

BEFORE THE EXPERT PANEL

UNDER

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

AND

IN THE MATTER

of an application for approvals by Westhaven Residential Limited Partnership ("**Applicant**") in relation to the proposed urban development at 188 Beaumont Street, Auckland ("**Application**")

**MEMORANDUM OF COUNSEL ON BEHALF OF
WESTHAVEN RESIDENTIAL LIMITED PARTNERSHIP**

13 AUGUST 2026

**Russell
McVeagh**

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MAY IT PLEASE THE PANEL:

Introduction

1. This memorandum of counsel is filed in response to the Panel's request in Minute 4 (dated 4 August 2026) for the Applicant to advise whether it:
 - (a) has concerns with the Panel exercising its discretion to accept the six additional late comments received by the Applicant on 4 August 2026¹ ("**Six Late Comments**") in addition to the two late comments the Panel already accepted;² and
 - (b) objects to the Panel accepting any further late comments (from parties who are not included in Minute 3),³ if any are received prior to 13 August 2026.
2. The Applicant appreciates the opportunity to comment on these matters, and its response is set out below.

Six Late Comments

3. The Six Late Comments were received from residents of the 30 Madden Street apartment complex. 30 Madden Street residents are not parties the Panel is required to invite for comment under section 53(2) of the FTAA; they were invited to comment at the Panel's discretion under section 53(3) of the FTAA. Out of the Six Late Comments, only one commenter provided an explanation for the late filing, citing confusion around timeframes following the release of Minute 3.⁴
4. Minute 2 was clear that residents of 30 Madden Street were to provide comments by 28 July 2026. Minute 3 only provided additional time to comment for those parties who, due to administrative reasons, did not receive an invitation on 29 June 2026.⁵ The Applicant considers the Minutes were clear and cannot see how there would be any confusion around the applicable timeframes. This is reinforced by other residents of 30 Madden Street who

¹ Received from Helen MacDonald and David Bassett (dated 1 August 2026), Philip Chappman (dated 1 August 2026), Jane McDougall (dated 2 August 2026), Peter Gordon (dated 3 August 2026), David Vial and Richard Reid (not dated), and Peter Jacobs (dated 31 July 2026).

² Received from Richard Greissman and Rob and Robyn Pryor.

³ Being relevant iwi authorities, any relevant Treaty settlement entities, approval specific parties and any persons or groups specified by the Minister under s 27(3)(b)(iii).

⁴ Received from Peter Gordon.

⁵ Being relevant iwi authorities, any relevant Treaty settlement entities, approval specific parties and any persons or groups specified by the Minister under s 27(3)(b)(iii).

filed comments on the Application on time. There does not appear to be any reason as to why any residents of 30 Madden Street, who wished to provide comment, could not have done so on time.

5. The FTAA provides a 20 working day timeframe for invited parties to comment on an application,⁶ while the Applicant is only afforded 5 working days to respond.⁷ Despite this tight timeframe, the Applicant worked diligently to meet its statutory requirements and filed a comprehensive response within the prescribed timeframe.
6. While the Applicant does not consider there are sufficient reasons for the parties filing their comments late, the Applicant will abide the Panel's decision to accept the Six Late Comments given these comments were received prior to the Applicant providing its response on 4 August 2026 and do not appear to raise new material issues that would prejudice the Applicant.

Any further late comments that may be received

7. The Applicant's initial view (subject to receiving any further late comments and considering the nature of them) is that the Panel should not exercise its discretion to accept any further late comments received after 4 August 2026 from parties who are not included in Minute 3.
8. This is because:
 - (a) As noted at paragraph 5 above, the FTAA process provides invited parties with 20 working days to comment on the Application. Should the Panel continue to accept new comments that arrive up until 13 August 2026 from parties who were invited on time, those commenters would have 32 working days to comment (which is a significant extension of the statutory timeframe).
 - (b) The FTAA process is also set up in a way that requires comments from invited parties to be submitted *before* the Applicant responds. Given the Applicant has now responded to the comments received on or around 28 July 2026, and that response is publicly available on the fast-track website, parties who provide late comments after 4 August 2026 will have the opportunity to review the Applicant's response and can comment on it.

⁶ FTAA, section 54(1).

⁷ FTAA, section 55(2).

- (c) While the Applicant acknowledges that parties in Minute 3 will be able to review the Applicant's response to comments, it does not consider the same potential for prejudice arises if, for example, there are further late comments from residents of 30 Madden Street given the Applicant's response to initial comments was largely directed to urban design and planning matters raised by 30 Madden Street commenters. Allowing further comments from those residents (if any are received) at this late stage would effectively provide an opportunity for the residents to prepare rebuttal submissions in response to the Applicant's position.

Conclusion

9. If the Panel exercises its discretion to accept the Six Late Comments (and any further late comments received prior to 13 August 2026), the Applicant will abide by that decision and consider its response to them in accordance with any directions from the Panel.

DATED: 13 August 2026



Lauren Rapley | Alice Gilbert

Counsel for Westhaven Residential Limited Partnership