

**BEFORE THE FAST-TRACK APPROVALS
EXPERT PANEL**

FTAA-2512-1158

UNDER the Fast-track Approvals Act 2024 ("**FTAA**")

AND

IN THE MATTER of an application for approvals by Precinct Properties New Zealand Limited ("**Precinct**") in relation to the proposed Downtown Carpark Site Development ("**Application**")

MEMORANDUM OF COUNSEL

29 JUNE 2026



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MAY IT PLEASE THE PANEL:

1. This memorandum is filed on behalf of Precinct in relation to the Application.
2. On 12 June 2026, the Expert Panel issued Request for Information 3 ("**RFI 3**") in relation to the Application.
3. RFI 3 is addressed to Millennium & Copthorne Hotels New Zealand Limited ("**MCK**"), Body Corporate 199380 ("**The Sebel**"), Auckland Transport ("**AT**"), and Precinct (together, the "**Parties**"). RFI 3 requests that the Parties provide additional information on construction noise and vibration management, land stability at the boundary of the application site with the M Social Hotel, and construction traffic management.
4. Precinct's response to RFI 3 is attached to this memorandum and includes:
 - (a) **Attachment One:** Precinct's proposed condition set showing updates as a result of further engagement with the Parties;¹
 - (b) **Attachment Two:** A collated joint statement showing outstanding issues regarding the proposed consent conditions between Precinct and each of the other Parties ("**Joint Statement**"); and
 - (c) **Attachment Three:** A response to Auckland Council's condition set provided in response to the Panel's Request for Information 2.²

Process

5. Precinct has continued its ongoing engagement with the other Parties since it provided its response to invited comments under section 55 of the FTAA on 22 May 2026. The purpose of this engagement has been to narrow the outstanding issues and, following the relevant RFIs, enable Precinct to report back to the Panel on the progress that has been made in this respect.
6. Precinct has prepared the Joint Statement in response to RFI 3 in a way that reflects its understanding of the request with a view to assisting the Panel with its decision-making as best as possible. To produce the Joint Statement, Precinct circulated an updated condition set to the other Parties which showed

¹ This condition set can also be provided as a Word document if that would assist the Panel.

² After receiving Auckland Council's response to Request for Information 2, Precinct asked the Panel if it would be assisted by a response from Precinct. The Panel confirmed that Precinct could respond to Auckland Council's comments on the conditions as part of its response to RFI 3.

changes it proposed following recent engagement, alongside a template table for the other Parties to input outstanding issues that had not been resolved through the amendments proposed by Precinct.

7. The other Parties then provided their tables back to Precinct, at which point Precinct compiled the responses into one table for the Panel's ease. Where the Parties' proposed amendments to proposed conditions are acceptable to Precinct, these have been reflected in the updated condition set provided at **Attachment One** and removed from the Joint Statement. Where the Parties' proposed amendments are not acceptable, Precinct has included responses as to why the outstanding amendments sought had not been accepted into its updated draft condition set.
8. Additionally, and at the request of the Parties, Precinct has included outstanding issues that are "out of scope" of RFI 3 in **Appendix Two** to **Attachment Two**. These are outstanding matters which have been raised with Precinct regarding the draft conditions through the engagement process to respond to RFI 3, but which fall outside the scope of the matters the Panel asked for additional information on in RFI3. Precinct strictly could have opposed the provision of this additional information, which was not requested by the Panel, but has provided these "out of scope" responses now in the interests of full transparency.
9. In respect of the consent conditions filed by MCK, Precinct wishes to clarify that it is not necessarily opposed to the amendments shown in green. These are matters which are between MCK and Precinct. Precinct has made it clear to MCK that it is very happy to separately engage with MCK on those issues with a view to entering into a side agreement. However, Precinct opposes the imposition of these matters (which are essentially contractual between MCK and Precinct) as consent conditions that would be enforceable by Auckland Council as consent authority. Precinct does not consider it would be appropriate for the Panel to impose these requirements as consent conditions in any event.
10. Once the draft Joint Statement had been compiled, Precinct sought a suspension of the processing of the Application to enable time for the final draft of the Joint Statement to be reviewed by each of the Parties and for them to provide any further amendments to their comments. Precinct received comments from MCK and AT, and those comments have been reflected in the Joint Statement as attached to this memorandum. It is noted that in their responses to Precinct the Parties wished to comment on the comments made by other Parties, however this has not been possible in the time available, nor

is this process (as Precinct understands it) required or intended by RFI 3 (or the FTAA itself).

Conclusion

11. In summary, counsel respectfully submit Precinct's **attached** response is an accurate reflection of the outstanding issues between Precinct and the Parties on the matters within the scope of the Panel's RFI 3 and is the result of Precinct's best endeavours to genuinely engage with all Parties under the FTAA regime. With the receipt of Precinct's response to RFI 3, Precinct formally requests the Panel resumes its processing of the Application as of 11:59 pm 26 June 2026.

DATED: 29 June 2026



Simon Pilkinton | Lydia McLeay
Counsel for Precinct Properties New Zealand Limited