

BEFORE THE EXPERT CONSENTING PANEL

IN THE MATTER

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

AND

IN THE MATTER

of an application for approvals by Beachlands South Limited Partnership ("**Applicant**") to develop a comprehensively planned community at 110 Jack Lachlan Drive, and 620, 712, 758 and 770 Whitford-Maraetai Road, Beachlands ("**Project**")

MEMORANDUM OF COUNSEL FOR THE APPLICANT

24 SEPTEMBER 2026

**Russell
McAeagh**

D J Minhinnick | K L Gunnell
P +64 9 367 8000
F +64 9 367 8163
PO Box 8
DX CX10085
Auckland

**SIMPSON
GRIERSON**

Bill Loutit / Jade Magrath

T: +64-9-358 2222

bill.loutit@simpsongrierson.com

jade.magrath@simpsongrierson.com

Private Bag 92518 Auckland

MAY IT PLEASE THE PANEL:

Introduction

1. This memorandum is prepared on behalf of the Applicant in response to the Panel's request at the Project Overview Conference on 21 September 2026 for a summary of the key departures from the I458 Beachlands South Precinct ("**Precinct**") provisions. There are three key departures from the Precinct provisions:
 - (a) building height;
 - (b) transport staging; and
 - (c) Ecological Protected Area Network ("**EPAN**") extent and location.
2. In our submission, the Project is consistent with the outcomes intended by the Plan Change and the non-compliances are largely technical in nature. As is common with major projects, departures from Precinct provisions arise as the design evolves and matters are able to be refined through the detailed design process. The Precinct and AUP provisions contemplate departures by providing for resource consent to be sought, and the Applicant is seeking the necessary approvals as part of this application.
3. A description of the departures and the reason for them is provided below.

Building height

4. The Project includes several buildings that depart from the height standard in the Precinct provisions for a variety of urban design reasons (the location of key buildings (Landmark Tower (C1-A), Marina Point (MP1-A) and the Hotel) are shown on the map attached at **Appendix A**).

Landmark Tower

5. The Landmark Tower in sub-precinct D – Coastal, at 12 storeys, will exceed the maximum permitted building height of 11m in the Mixed Housing Urban ("**MHU**") zone.¹ It is a highly site-specific and design-led response to an exceptional part of the site, intended to operate as a singular landmark element within the wider masterplan.² The urban design approach to this building is discussed in further detail in the Urban Design Assessment.³

¹ This equates to an overall height of approximately 42m. Urban Design Assessment, p 50.

² Urban Design Assessment, p 50.

³ Urban Design Assessment, p 50.

Marina Point sub-precinct

6. There is one over-height building proposed in the north-west corner of Marina Point, located in the MHU zone which has a maximum permitted height of 11m. The urban design assessment considers this exceedance is appropriate given the building is located at the part of Marina Point closest to the Pine Harbour Ferry terminal, at a location that is visually prominent and strategically important in legibility terms.⁴ It effectively marks the northern gateway to the precinct and sits only about 70m beyond the Terraced Housing and Apartment Building Zone ("**THAB**") edge.⁵
7. There are also apartment buildings in sub-precinct A – Marina Point along the Fairway linear reserve, which are proposed to exceed the maximum permitted building height of 16m in the THAB zone, with an overall height of approximately 21.8m (an exceedance of approximately 5.8m).⁶ The Fairway is the principal north–south open-space spine through Marina Point, linking the Pine Harbour Ferry terminal with the Village Centre.⁷ It is therefore entirely appropriate that the most intensive residential built form within the Precinct is concentrated along this corridor.⁸ This built form is also consistent with the 22m permitted heights proposed for the THAB generally through Plan Change 120 (albeit not in relation to this site).

Other height exceedances

8. The other exceedances of the Precinct height standards within the Project are:
 - (a) Six apartment buildings in sub-precinct D – Coastal are proposed to exceed the maximum permitted building height of 16m in the THAB zone, and two buildings are proposed to exceed the Mixed-Use zone height limit of 16m, each with an overall height of approximately 21.8m (an exceedance of approximately 5.8m).⁹
 - (b) Apartment Buildings B and C within the VC3 lot are proposed to exceed the maximum permitted building height of 18m, with overall heights of approximately 20.8m and 21.2m respectively (exceedances of 2.8m and 3.2m respectively).¹⁰

⁴ Urban Design Assessment, p 38.

⁵ Urban Design Assessment, p 38.

⁶ Urban Design Assessment, p 36.

⁷ Urban Design Assessment, p 36.

⁸ Urban Design Assessment, p 36.

⁹ Urban Design Assessment, p 51.

¹⁰ AEE at p 79 and Precinct, Standard I458.6.1(1).

- (c) Apartment Building RS1 in the VC1 lot and Apartment Building C in the VC4 lot are proposed to exceed the maximum permitted building height of 24m in the Height Variation Control, with overall heights of approximately 26.1m and 25.3m respectively (exceedances of 2.1m and 1.3m respectively).¹¹
 - (d) The hotel in sub-precinct C – Community is proposed to exceed the maximum permitted building height of 16m, with an overall height of approximately 22.7m (an exceedance of 6.7m).¹²
 - (e) A building within superlot CM3 in sub-precinct C – Community is proposed to exceed the Mixed-Use zone height limit of 16m, with an overall height of approximately 22m (an exceedance of approximately 6m).¹³
9. The additional heights proposed are a deliberate design response that enables a materially superior urban outcome, supporting intensity where it is most appropriate while maintaining high levels of amenity and spatial openness.¹⁴ Mr Ray considers the departures from the building height standards are justified in urban design terms and, in several instances, enable a better outcome than strict compliance with the permitted height limits would achieve.¹⁵

Transport staging

10. The Project includes amendments to the transport staging framework set out in the Precinct provisions as follows:¹⁶
- (a) The Precinct provisions require that prior to the occupation of up to 500 dwellings, the upgrade of Jack Lachlan Drive must be completed to provide two-way cycling facilities along the full length of one side of the road and a footpath on the northern side.¹⁷ The Applicant proposes that 68 dwellings will be occupied prior to the full Jack Lachlan Drive upgrade being completed.¹⁸ This departure responds to construction staging and the large scale of the development.¹⁹

¹¹ AEE at p 79 and Precinct, Standard I458.6.1(3).

¹² AEE at p 34 and AUP at I458.6.17.

¹³ Urban Design Assessment, pp 46-47.

¹⁴ Urban Design Assessment, p 36.

¹⁵ Urban Design Assessment, pp 38 and 53.

¹⁶ These are addressed in detail in the ITA at p 120 and in the AEE at pp 55-59.

¹⁷ AUP at Standard I458.6.3 and Table I458.6.3.1 Row (a).

¹⁸ AEE, p 79.

¹⁹ AEE, pp 39 and 79.

- (b) The Precinct provisions require the upgrade of the Trig Road (south) / Whitford-Maraetai Road intersection once 850 dwellings are constructed.²⁰ The Applicant does not consider this upgrade necessary based on validation testing undertaken since PC88, having regard to the updated development mix, revised trip generation assumptions, revised externalisation assumptions, and the low turning demand at the existing priority-controlled intersection.²¹
- (c) The Precinct provisions require the Whitford Bypass to be constructed once 1900 dwellings are constructed.²² The Applicant does not propose construction of the Whitford Bypass because the PC88 modelling identified southbound traffic volumes of around 1,600vph, with 1,700vph representing the upper range of the development scenarios assessed.²³ Updated modelling shows the Project remains broadly consistent with the 1,600vph benchmark and below the 1,700vph upper threshold. As a result, the Project will not generate materially greater external traffic effects than those assessed through PC88 and does not require the Whitford Bypass upgrade.²⁴
- (d) The Precinct provisions require provision of a total capacity of at least 1,150 ferry passengers from Pine Harbour during the two-hour morning peak period (6:20am – 8:20am on weekdays) once 1900 dwellings are constructed.²⁵ The Applicant has not yet demonstrated that 1,150 passengers can be accommodated at the time of consent, however, proposes a condition of consent that requires the adequacy of the ferry provision beyond 1,900 dwellings to be assessed, with potential options for further increasing capacity to be discussed with Auckland Transport at that time.²⁶

11. As explained at the Project Overview Conference, the Applicant has engaged with Auckland Transport in relation to these changes, and Auckland Transport is comfortable with what has been proposed.

²⁰ Precinct, Table I458.6.3.1 Row (c).
²¹ AEE, p 56.
²² Precinct, Table I458.6.3.1 Row (e).
²³ AEE, p 56.
²⁴ AEE, p 56.
²⁵ Precinct, at Table I458.6.3.
²⁶ AEE, p 103.

EPAN scale and location

12. The EPAN network is included in the Precinct plan. The Project includes the removal of approximately 1.89 ha of vegetation within the EPAN (approximately 2.5% of the total EPAN extent), comprising 0.018 ha of indigenous kanuka scrub vegetation and 1.87 ha of exotic-dominated scrub and grassland.²⁷ To address the effects of this removal, the Project incorporates approximately 2.60 ha of additional restoration planting adjoining the existing EPAN network, resulting in a net increase in EPAN coverage.²⁸
13. Earthworks are also proposed within the EPAN between sub-precincts A and C for slip remediation purposes, and the subdivision scheme plans do not yet include the full suite of information required by Standard I458.6.6(3).

Other minor non-compliances

14. In addition to the three key departures described above, the Project involves several other minor non-compliances with the Precinct provisions and underlying Auckland Unitary Plan standards as follows:
 - (a) Large Lot zone (sub-precinct D – Coastal): some proposed vacant lots have a net site area below the 1,000m² minimum required by Standard I458.6.12(1), with corresponding increases in building coverage (50% versus the 35% limit) and impervious area (65% versus the 50% limit).
 - (b) Medium Density Residential Standards: various buildings depart from one or more of the MDRS built form standards under I458.6.17(2), including height in relation to boundary, yards, building coverage, outdoor living space, outlook space, windows to street, and landscaped area. These are addressed as restricted discretionary activities, supported by the urban design assessment.
 - (c) Dwellings per site: more than three dwellings per site are proposed on some sites (apartment buildings), departing from the permitted standard in I458.6.17(1). This is anticipated by the Precinct's activity table and provided for as a restricted discretionary activity.
 - (d) Site access: not all lots adjoining arterial roads or planned cycle paths achieve rear access as required by Standard I458.6.16, with some driveways provided directly over planned cycleways.

²⁷ AEE, p 41.

²⁸ AEE, p 41.

- (e) Road design: the Jack Lachlan Drive road reserve width is proposed at 20.7m, 2.3m below the 23m minimum in Appendix 1, and the northern footpath is omitted due to topographic constraints. Additionally, an indicative collector road in sub-precinct D has been designed as a local road without cycle provision.
- (f) Sustainability: Regarding the assessment criteria in I458.8.2(1)(c) and I458.8.2(5)(j), the application proposes a Building Sustainability Statement be produced at building consent stage rather than any precommitment to a certification measure such as Homestar or NABERS ratings, which are: subject to change; require detailed design for individual buildings; and rely on a third party (non-council) controlled certification process. The Building Sustainability Statement will address matters such as energy efficiency, thermal comfort, ventilation, water efficiency and building orientation measures.²⁹

Conclusion

- 15. The departures from the Precinct provisions are each supported by sound planning, design, transport and ecological rationale. The building height departures are a deliberate design response that enables a materially superior urban outcome. The transport staging departures are justified by updated modelling confirming that the Project remains within the traffic effects envelope established through PC88, and by proposed consent conditions to manage ferry capacity beyond the 1,900 dwelling threshold. The EPAN departure involves the removal of a small proportion of predominantly exotic vegetation, offset by a net increase in EPAN coverage through additional restoration planting.

DATED: 24 September 2026



D J Minhinnick | W S Loutit
Counsel for Beachlands South Limited Partnership

²⁹ AEE, p 98.

APPENDIX A - MAP

KEY BUILDINGS WITH HEIGHT DEPARTURES



HOTEL



MP1-A



C1-A