further discussions regarding an alternative option e.g. requiring (via designation condition) that the existing culvert be replaced to ensure a longer lifespan, to reduce the risk of a maintenance / replacement burden.</p> <p>Healthy Waters are agreeable to exploring an alternative solution to a second pipe, and are arranging a meeting this side of Christmas to discuss and resolve an agreed solution.</p> <p>Once a design solution/s are confirmed, this matter can be resolved subject to final condition wording.</p>	<p>solution / updated designation condition.</p>	<p>meeting, the applicant sent Council a high-level markup of the proposed solution which involves the replacement of part of the existing 1500mm diameter pipe that sits within the NoR boundaries with a new replacement pipe and install a new manhole at the downstream end of the pipe to ensure adequate maintenance access is provided at all times. A copy of the high-level markup is provided as Attachment 5.</p> <p>Condition 14 has been revised to require final details of the proposed stormwater infrastructure to be provided at OPW stage. Refer to the updated set of NoR conditions included as Attachment 6.</p>	<p>proposed solution to install a new new 1650mm internal diameter pipe within our site to replace the existing section of 1500mm diameter pipe that runs under the proposed building, as well as a new 3000mm SW manhole at the downstream end of the culvert. The plan was circulated to Council on 16th December 2025 and further comments were received on 19th December, requesting updates to the plan relating to hinged lids/safety grills and pipe diameter. An updated plan was submitted to Council on 21 January 2026 which addressed the matters raised. A copy of the updated plan is included as Attachment 1.1 and the email correspondence with Auckland Council is included as Attachment 1.2.</p>
<p>3</p>	<p>NoR Flooding Related Conditions</p> <p>As part of pre-application feedback, Healthy Waters previously provided suggested amendments and additions to the proposed NoR conditions. A select number of these amendments have been adopted into the set of conditions that has been put forward as part of the application. Further comment will be provided as part of our substantive comments, but we highlight the following matters for your consideration and response.</p> <ul style="list-style-type: none"> - Additional Condition X: Network Utilities Auckland Council's Healthy Waters and Flood Resilience Department will not require written consent under Section 176 of the RMA for any works within the designation. - The documentation contained with the Notice of Requirement and the proposed designation conditions is specific in respect to how the hazards will be conveyed across the site, the arrangement of the development to manage risk and the effects on the operation of the natural hazards including on the conveyance and levels of the hazard resulting in the surrounding environment. Whilst there is proposed conditions in respect to certain matters such as minimum floor level and a finalised FMP, their appears to be limited reference to how the assessment of any future detailed development under an OPW would 	<p>The Requiring Authority is agreeable to updating designation conditions that are strengthened in response to these points.</p>	<p>Satisfied subject to final condition wording.</p>	<p>The set of NoR conditions (included as Attachment 6) have been updated to include a new network utilities condition titled 'New Condition X: Network Utilities'.</p> <p>With regards to the second point, a new flood modelling condition is proposed to address the matters raised titled 'New Condition X: Flood Modelling'.</p>	<p>The proposed 'New Condition X: Flood Modelling' has been updated following additional assessment and modelling undertaken by ACH Consulting (included as Attachment 3). Refer to the updated NoR Condition set included as Attachment 6.</p>

	<p>have to accord with these arrangements or require assessment/approval in respect to a divergence from design that the NoR assessment of effects is based upon. Or alternatively how some of the key elements in terms of building footprint (impervious area), clearance for the convenience of hazards or key exist and egress points will be ensured as a consideration for those future OPW processes? Please review and consider how this is or could be provided for within the designation condition.</p>				
4	<p>Operation and maintenance of Flood Barrier (OLFP from Takapu Street)</p> <p>The design and ongoing operation and maintenance of the grill and space under the building, which is intended to accommodate the Overland Flow Path (OLFP) from Takapu Street, requires further clarification. The development is predicted to increase flood levels by 110 mm along the neighbouring church accessway, raising concern for potential further impacts in relation to failure of flood management procedural controls. Impacts on the neighbouring accessway could be exacerbated if the proposed barrier under the building is not raised prior to a significant flood event.</p> <p>Additional context is needed regarding the maintenance regime and failsafe operation of the barrier to ensure functionality during flood events. This includes confirmation that the barrier is hinged so that, under water pressure, it swings inward to allow water to flow.</p> <p>Standard procedures for a barrier that plays such a key role in flood mitigation we would expect to be similar to those used for floodgates or stop banks - i.e. scheduled inspections, operational testing, maintenance logs, and clearly assigned operation and maintenance responsibilities.</p>	<p>The Requiring Authority is agreeable to updating Flood Management plan and designation conditions that are strengthened in response to these points including a requirement for the barrier to be free swinging (subject to the final design being lockable outside of a flood event to prevent people from accessing the area) as well as maintenance and operational conditions.</p>	<p>Satisfied subject to final condition wording.</p>	<p>Condition 17 has been updated to clarify the flood barrier structure will be free-swinging. Refer to Attachment 6 for further details.</p> <p>The FEMP condition (Condition 16) requires details of activation and monitoring protocols, annual inspections, certification, reviews/updates and post-flood event recovery protocols which considered to encompass the necessary operation and maintenance procedures for the flood barrier.</p>	-
Engineering					
5	<p>Wastewater</p> <p>The development engineer has requested that you please provide the local wastewater calculations as there is downstream pipe capacity constraint. This is considered reasonable in the context of the wording of condition 12 and general accordance provision. Please review and consider how condition 12 would consider/ provide scope for assessment of any significant divergence if demand requirements from that envisaged in the NoR documentation.</p>	<p>Further correspondence confirmed that this matter (where relating to capacity) has previously been resolved. Requiring Authority is agreeable to considering strengthening condition 12 in response to the latter point</p>	<p>Satisfied subject to final condition wording for condition 12.</p>	<p>Condition 12 requires additional assessment to be provided in the event that the proposed wastewater demand is not in general accordance with the Infrastructure Report submitted with the NoR.</p> <p>No changes have been proposed to conditions.</p>	-
6	<p>Stormwater</p> <p>The indicative building footprint is approximately 3,337m², which is approximately 72% of the subject site, pipe capacity calculations for the stormwater network shall be undertaken to support this and demonstrate feasibility at NoR stage.</p> <p>Please provide an outline stormwater management plan in accordance with Schedule 4 Regionwide Discharge Consent.</p>	<p>Requiring Authority will be providing technical clarification by the 19th December 2025 and Auckland Council will intend on capturing a response to this within their response comments.</p>	<p>Satisfied subject to final condition wording.</p>	<p>Holmes have prepared a Stormwater Management Plan Memorandum to address these items which is included as Attachment 7. Condition 13 has been updated to require a final SMP prepared by a suitably qualified person to be submitted with the Outline Plan of Works for certification.</p>	-

	If consider that this detail can come forward and be subject to the scope of assessment under a proposed designation condition, please provide updated wording/explanation.	The Requiring Authority is agreeable to updating designation conditions to address these points.		Refer to the updated set of conditions included as Attachment 6.	
	Traffic				
7	<p>The Alderman</p> <p>The Alderman appears to be served from the right of way in respect to vehicle access to a loading area and accessible parking areas. Further information is requested in the form of detailed plans and commentary within the Transport Assessment and Urban Design Report regarding how access and appropriate vehicle manoeuvring arrangements to these services will be provided. Also noting that the proposal is indicative at this point confirmation of how the designation conditions will ensure that the final design will provide for this.</p>	<p>Vehicle tracking is able to be provided to demonstrate that the accessible spaces proposed as part of the substantive application can achieve onsite manoeuvring requirements without the need to reverse onto Alderman Drive, and that the spaces are not within the existing legal easement extent.</p> <p>It was confirmed that no changes to the existing legal arrangements are proposed as part of the designation, and that engagement with the Alderman outside of the Designation process would take place to explore options of assisting with improving the existing legal access that serves the Alderman.</p> <p>The Requiring Authority considers that a separate private agreement will be appropriate to address this and both parties agree that this matter can be addressed outside of the NoR process.</p>	<p>Outstanding but agreed way forward through provision of requested clarification.</p> <p>Further engagement regarding opportunities to improve access to Alderman compared to the existing legal arrangement to take place via private agreement.</p>	<p>Refer to the Tracking Diagrams provided as Attachment 8 which demonstrates that the accessible spaces indicated on the Landscape Plan have sufficient space to manoeuvre within the site and exit the site in a forward direction, and will not require reverse manoeuvring onto Alderman Drive.</p> <p>With regards to existing legal access arrangements to the Alderman Café, it is reiterated that no structures or buildings are proposed within the Right of Way easement and the Justice Facility enabled by the designation will not restrict the ability for the Alderman café to access the existing parking spaces that are serviced by the Right of Way. Remaining spaces within the Alderman Café site that are not serviced by the Right of Way are currently not legally accessible and this arrangement would be unchanged by the NoR.</p>	-
8	<p>Vehicle access and tracking</p> <p>Para 8.2.11.5 of the updated TA refers to vehicle tracking evidence to support the case for a vehicle crossing width of 7 metres or more (being in excess of the maximum 6 metre width permitted by the relevant AUP Transport Chapter), however no vehicle tracking has been provided. Please can this be provided accordingly along with as a key reference for this assessment and condition designation condition sough a non-compliance assessment alongside the relevant Unitary Plan Assessment criteria.</p> <p>While the TA does not include scaled access layout and vehicle tracking plans for the site, the Urban Design Report appendices (appendix 2) do include some 1:500 plans covering ground floor loading and servicing and a parking layout for level 1. However, these plans do not provide sufficient detail to confirm that the parking layout is compliant with Unitary Plan requirements, and the tracking</p>	<p>Refer to Attachment 2 which shows requested tracking.</p> <p>Given that the remaining requested clarification is more reflective of Outline Plan of Works detail, the Requiring Authority considers that conditions are more appropriate to require internal design to meet relevant vehicle tracking requirements</p>	Satisfied subject to final condition wording.	<p>Further tracking diagrams were provided to Council/EPA via email on 11/12/25. It is considered there are no fundamental issues with the indicative bulk and location layout provided, and it is not considered that any change to the NoR condition wording is necessary.</p>	-

	<p>outline for an 8-metre rigid truck on the Ground Floor indicates a swept vehicle path which appears to conflict with the location of the vehicle ramp and other internal site infrastructure.</p> <p>Please therefore provide enlarged scaled plans which show internal layouts, site infrastructure and tracking paths more clearly, to confirm that safe and complying layouts can be achieved within the site footprint or outline how designation conditions will be proposed to provide for assessment of these matters as part of any developed design.</p>	and is agreeable to the inclusion of these.			
9	<p>Accessible Parking</p> <p>Condition 21: The provision of accessible parking on Edmonton Road and Alderman Drive is not considered suitable as these are both arterial roads with a key movement function. All accessible parking should be provided on site and in accordance with the requirements of <i>NZS 4121:2001 Design for Access and Mobility – Buildings and Associated Facilities</i> it is our recommendation that condition should be amended to be clear of this expectation as a design consideration for the scheme.</p> <p><i>NZS 4121: 2001 sets out related standards and principles relevant to on-site parking provisions, such as proximity to building entrances and dedicated routes for accessible users</i></p>	The condition as proposed allows for an either / or, in the event that the road corridors are updated in future to provide for accessible parking spaces directly outside of the subject site. The condition can be strengthened if considered necessary.	Satisfied subject to final condition wording.	Condition 21 has been updated to clarify that in the event there is agreement to provide accessible parking spaces outside the designation site, this would be acceptable. Refer to Attachment 6 for further details.	-
10	<p>Auckland Transport have noted that they will provide more detailed comments as part of their review of the application documentation including on conditions. The following preliminary comments on conditions have been provided which I include for signposting but we suggest no action until transportation matters have been reviewed collectively.</p> <ul style="list-style-type: none"> • Condition 10: Construction Traffic Management Plan <p>AT recommends that the CTMP to be drafted in consultation with the road controlling authority. The condition should be amended to record this. In addition as noted in other items and correspondence the extent of this condition is recommended to include appropriate provisions regarding maintain access to Korean Presbyterian Church and Alderman Hospitality venue during construction phase.</p> <ul style="list-style-type: none"> • Condition 20: Provision for Cycle Parking <p>The Applicant's wording is consistent with AT's previous recommendation that cycle parking within the road reserve should only be considered where sufficient space is available and with approval from the road controlling authority. AT also recommends that this matter be addressed at the Outline Plan of Works stage rather than at the Building Consent Stage.</p> <ul style="list-style-type: none"> • Conditions 22-26 <p>AT recommends engagement with the road controlling authority when further assessment is undertaken by suitably qualified traffic engineer.</p> <ul style="list-style-type: none"> • Condition 27: Vehicle Crossing on Edmonton Road 	<p>The Requiring Authority is agreeable to the inclusion of strengthened conditions in principal subject to input into final wording, with the exception of the requested Condition 27.</p> <p>The Design Note requires that sightlines are provided that are much larger than RTS6 – see attached note in Attachment 3. The traffic engineer has highlighted that when a footpath is busy, the Note assumes people walk twice as fast 5km/h to 10km/h). The NZTA guide RTS 6 is considered to be appropriate and the Requiring Authority is agreeable to providing further traffic assessment to support this.</p> <p>We understand that Council are further considering the wording of Condition 27 and may have some further comment on this.</p>	<p>Satisfied subject to final condition wording with the exception of the recommended Condition 27</p> <p>Outstanding with respect to Condition 27.</p>	<p>Refer to the updated set of NoR conditions (included as Attachment 6) which address the following changes:</p> <ul style="list-style-type: none"> • Condition 10: Purpose statement has been updated to clarify that the existing legal access to surrounding properties is not obstructed. • Condition 20: Text updated to clarify the information would be provided at the time of Outline Plan of Works. • Conditions 22-26: The current wording requires certification from Council for any further assessment which is considered to capture Auckland Transport engagement. • A new condition has been added titled 'Damage to Assets'. <p>As per the previous response, no change to Condition 27 is proposed.</p>	-

	<p>AT has recently published a Practice Note on Vehicle Crossings Design Standards in AT's Transport Design Manual. For this reason, AT does not accept NZTA guide RTS 6 for assessing vehicle crossing visibility. It is recommended that the condition be updated to comply with the appropriate TDM standard on visibility.</p> <ul style="list-style-type: none"> • New condition: <p>A new condition is recommended to cover damage within the road corridor during construction directly caused by heavy vehicles:</p> <p>X. If any assets in the road corridor, including footpaths, berms, and kerbs, are damaged by heavy vehicles entering or leaving the construction site, the requiring authority must rectify such damage and restore the assets to its original condition (at its own costs) as soon as reasonably practicable or within a timeframe agreed with the road controlling authority."</p>				
	Noise and Lighting				
11	<p>Noise</p> <p>Please consider if it will be practicable to demolish paved surfaces and to carry out compaction works at this site and achieve compliance with AUP-OP E25 construction standards as assumed.</p>	The Requiring Authority is agreeable to providing the requested clarification.	Outstanding but agreed way forward through provision of requested assessment.	Refer to the Acoustic Memo included as Attachment 9. No changes or additional conditions are proposed or necessary.	-
12	<p>Noise</p> <p>Please comment and consider if it will be prudent to take a conservative approach, given the assessment is preliminary, to carry out building condition surveys at 22 Alderman Drive because the site is subject to a Historic Heritage and Special Character overlay. Please consider incorporation of this requirement within the proposed designation conditions.</p>	The Requiring Authority is agreeable to providing the requested clarification.	Outstanding but agreed way forward through provision of requested assessment.	Refer to the Acoustic Memo included as Attachment 9. No changes or additional conditions are proposed or necessary.	-
13	<p>Lighting</p> <p>The lighting specialist proposes a minor edit as follows to further ensure the lighting plan considers both on-site and cross boundary lighting levels:</p> <p>Condition 8: Lighting</p> <p>Prior to the installation of any external lighting, lighting plans prepared by a qualified Lighting Engineer shall be submitted to the Council that demonstrate compliance with the requirements of AS/NZS1158.3.1 and E24.6.1 of the AUP:OP. The lighting plans must detail the location, type and intensity of lighting external to the building, taking into account the operational requirements of the Justice Facility.</p>	The Requiring Authority is agreeable to updating designation conditions to address these points.	Satisfied subject to final condition wording.	The NoR condition set has been updated to capture this requested change, however, we note the Standard E24.6.1 have been specifically outlined in the condition, as opposed to reference to the AUP(OP) standard. Refer to the updated conditions included as Attachment 6.	-
	Urban Design and Interface with Falls Park and the Alderman				

14	<p>Please identify, describe and assess the infringements to the relevant zone standards for the Metropolitan Centre zoning within the indicative bulk and location study</p> <p>It is not clear to what degree the bulk and location massing infringes these standards. These should be shown clearly in drawings and assessment of proposed mitigation provided.</p> <p>It is recognised that this is not the finalised design but the proposed structure of the designation conditions would provide significant weight to this 'baseline' of the indicative bulk and location design (included in appendix 2 of the UDG) so it is therefore considered essential to consider this as appropriate at this time to describe the extent of these infringements, assessment of effects and mitigation.</p>	The Requiring Authority is agreeable to providing the requested clarification.	Outstanding but agreed way forward through provision of requested clarification.	<p>Architectus have updated the bulk and location study (included as Attachment 10) to clarify there is a small infringement to the 16.5m + 45° height in relation to boundary standard at the interface with the open space and business zoned portion of land within the site. The extent of infringement relates to the corner of the building which exceeds the recession plane by a maximum vertical height of approximately 2.3m over a horizontal length of 4.6m. We note the relevant matters of discretion and assessment criteria have been used to inform the UDG and the guidelines reflect a level of built form that carefully considers the interface with the adjacent falls hotel and mitigate any potential adverse visual dominance effects.</p>	-
15	<p>In respect to proposed condition 7 as discussed in pre-application discussions Council position is that the reference point of the bulk and location standards (which are not permitted standards) in the zone is unclear and given the significant difference between the height envisaged and these standards an inappropriate reference point. It is appreciated that there may be a difference of opinion on this matter.</p> <p>If proceeding with this wording it is unclear what process would be to assess any deviation from zone standards if strict compliance to a standard were to lead to unintended poor urban design outcomes. Please review and respond.</p>	Both Council and the Requiring Authority are agreeable to the intention of the condition framework, being that the Urban Design Guideline Framework (UDGF) sits in tandem with the bulk and location condition. Therefore, if the bulk and location condition is achieved, there will still be a requirement to demonstrate how the final design achieves consistency with the UDGF. The Design Guideline Framework is considered to supplement the B&L standards to ensure good urban design outcomes are achieved.	Satisfied subject to final condition wording.	<p>The NoR conditions have been updated to include an advice note that clarifies that the proposed building scheme submitted at OPW stage, must either be in general accordance with the lodged scheme, or where the proposal deviates from the scheme, compliance with the building height, height in relation to boundary and building setback standards in the underlying Business – Metropolitan Centre zone must be achieved. In both scenarios, a statement from a suitably qualified person must be submitted at OPW stage to demonstrate how the proposed scheme is consistent with the UDGF.</p> <p>Further, it is noted that where an alternative scheme is proposed at the time of OPW, the proposed urban design guideline framework is considered sufficient to manage building design outcomes, along with the requirement to comply with the building height and height in relation to boundary standards. Refer to the updated conditions set included as Attachment 6.</p>	-
16	In respect to condition 6 and 7 as drafted it is unclear if the appendix 2 drawings take precedence over UDGF, or vice versa (or how these conditions will interact). Preliminary design review has identified specific aspects of the site layout / bulk and location plans (appendix 2) that appear to lead to poor urban design outcomes. However, if the condition of general accordance with "including the building form, scale, height and layout, and general arrangement of landscaping and access" is followed, these would appear to largely accepted	Refer to above.	Satisfied subject to final condition wording.	As noted above, the conditions have been updated to clarify the information requirements and expectations at OPW stage. Refer to Attachment 6 for further details.	-

	<p>by compliance with the plans submitted. For example, assessment of UJGF providing “clear, intuitive, universal and safe” access” is fait accompli to drawings of appendix 2.</p> <p>Please review and consider how proposed condition 6 and 7 could cross reference each other in respect to the building design and landscaping. Please review and consider how these concerns can be addressed.</p>				
17	<p>The transport assessment states the footpath width is 1.5m.</p> <p>However, site measurements indicate this is lower, at 1.4 and 1.3m in places and it is noted that the drafting of condition 7 would provide an established status for these bulk and location drawings. No assessment of universal access via public footpath appears to have been provided.</p> <p>Please can further assessment/explanation of how universal design within access to / from courthouse be provided with consideration of the bulk and location drawings and/or the drafting of designation conditions. Key matters include allowing for two way movement of broad range of users, which 1.5m would not be able to accommodate. The Court is anticipated to be a busy environment for pedestrian movement given other transport mode constraints. The existing footpath is considered low quality and very narrow to service the civic function of this facility – especially where no berm separates the path from the road at the roundabout.</p>	<p>The Requiring Authority confirm that the traffic assessment concludes the wider Council footpath network as being acceptable to accommodate the needs of the activity enabled by the Designation, therefore, do not consider there is a need for further assessment/mitigation to require the existing footpath to be widened at OPW stage. However, the Requiring Authority agree that a widened footpath within the Council Road Reserve would result in an improved accessibility outcome compared to the existing situation.</p> <p>The Requiring Authority is agreeable to strengthening conditions requiring final design to consider universal access <u>within the subject site</u>, from the existing road network.</p>	<p>Outstanding but agreed way forward through provision of requested clarification and final condition wording.</p>	<p>No additional conditions are considered necessary noting the conclusions of the Traffic Assessment have not identified the need for further mitigation outside of the subject site (i.e. the current footpath is being assessed as being appropriate to mitigate potential traffic and pedestrian safety and efficiency effects).</p>	-
18	<p>Consideration of activities of the Alderman accessed from RoW:</p> <ul style="list-style-type: none"> - Please provide further information to confirm how the indicative design accords with the requirements of the Row easement. - Currently the manifestation/function of the easement on site appears to provide access to a service and loading area for the Alderman and two disabled car parking areas. Please provide the following in respect to this: <ul style="list-style-type: none"> o Identify these areas on the proposed plans to demonstrate that the design will maintain the functionality of the Alderman as it relies on the RoW easement. o Consider and confirm how the designation conditions will provide for this as a requirement of any finalised design under an OPW. o Identify how the notice of requirement, inclusive of designation conditions regarding construction can provide for the continued access to these areas or contingency plans for any disruption. o Provide clarification regarding the ongoing maintenance responsibilities for this area of the RoW. 	<p>Refer to above, the easement will remain unchanged as part of the Designation and therefore the easement provides the necessary ongoing legal requirements to ensure that the area is maintained for its legal purpose.</p> <p>The Requiring Authority is agreeable to providing a written response to this. This is a private legal matter.</p> <p>OPW will be required to demonstrate this along with compliance with conditions.</p>	<p>Satisfied subject to final review of information.</p> <p>Further engagement regarding opportunities to improve access to Alderman compared to the existing legal arrangement to take place via private agreement.</p>	<p>Refer to above response and tracking diagrams provided as Attachment 8. No further action required as part of the NoR.</p>	-

19	<p>Falls Park Interface – Car Parking Area</p> <p>An effect of the proposal is to leave parking spaces along the northern boundary of the site cut off from any access and with no clear purpose. In pre-application discussions with Parks and Community Facilities and with Urban Design colleagues it has been previously raised that proposals for this area should be considered as part of and to mitigate the effects of the development.</p> <p>Please provide further detail on the outcome and boundary interface with 22 Alderman at ground level with the interface with the leftover hardscape carparking that fall outside of the site is not described or assessed as part of Appendix 2 or UDFG with the exception of a 2m security fence being proposed. In responding to this please review and consider the previous advice provided on this matter from our PCF team and Urban Design specialist regarding this interface.</p>	<p>The Requiring Authority considers that this is not considered to be an RMA effect, the assessment provided confirms that this work is not necessary to mitigate effects therefore plans for the carparks are to remain a private matter to be addressed outside of OPW stage.</p> <p>It was agreed that further engagement and a potential Memorandum of Understanding would be progressed outside of this process.</p>	<p>Outstanding / still in discussion.</p> <p>Further engagement regarding opportunities to improve the boundary interface to take place via private agreement.</p>	<p>It is maintained that further planting in this location is not necessary to mitigate effects and will be undertaken through private agreement outside the NoR process.</p>	-
	<p>UDGF limitations</p> <p>The UDFG is considered to be limited in respect to some key site interfaces and outcomes; and BMZ provisions. It is considered that the UDFG and/or Appendix 2 need to take into account of the following and for this to be present in condition 6:</p> <ul style="list-style-type: none"> - Screening of carparking if provided at-grade (e.g. allowing for Condition 19) - Screening of carparking at upper levels to be integrated into building façade design - Screening / design integration of services and plant including rooftop plant / machine rooms - Consideration of the managing the impact of the proposed design on the setting and identified historic heritage values of the Falls Hotel. - Consideration for amenities of adjacent persons/occupiers, - Assessment of BMZ infringements as per the above item. 	<p>The Requiring Authority is agreeable to strengthening the UDFG and conditions in response to these comments.</p>	<p>Satisfied subject to final UDFG and condition wording review.</p>	<p>A response to the UD comments is provided as Attachment 11 and the proposed changes are reflected in the updated Urban Design Assessment included as Attachment 12.</p>	-
20	<p>Additional Urban Design Advice</p> <p>In pre-application discussions in August 2025 the following advice was provided by the Council Urban Design specialist for review and response in developing the substantive lodgement. Please can you consider this advice and respond to the critical points of advice (highlighted in yellow). It is noted that some of these matters are consistent, cross reference and assist with understanding of the matters raised above.</p>	<p>The Requiring Authority is agreeable to strengthening the UDFG and conditions in response to these comments.</p>	<p>Satisfied subject to final UDFG and condition wording review.</p>	<p>A response to the UD comments is provided as Attachment 11 and the proposed changes are reflected in the updated Urban Design Assessment included as Attachment 12.</p>	-

<ol style="list-style-type: none"> 1. The design principles for the Waitākere District Court follow clear and logical urban design principles. While positioned on the periphery of the urban centre of Henderson Metropolitan Centre, the site's location adjacent to surrounding landscape and the Waikumete stream supports the opportunity for the role of the court to follow the new model of court design tested in Whanganui and Tauranga. 2. The primary massing and programmatic move to wrap the building with operations and position the public side to the west provides connections and views to Waitākere and the Waikumete and Takapu streams, while also providing some protection from the busy Edmonton Road and Alderman Drive – which the Transport Report notes is “heavily trafficked, and site observations indicated that there are queues and vehicles evident at most times of the day”. From my site visit, the public footpath adjacent to this traffic feels quite harsh and unpleasant. 3. Development surrounding the site is constrained by overlays including significant ecological areas, permanent streams, historic heritage, and flooding limitations. This results in a building that will likely stand in isolation as a tall building and therefore all four facades will require appropriate design responses, with public visibility not only from the street but also the open space to the west and further north on Edmonton Road. I recommend a requirement to consider the building in the round is explicitly stated. 4. The DGF refers to iwi and hapū in the design of the façade and open spaces. While this is supported, it is recommended this invitation is extended to the whole building - including site layout, massing, and internal programming, to ensure relationships throughout the building for all users are mana-enhancing - with respect to the site's context and people – this should sit in addition as an overarching design principle. 5. Because there is no on-site carparking provided except two accessible carparks, most public users of the court will be pedestrians. Ensuring these are legible will be important. At this stage, it is unclear how the public entry vs the secure / jury entry will be distinguished, each offering a similar generosity and public forecourt. I note an earlier concept (page 22, diagram 1) showed a concept where the public and jury / secure entry were paired or accessed via a shared forecourt. However, I also understand the design requirement to separate entry for vulnerable persons. This is a matter that is difficult to provide for solely by condition – however, a condition could state that the hierarchy of entries relative to their publicness is adequately expressed. I agree pedestrian access should be prioritised to the south-west corner (toward the stream / direction of travel to /from the centre). 6. It is unclear how users of the accessible carparks will be able to safely and easily enter the court building, without having to return to the public footpath and re-enter the site from the accessible ramp. It is recommended this specifically provided for in the design or in conditions. 7. The existing footpaths adjacent to the site on Alderman and Edmonton are relatively narrow and in close proximity to the heavy traffic noted above. The landscape design and boundary treatment should look for opportunities for how these alignments might be adjusted during the work proposed, borrowing width from the site and creating a better public realm. 				
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	<p>8. It is unclear what the adjacent relationship to 22 Alderman Drive will become should the proposed development of the site remove the possibility of the carparks on this site from functioning. A 2m tall security fence is proposed to this boundary, with back-of-house services. I recommend fencing and screening is adequately designed where it may be visible from neighbouring sites such as 22 Alderman or from the public realm – especially where these adjacent sites contain SEO or Historic Heritage.</p> <p>9. Similarly, the vehicle access ramp and parking adjacent to the north-east boundary will require care to adequately screen and avoiding blank or utilitarian walls. I note the DGF recommends avoiding “large expanses of blank walls” – I would recommend this is not limited to ‘blank walls’ which assumes a surface with no openings – risking an open mesh structure or similar being provided to a carpark and not being included in this condition – which would otherwise be “dull, unengaging” in appearance. It may be specific design guidance is required for how the two lower levels where these are carparking and services (to the north and west) are to be managed – e.g. façade design of any services or carparking to be adequately articulated and integrated with the overall building façade.</p> <p>10. Overall, I support the use of a podium that is architecturally distinguished in mass and form from the upper levels, to provide a human scale to the building, as well as opportunities to better relate to the lower scale historic heritage of the Falls Hotel.</p> <p>11. The top-most parts of the building are understood to contain judges’ chambers and above this, building plant / lift overrun. In general plant will require screening or façade design that is either recessive and / or integrates with the building design overall. This will be especially important for lift overrun or plant above the public portion of the building, which will potentially be unable to be set back from the western edge.</p>				
21	<p>Landscape</p> <p>We await the comments of the Council arborist on the proposed tree works. It is however noted that the proposal does not in respect to potential replacement planting mitigation identified appear to secure this in the documentation and NoR conditions. The proposal seeks absolute confirmation of removal of two existing trees but does not to seek the absolute confirmation or guarantee of a level of replacement planting. Please consider how this could be addressed in the designation conditions inclusive of the advice provided under matter 2 of the Parks and Community Facilities pre-application advice of the 7th August 2025.</p>	<p>The Requiring Authority consider that Condition 7 is appropriate in its current form and do not consider further detail regarding a confirmed level of replacement planting is necessary to ensure that potential significant adverse effects are mitigated.</p>	<p>Outstanding.</p>	<p>The Arborist technical assessment has identified opportunities for future planting to provide improved amenity to provide softening of the visual bulk of the building. It is considered that Condition 7 enables appropriate provision of landscaping at the time of OPW and specific species/locations are not considered necessary to mitigate effects.</p>	<p>Additional feedback from Council’s arborist was received on 19th December 2025 with respect to preferred tree planting:</p> <p><i>“In the next planting season (May – September) immediately after the removal of the two notable Kauri trees, the property owner shall have four specimen trees planted in appropriate permeable areas adjacent to the road boundaries to include two Kauri (Agathis australis) and two Tulip trees (Liriodendron tulipifera). These trees shall be size pb95 and a minimum height of 1.8m at the time of planting and shall be retained and replaced as necessary, should they fail to establish”.</i></p> <p>In response to this item, the Requiring Authority retains the position that Condition 7 enables appropriate provision of planting at</p>

					the time of OPW and the indicative locations for new trees on the Landscape Plan demonstrates how planting can be provided adjacent to the road boundaries. No further update to the Arborist Assessment has been provided as part of this response.
22	<p>Parks and Community Facilities Advice.</p> <p>As noted above Councils PCF team issued a letter of advice dated the 7th August 2025. Many of the matters raised in this letter have been identified and incorporated into the matters raised above, however please review and provide a response to matters 3,4 and 6 within that letter and how these have been responded to, can be provided for in the designation conditions</p> <p>Matter 3 – Committed fence design along northern boundary.</p> <p>Matter 4 – Provision of means of access for maintenance of these areas.</p> <p>Matter 6 – Design of rear façade of the building / interface with building.</p>	<p>As above, matters relating to potential works within Councils Park are not necessary to mitigate effects of the Designation and will be progressed outside of the Designation process.</p> <p>The Requiring Authority accepts that a level of permeability will be required for fencing.</p> <p>With regards to these matters, this is addressed in the UDFG currently, and will be detailed at OPW stage.</p>	Satisfied subject to final UDFG and condition wording review.	The UDFG ensures appropriate consideration and articulation of the rear building façade, and will manage building design outcomes. No changes to conditions are considered necessary.	-
	Other Matters				
23	<p>Hours of Operation</p> <p>The planning report makes reference to operational noise effects of the court being managed through hours of operation being limited to daytime. No such condition is present in the proposed conditions which condition 5 not providing for this. Compliance with operational noise standards of E25 should not be considered to address amenity effects of the operation of an activity. Please review and revert on this matter.</p>	The Requiring Authority can provide further clarification on hours of operation.	Satisfied subject to final condition wording.	We confirm that the Justice Facility is a daytime facility only and will not operate as an overnight facility. There will be some activities (administration, staff, cleaning, security etc..) that will occur outside standard daytime operating hours.	-
24	<p>Shading Effects</p> <p>In respect to adjacent residential properties please provide shading diagrams with assessment to support proposed indicative baseline assessment relying on appendix 2 and identify how amenity considerations of adjacent occupiers will be taken into account in the scope of the designation conditions and future outline plan of works.</p>	Shading diagrams are currently being prepared and will be submitted alongside an assessment in response to this point.	Outstanding but agreed way forward through provision of requested diagrams.	<p>Architectus have prepared shading diagrams to demonstrate the shading cast from the concept building design provided in the lodged NoR package, as well as comparative shading studies to demonstrate the potential shading cast from a future building that complies with the building height, height in relation to boundary and building setback standards provided for in the underlying zone. A copy of the shading diagrams is included as Attachment 13.</p> <p>It is evident from the shading studies provided that any shading effects will be less than minor, and the future building form enabled by the designation (in accordance with the parameters of the conditions) will</p>	-

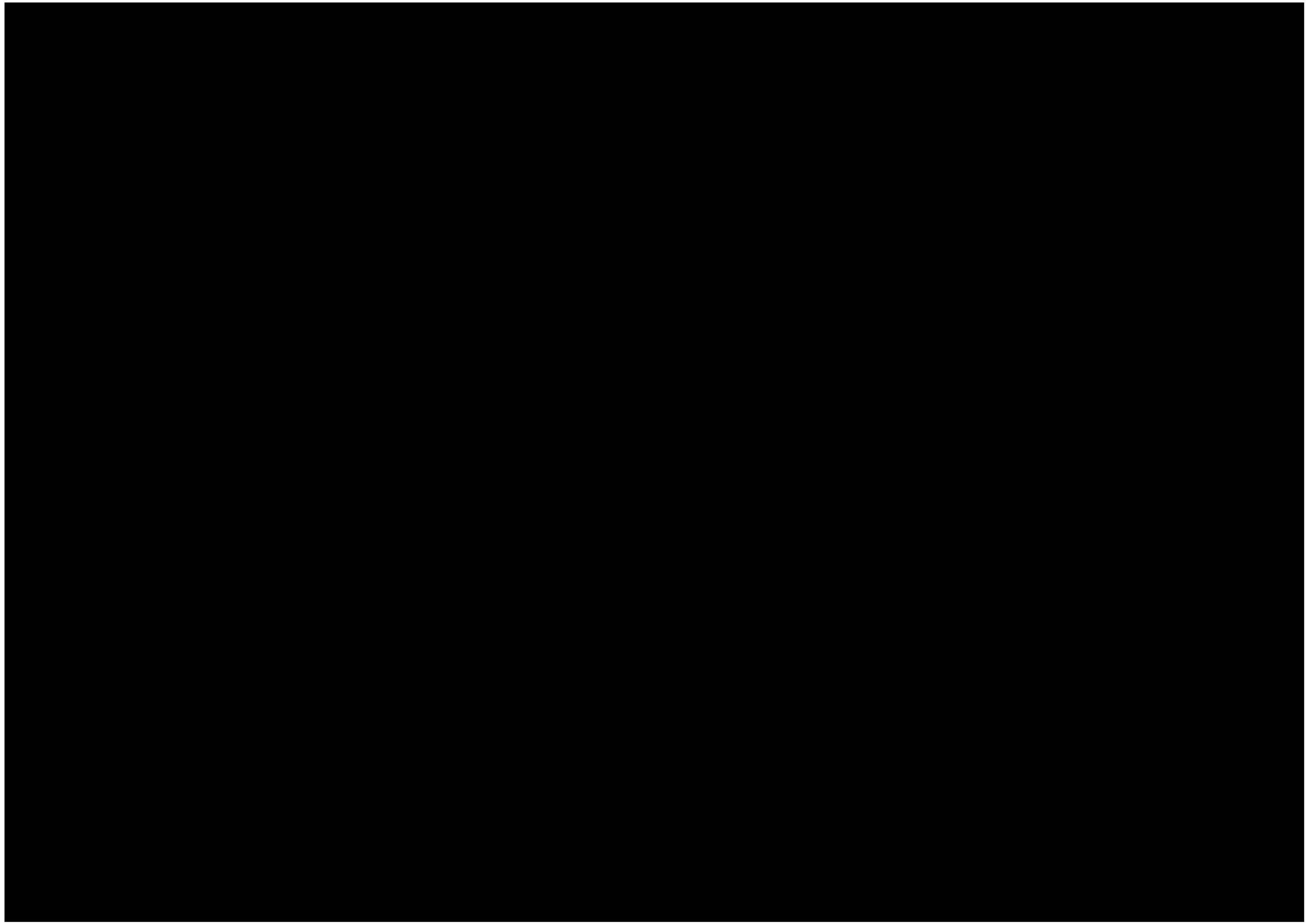
				ensure adequate sunlight is maintained for persons and occupiers at adjacent properties.	
25	Existing Courthouse Please provide comment on any reliance the Council or Panel can place on the effect of the proposed designation if approved being that the existing courthouse would cease to operate. If consider there is a position that can be relied on in respect to this and any effects assessment please explain this and the control/certainty that the designation will provide in respect to this matter.	We can formally confirm that the courthouse will be a replacement of the existing one, so once in operation, the other will cease to operate.	Satisfied.		-
	Economics				
26	A systematic weighing up of the incremental benefits and costs of the Proposed Development. A formal Cost-Benefit Analysis would be the appropriate methodology to address this gap. It is not clear from the economic evidence provided that the Proposed Development represents a net welfare improving development (benefits exceeding costs). The economic evidence submitted to-date is merely descriptive of estimated gross activity generated from construction rather than demonstrating the value of the project and allocation for societal resources to support the Proposed Development. CBA is an appropriate framework to assist the Panel in determining whether the Proposed Development is net welfare enhancing (benefits > costs) or not. An understanding of the net present value of the Proposed Development can also assist in understanding the significance of the project.	The Requiring Authority (via comment from Economist) is not agreeable that a CBA is necessary. The Requiring Authority is agreeable to providing further clarification to support the reasoning that the Economic Impact Assessment provided is an appropriate method to support the conclusions relating to economic benefits and significance.	Outstanding.	No further information is provided at this stage.	Whilst no formal comments have been received since the previous response, further economic assessment is provided in Attachment 7 following a request from the Panel.

Attachment 1.1

Updated Stormwater Plan



Urban & Environmental



Attachment 1.2

Council Correspondence

B&A

Urban & Environmental

From: [Joe Wilson](#)
To: [Hannah Pettengell](#); [Mark Iszard](#)
Cc: [Alisa Neal](#); [Jo Hart](#); [Hillary Johnston](#)
Subject: RE: Waitākere Courthouse - FTAA-2508-1096

Hi Hannah

Thanks for providing this plan and the response/further consideration on this matter. Mark and his colleagues in HW have been discussing this further and I pass on the following feedback.

- *HWFR can accept this build over given there are limited other practical options to relocate this pipe around and away from the building.*
- *This is on the basis of the proposed replacement pipe details set out in the plan (subject to detailed design) and this plan /proposals being updated to provide for the following:*
 - *Replace the existing SMH on the Boundary with Edmonton Rd with a larger diameter SWMH to give access to this upper part of the SW pipe as well*
 - *Both new SWMHs shall be fitted with hinged lids and due to the location of them in a significant OLFP, safety grills shall be installed inside the SWMHs as well.*

Are you able to review and provide an updated plan if agree, so these key principles can be captured at this point (noting detail will be subject to separate regulatory processes)

In relation to the 5m clearance zone, HW have noted agreement to this but have suggested that it would be worth your engineers exploring whether it would be structurally suitable/acceptable to offset this exclusion zone to give more space on one side of the pipe for any future trenchless pipe install that may be required. [@Mark Iszard](#) add anything if you think I have missed on that.

Thanks

Joe

Joe Wilson | Principal Project Lead
Planning & Resource Consents Department | Premium Unit
Mobile: 027 2161439
135 Albert Street, Auckland Central

Please note that I work from the Albert Street office Monday and Thursday, Albany office on Friday, and either from home

or the office Tuesday and Wednesday. I am contactable by phone or email. Many thanks.

From: Hannah Pettengell <HannahP@barker.co.nz>
Sent: Tuesday, 16 December 2025 2:07 pm
To: Joe Wilson <joe.wilson@aucklandcouncil.govt.nz>
Cc: Alisa Neal <AlisaN@barker.co.nz>; Jo Hart <Jo.Hart@aucklandcouncil.govt.nz>
Subject: FW: Waitākere Courthouse - FTAA-2508-1096

Hi Joe,

Thanks again for arranging the catch up with Healthy Waters yesterday – this was a productive session.

As discussed, we have prepared the attached markup which outlines our proposed solution to install a new 1650mm internal diameter pipe within our site to replace the existing section of 1500mm diameter pipe that runs under the proposed building. We are also proposing to install a new 3000mm SW manhole at the downstream end of the culvert and there will be ample lay down space for contractors to use and access for maintenance purposes as required.

In regards the pipe lining options, Healthy Waters mentioned that a spiral wound liner could be used, however, Holmes have informed us that this method is limited to a maximum 1200mm diameter which would not work for the proposed pipe size, and instead a CIPP (cured-in place pipe) scenario would be the best practicable method. The proposed lay down area is indicated in green on the attached plan, which will provide adequate space for this work to occur.

It would be great if you could forward this plan to Healthy Waters for review, and if there is comfort to move forward, we will proceed with the necessary updates to the plan and NoR condition.

Feel free to get in touch if you have any queries.

Thanks,
Hannah

Ngā mihi | Kind regards,

HANNAH PETTENGELL
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barker.co.nz 



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