

29 January 2026

Environmental Protection Authority

Attn: Alex Mickelson

Via email: [REDACTED]

Dear Alex,

Waitākere District Court – New Courthouse Project – Response to Written Comments

The following letter addresses the comments made in respect to the application for a Notice of Requirement relating to the Waitākere District Court – New Courthouse Project. The Applicant welcomes the comments received and appreciates the time and effort parties have taken to provide comments on the Notice of Requirement application.

The attached response table summarises the key points raised and any relief sought within the comments together with the Applicant's response to the comments. The Applicant appreciates the opportunity to provide a response to these comments for the Panel's consideration.

Further to the response to Minute 2 provided to the Panel on 23/01/2026, it is noted that this response includes reference to an "alternative indicative plan set" that was developed as part of the Applicant's progression of the design to improve the post-development flood conditions and investigate alternative configurations that could be progressed through an outline plan of works in compliance with the proposed NoR conditions. Both plan sets have been included in the Architectural Drawing Package and referenced in the latest Condition set for completeness.

To support this response, the following attachments are provided:

- Attachment 1 – Economic Memorandum
- Attachment 2 – Updated NoR Conditions Set
- Attachment 3 – Infrastructure Report and Civil Plans
- Attachment 4 – Flooding Peer Review Memorandum
- Attachment 5 – Urban Design Assessment
- Attachment 6 – Response to Auckland Council Condition Table
- Attachment 7 – Flood Emergency Management Plan.
- Attachment 8 – Transport Memorandum
- Attachment 9 – Arboricultural Memorandum

Yours sincerely | Nā māua noa, nā

Barker & Associates Limited



Alisa Neal

Senior Associate



Waitākere District Court – New Courthouse Project Comments

Stakeholder	Summary of Position	Response – 29/1/2026
Minister for Infrastructure – Hon Chris Bishop	<p>Support application - Infrastructure is important for growth and prosperity. Our view is our planning system has not been enabling of growth, hence the establishment of the FTAA.</p> <p>I wish to take this opportunity to express my broad support for projects which deliver positive outcomes for New Zealand, including the Waitākere District - New Courthouse project. Please take this letter of support as a reflection of the Government's economic growth and infrastructure priorities.</p>	No action required.
Minister for Maori Crown Relations, Minister for Maori Development - Hon Tama Potaka	<p>Support application subject to reasonable consideration of any comments received from relevant Māori Groups</p> <p>Request that Panel give regard to statutory acknowledgement provided for in Te Kawerau a Maki Settlement Act.</p>	The Requiring Authority has undertaken on-going engagement with Te Kawerau a Maki prior to and throughout the Fast Track process. The substantive application includes a detailed summary of engagement undertaken to date. This engagement will continue for the different stages of the Project.
Minister for Economic Growth – Hon Nicola Willis	<p>Support application given the direct and indirect/induced economic impacts on GDP, including improved regional justice infrastructure capacity and improved justice system efficiency and reduced operational cost.</p> <p>States that while there is a contribution to GDP and employment during construction phase, the number of employment opportunities available after construction is completed is unclear.</p>	Refer to the Economic Memorandum included as Attachment 1 which provides response to the query relating to employment after completion of construction.

<p>Minister of Corrections – Hon Mark Mitchell</p>	<p>Overall support, but the following key points are noted:</p> <ul style="list-style-type: none"> • Safety: Ensure appropriate controls are in place for managing interactions between those attending court and those reporting to/engaging with Corrections services. • Operations: Request clarification whether the proposed Courthouse will have police cells or related custodial infrastructure. • Request to see final design plans for the Courthouse • Welcome on-going engagement as details develop to ensure operational considerations are identified and addressed. 	<p>It is confirmed that the facility is a daytime facility only and no overnight holding facilities will be provided for. With regards to safety and operational requirements, indicative layout has been informed by discussions with Police and Department of Corrections. The Urban Design Guideline Framework includes a robust set of guidelines to manage the circulation / egress routes of all visitors to the Courthouse, including secure access for judicial, staff and vulnerable persons. Condition 6 requires the final building design to demonstrate how the outcomes required by the Urban Design Guideline Framework have been met.</p> <p>Ongoing engagement has been undertaken with both Police and Corrections, including on 7 November 2025 with Police to discuss the custodial layout, and on 18 November 2025 to discuss the project generally. Engagement will continue as the project progresses.</p>
<p>The Alderman (adjoining occupier)</p>	<p>Concerns relating to project construction and future court operation, including:</p> <ul style="list-style-type: none"> • Operating a venue with no carparks (in discussion with Auckland Council about provision of alternative nearby parking) 	<p>The substantive application has assessed potential effects resulting from the construction and operation of the court operation. Conditions are proposed to ensure that the final design and construction methodology appropriately considers and mitigates potential impacts on all adjoining properties.</p> <p>With regards to the loss in carparks, we highlight that the existing Alderman carparking spaces that will not be accessible, are not currently provided with legal access. The Notice of Requirement seeks to retain all existing legal access arrangements provided for by the existing Right of Way, including throughout the construction phase. The provision of additional carparks for use by</p>

	<ul style="list-style-type: none"> • Level of noise and vibrations during operating hours due to nature of build site and location. Café and evening events may be impacted • Construction hoarding and general works may be a nuisance and make Alderman Café building less visible from Alderman Drive and Edmonton Road, impacting on business. Will need adequate signage (way finding and directional) to show café is open and direct to alternative parking • Increase in heavy vehicle traffic and traffic management during construction and impact on safe access for suppliers and staff. <p>Query on how the Court building will enhance and interact with the current environment and if any trees and green space are removed, what will be the replacement.</p>	<p>the Alderman Café is otherwise considered to be a private matter between Auckland Council and the Alderman Café site occupier.</p> <p>Condition 2 (construction noise), condition 3 (construction vibration), condition 4 (construction noise and vibration management plan), condition 5 (operational noise), condition 10 (construction traffic management plan) and condition 11 (construction management plan) all require a robust set of controls to manage construction and operation noise and vibration, including construction traffic management. In our view, the proposed management framework is considered to represent the best practicable option for enabling construction of the project while avoiding adverse traffic effects and protecting people from the unreasonable emission of noise.</p> <p>With regards to way finding signage and directional signage in the event that the Alderman café building is blocked from view, it is noted that Condition 4(2)(e) requires written communication to occupants of immediately neighbouring buildings prior to the commencement of construction activities. This communication would enable further consideration of the placement of signage to show the café is open.</p> <p>The urban design assessment includes an Urban Design Guideline Framework with specific consideration and provision to require future development to appropriately enhance with and interact with the current environment, including through building design, massing, form, building façade and site layout,</p>
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	<p>Operational phase queries:</p> <ul style="list-style-type: none"> • What measures will be put in place to ensure that visitors can visit safely. • What will the MoJ implement to ensure the area around the Court remains a safe environment for the community <ul style="list-style-type: none"> • Where will people park and what measures will be put in place to cope with the increased traffic (pedestrian and vehicle) 	<p>landscape and open space. Conditions are in place, specifically condition 6, to require the design of the Justice Facility to demonstrate how the Urban Design Guidelines Framework has been addressed.</p> <p>The urban design assessment and Urban Design Guideline Framework details the necessary design considerations required to ensure safe access for visitors. The main/public pedestrian entrance is located off Alderman Drive. A secondary pedestrian entrance is located around the corner on Edmonton Road. The building is set back from the Alderman Drive boundary to provide a forecourt/gathering space for visitors before entering the building. A canopy signals the entrance and provides shelter from the elements. Separate, secure witness entrance and bail egress are located on the Edmonton Road side.</p> <p>The proposal retains the existing legal vehicle access from Alderman Drive. A drop-off/pick-up area on Alderman Drive is desirable. Entry/exit points to the car park (on the first floor) for judges and staff and for custodial vehicles to the sallyport (on ground floor) are located on the north-eastern end of the Edmonton Road frontage. Two vehicle crossings on Edmonton Road are required to service the Justice Facility and are approximately in the same location as the current vehicle crossing to the car park. No public parking is provided for on site. A robust assessment of traffic and pedestrian effects is provided in Section 7.0 of the Transport Assessment. In particular, it is noted that the traffic generated from a Justice Facility can be</p>
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	<ul style="list-style-type: none"> • What measures will be put in place to ensure that the area behind the court building and adjacent to turnaround will not turn into an area for loitering, graffiti and a rubbish dumping area • Will there be planting and landscaping to enhance the area 	<p>accommodated within the existing transport network, and the construction of any new vehicle crossings to service the activities would maintain the safe and efficient operation of the wider transport network. Conditions are proposed on the designation to manage access and manoeuvring associated with Justice Facility, relating to vehicle crossing widths, separation distances from adjacent crossings, queuing space requirements, which are considered appropriate measures to maintain safe sightlines and manage effects of future redevelopment of the site.</p> <p>2m high security fencing is proposed around the perimeter of the site. The Urban Design Guideline framework includes crime prevention through environmental design outcomes. These guidelines contain a suite of design principles relating to access control, surveillance of public and private spaces and circulation routes. The design of the Justice Facility will be required to demonstrate how these design principles have been achieved.</p> <p>Yes planting and landscaping is proposed in accordance with the landscape design outcomes within the Urban Design Guideline Framework. Key considerations include the provision for permeable and non-permeable spaces, including plant selection, lighting, fencing, in general accordance with the Landscape Plan, prepared by Architectus dated June 2025. The Landscape Plan has been designed to respond to the surrounding context and achieve a well-considered street interface, that enhances landscape amenity and assists in softening-built form.</p> <p>No gated obstruction to the ROW area is proposed, public accessible parking spaces will be provided and will</p>
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	<ul style="list-style-type: none"> Is it possible to have the access way gated with swipe card access? 	utilise the ROW for access, therefore, it is not considered feasible to have the rear accessway gated.
Watercare	Watercare confirms that as of today's date there is sufficient capacity in the water supply and wastewater networks to accommodate the demand proposed by the New Courthouse Project. Works Over Approval and water supply firefighting requirements should be applied for and confirmed at the Engineering Plan Approval stage.	Noted. No action required.
Auckland Council		
General matters	<p>Para 7(c) The following updated plan was received on 21st January in response to correspondence regarding drainage and utility services and stormwater infrastructure:</p> <p><i>Proposed Drainage and Utility Services Layout Plan, drawing C40-02 Rev C, prepared by Holmes NZ LP, dated 30/04/2025</i></p> <p>This additional information is to be provided to the panel with a schedule identifying lodgement documents superseded.</p>	It is confirmed that this plan is included in the latest civil engineering plans. The NOR conditions have been updated to reflect all latest plans and reports.
Strategic planning documents	<p>B2 urban growth and form and B10 environmental risk - Detailed consideration and assessment is needed as how that scheme presents, and the specific consideration of this site and development in terms of natural hazard risk as clear considerations of the objectives of chapter B2.</p> <p>Natural hazards found at the site present significant considerations in respect to the proposed use for this site which is subject to review in the memorandum aided by the assessments of Healthy Waters and the Development Engineer.</p>	This comment is acknowledged. It is noted that an assessment of these policies was undertaken as part of the original substantive application report. The supporting Flood Assessment has been updated in response to queries raised through ongoing engagement with Healthy Waters and Auckland Council. The updated modelling and assessment (Attachment 3) concludes that overall, the proposed Courthouse has been designed to enhance climate change adaptation and resilience by mitigating flood and natural hazard

		<p>risks while ensuring downstream properties remain unaffected.</p> <p>This assessment has been peer reviewed by Mr Wadan of Flowstate Consulting (Attachment 4), where it is concluded that overall the proposal does not introduce any new or unmanageable hazard risk.</p> <p>Based on the updated assessment and conclusions of Holmes and Flowstate consulting, in our opinion the proposal is consistent with the policies set out in B2 and B10.</p>
<p>Zoning and PC120 commentary</p>	<p>Commentary on zoning and applicability of PC120, hazard risk classification.</p> <p>Para 59. This approach to classification relying on site specific assessment is preferred and whilst very helpful the information in figure 4 has some deficiencies in respect to being fully utilised for the purposes of applying PC120 flood hazard risk classifications including:</p> <p>a. Is not clear if it is applying classifications on the basis of velocity only (this is what is utilised in the key of the drawing) rather than the need under classification risk to look at depth and the calculated product of depth x velocity to establish risk level.</p> <p>b. Does not clearly delineate which areas of the site in the post development scenario are subject to which hazard classification.</p> <p>c. Notes for two specific points (a and b on the plan) the classification risk but notes this as medium-to-high for</p>	<p>Noted. We are in agreement with Auckland Councils summary.</p> <p>Refer to Attachment 4 which includes updated classification risk plans based on both depth x velocity criteria and delineate the areas of the site in a post development scenario which are subject to hazard classifications in accordance with PC120 definitions.</p>

one point and not clear if the velocity categorisation used is applying the product of depth and velocity. These two measurement points are important in respect to the egress and evacuation of the building, however understanding how other entrances and parts of the building and development (for instance parking areas, service area, entrances) interact with the hazard risk classification is needed.

Para 67 – clarification on definitions and activity being ‘potentially sensitive to natural hazards’ subject to the activity not being used overnight.

Para 70 – Suggest a hazard classification map is produced for the site based on modelling and the PC120 categories of flood hazard risk (based on depth and product of velocity and depth). The development must demonstrate that a tolerable level of risk has been established by providing both safe refuge and egress; and minimising other risks.

It is confirmed that the facility is not proposed to be used overnight. Under the PC120 definitions, Community Facilities are defined as activities ‘potentially sensitive to natural hazards’. This definition has been adopted for the purposes of assessing and classifying the proposal against PC120 requirements.

The assessment by Holmes in **Attachment 3** provides a robust hazard risk assessment in accordance with the PC120 special information requirements. This has been independently reviewed by Flowstate Consulting in **Attachment 4** where it is concluded that *“flood risk can be managed through the shelter and place approach as documented in the Flood Emergency Management Plan...balancing the operational needs of the courthouse with the management of downstream flood risk rendering the effects manageable and the proposal suitable for approval”*.

Relying on the updated assessment and independent review, it is our opinion that the development demonstrates that a tolerable level of risk has been

		established by providing both safe refuge and egress; and minimising other risks.
Earthwork and geotechnical	Overall, and subject to our recommended changes and additions to designation conditions we are confident that works, undertaken under the designation if confirmed, can be suitably managed as the site in respect to earthworks and potential stability effects. Separate and further comment is provided later in this report regarding potential flooding effects and the management of these connected to earthworks, noting the hazards that are present and convey over the site.	Noted. A response to Council’s recommended updates to conditions is provided as Attachment 6 . In the most part, these have been accepted, however, where not agreed, the rationale has been provided. The full set of updated NoR conditions is included as Attachment 2 .
Construction and Operational Noise and Vibration Effects	<p>The Council planning team have highlighted to the applicant representatives that the NoR and proposed conditions do not provide for specific opening hours to align with the assessment provided. No condition exists to provide for this and in the event of the operation being extended into times outside the applicants basis of the technical assessment there may be a lack of clarity in respect to this being in breach of the proposed designation. It is our position as set out in section C of this report that a condition should be offered or imposed by the Panel specifying hours of operation of the Justice Facility activity or providing a process for these to be confirmed and approved.</p> <p>Adverse noise and vibration effects can be appropriately addressed through the offered conditions, subject to a change to provide for the hours of operation of the activities to align with the basis of the applicants technical assessments or provide a mechanism in the condition for these to be proposed, assessed and approved.</p>	Refer to the response to Council’s recommended updates to conditions included as Attachment 6 . In particular, it is our opinion that a condition is not necessary to mitigate operational effects and that the existing conditions are suitable to manage operational noise and vibration.

Lighting	<p>Minor additions are proposed to condition 8 as outlined in section C. This is to capture additional key relevant limbs of the permitted activity standard in terms of potential cross boundary effects. Subject to the minor additions to condition 8 it is considered that the NoR will address and manage potential lighting effects.</p>	<p>A response to Council’s recommended updates to conditions is provided as Attachment 6.</p>
Water supply and wastewater effects	<p>Paragraph 103: Broad agreement that site can be suitably serviced but notes the following:</p> <ul style="list-style-type: none"> • (a) the offered condition 12 subject to an amendment to be clear that the term ‘where not in general accordance’ relates to not just a divergence of the infrastructure plans but also any significant divergence from the envisaged demand and discharge based on a finalised design. • (b) an understanding and recognition (particularly in the context of a 10 year lapse date) that this is an area where capacity is closely monitored and may change and that approvals outside of the scope of the FTAA decision will be required to demonstrate that there is sufficient capacity at that point. <p>(c) update the civil engineering plan (services) to reflect the Takapu Street wastewater upgrade or recognition that this will need to be addressed at a later regulatory engineering approval stage.</p>	<p>A response to Council’s recommended updates to conditions is provided as Attachment 6.</p> <p>The infrastructure report included in Attachment 3, has been updated to address item c.</p>
Stormwater infrastructure effects	<p>(Paragraph 109): Matters have been addressed as part of robust consultation, where two outstanding points have been addressed:</p> <ul style="list-style-type: none"> • (a) an additional manhole at the southern side of the building. • (b) fitting of a hinged of a hinged manhole lid and safety grills to the two proposed manholes. 	<p>The infrastructure report included in Attachment 3, has been updated to include the latest stormwater plans which now include these outstanding points.</p>

	(Paragraph 110) Overall, it is considered that the NoR inclusive of conditions provides a suitable framework to suitably manage and mitigate potential from the management and discharge of stormwater and direct effects on stormwater infrastructure at the site.	
Natural Hazards (Flooding and OLFP) / PC120	<p>Request update to ‘new modelling condition’.</p> <p>Our position is that sites not subject to this level of hazard and potential length of inundation would be preferable for the operation of a Courthouse. In accordance with previous comment in this letter we consider it ideal if an updated classification map in accordance with PC120 flood hazard risk classification is provided and understood prior to a decision and this is noted for the Panel to consider as a request to the applicant.</p> <p>Subject to that and without prejudice to the assessment we consider that in respect to the framework as set out to assess effects and notably the design decisions and arrangements the applicant is committing to within the management plan (which may impact on this operation) it may be possible to manage flooding effects and risk to a tolerable level. This position is not that there are no risks or adverse effects for the Panel to consider.</p>	<p>An updated classification map in accordance with the Plan Change 120 flood hazard risk classification is provided as Attachment 4. The site-specific modelling confirms that presence of areas classified as ‘high’ and ‘very high’ in accordance with the Plan Change 120 definitions.</p> <p>A peer review statement has been prepared by Flowstate to assess the updated modelling in the context of Plan Change 120, which is included as Attachment 4. Their memorandum confirms that the updated flood modelling is still deemed acceptable/within tolerance, given the mitigation measures proposed (i.e. building elevation, engineered conveyance and operational controls outlined within the Flood Emergency Management Plan) and the recommended minimum FFL of 8.58m RL. These matters are captured in the proposed set of NoR conditions which will ensure effects and risks to persons and property is managed. Overall, the memorandum concludes the Justice Facility enabled by the designation will not introduce any new or unmanageable risks, and the effects are manageable.</p> <p>An updated Flood Emergency Management Plan to reflect the above is included in Attachment 7.</p>
Transport effects	<u>Site Access and Onsite Arrangements</u>	A response to the transport related matters is provided in the Transport Memorandum prepared by

Paragraph 125: As an outcome of our review, we consider there are some matters that require clarification and strengthening to ensure potential safety and network effects are addressed. This is outlined in Section C of the report.

- (a) A condition regarding there being only one access to be provided along the Alderman Road frontage and this is the use of the existing crossing serving the RoW (similar to condition 24(b)).
- (b) Condition 24(b) lacks clarity in respect to which part of the site frontage this applies to.

Paragraph 128: Vehicle Crossing Width

Council’s Traffic Engineer does not consider that sufficient justification or evidence has been provided to support this as a default position for Condition 26 with 7m allowance for vehicle crossings.

Paragraph 129: Internal Tracking Diagrams

Concerns for conflicts with internal manoeuvring standards under E27 – unclear how compliance would be achieved.

Paragraph 132: Recommended condition to clarify the finalised design/width of access to determine this is appropriate.

Operation of Rear Access and Right of Way – Effects on Adjacent Areas

Carriageway Consulting Limited, which is included as **Attachment 8**.

In response to right of way items raised in paragraphs 139-142, updated tracking diagrams and a preliminary response are provided in the Transport Memorandum included as **Attachment 8**. The current right of way easement extends to the edge of the two existing accessible parking spaces and as demonstrated by tracking diagrams provided in Figures 4 and 5 of the Transport Memorandum, it is evident that the existing lawful arrangement would not allow for a 6.4m wide truck to manoeuvre within the right of way extent. As noted in previous responses, no changes, buildings or structures are proposed to the right of way, and the development enabled by the designation will not restrict the current function. As such, the NoR application will not change the current lawful arrangement on site, and any discussions about servicing provision for the Alderman would need to be discussed as a private matter outside the Fast Track process. In this regard, it is not considered necessary to have a condition on the NoR that requires the finalised design to demonstrate that use of the right of way will be restricted, as the information provided to date confirms that the activities enabled by the NoR will not obstruct or restrict the current existing legal arrangement.

Further, the proposed NoR condition set has been updated to capture the recommended amendments sought in paragraph 125 (b), which is included as **Attachment 2**. A copy of the Applicant’s response to

<p>Paragraph 139: New condition recommended to ensure finalised design provide the necessary manoeuvring and depth to not restrict use of the ROW easement.</p> <p>Paragraph 142: One matter however that we do consider should be an additional consideration for the finalised design of the proposal under the designation conditions would be providing suitable maintenance access to this area unless it is demonstrated that this can be achieved via other means. This is detailed within section C.</p> <p><u>Construction Traffic Effects</u></p> <p>Paragraph 143: Further changes requested to Construction Traffic condition (10).</p> <p><u>Strategic – Transportation and Parking Effects</u></p> <p>No concerns from a strategic level -</p> <p><i>From a transport perspective, I do not have any high-level concerns about the alignment of the Project with the planning framework in the Auckland Unitary Plan (Operative in part) (AUP(OP)). Most of the Project site is zoned Business – Metropolitan Centre, with a small portion of the site zone Open Space – Informal Recreation Zone. The Justice Facility is a permitted activity within the Business – Metropolitan Zone and trip generation thresholds under Chapter E27 Transport (E27) of the AUP(OP) are not applicable to this zone. Furthermore, the Project is consistent with the outcomes anticipated for this zone.</i></p>	<p>Council’s recommended condition updates is included as Attachment 6.</p>
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In evaluation of the proposal and with consideration of the above specialist advice we raise no concerns in respect to the alignment of the proposed activity at this location with transportation objectives, nor the potential parking effects.

Conclusion (para 147 to 150):

I am unable to support the NoR to enable the proposed new courthouse, on the basis of insufficient evidence having been provided to demonstrate that acceptable access arrangements can be maintained, to serve accessible car parking and fulfil servicing functions for The Alderman Hospitality venue. I consider that the footprint of the new courthouse building, as currently proposed, results in a fundamental constraint towards allowing sufficient manoeuvring space to be accommodated. This could result in adverse safety outcomes, including reverse manoeuvres taking place onto Alderman Drive.

In respect to the concerns regarding the Alderman hospitality venue operation, the indicative shows the clear provision of the RoW for its current function. As outlined in our above assessment whilst it would certainly be advantageous to have tracking diagrams (scalable and for full range of potential vehicles) for the Alderman Hospitality Venue relying on the RoW legal access, these have not been provided for the reasons stated by the applicants representatives. Critically we do consider that there are sufficient grounds to say that the NoR concept plan in showing the RoW clear of buildings, showing additional land within the site to provide a wider accessway that the RoW, and showing buildings

	<p>and structures limited to areas where no apparent legal right of access exists is creating an adverse effect.</p> <p>In our opinion valid concerns and potential safety effects have been identified, we consider that these can be resolved via minor additions and amendments to the proposed designation condition set as set out in section C. Most notably this includes an additional condition regarding the internal vehicular areas demonstrating through scaled drawings and tracking diagrams that adequate manoeuvring to provide for safety on the site and forward gear exit can be provided.</p> <p>At this point this point, provided the recommended conditions are imposed it is considered that residual traffic impacts can be addressed.</p>	
<p>Arboricultural and Landscaping</p>	<p>The Heritage Arborist’s reluctant conclusion is that removal of the two notable trees could be supported due the various specific constraints on the site and requirements of the proposed activity. This is subject to specific conditions including specific replacement tree planting in addition to the finalised landscaping design. These suggested replacement trees have been identified to the applicant representatives which is as follows:</p> <p><i>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>Refer to the Arboricultural Memorandum in Attachment 9. Relying on the Arboricultural advice, in our opinion the latest conditions in Attachment 2 are appropriate to mitigate the loss of the two notable Kauri trees to an acceptable level.</p> <p>It is acknowledged that there may be opportunities to undertake additional landscaping within the adjoining Falls Park area however further planting in this location is not necessary to mitigate effects and will be undertaken through private agreement outside the NoR process. Ongoing engagement with the adjoining land owner and occupier is proposed in this regard.</p>

	<p>Senior Parks Planner memorandum identifies locations where this tree planting could feasibility occur based on the indicative scheme. The memorandum notes the willingness of Parks and Community Facilities to accommodate landscaping and potentially additional tree planting within the 'cut of' car park area immediately adjacent to the sites northern boundary. This review is important in terms of demonstrating that the condition is achievable. In evaluation we consider that the condition suggested by Council this should provide a mechanism to allow the specific locations of the replacement planting to be agreed with Council Heritage Arborist.</p> <p>In our opinion there are significant arboricultural impacts from the removal of the proposed notable trees. Inclusive of the assessment of the specialist, the specific considerations to this site and activity that necessitate the removal, subject to the following conditions being agreed we consider that these can be mitigated:</p> <ul style="list-style-type: none"> a. Replacement planting b. Timing of the removal of the trees being linked to committed development occurring. 	
<p>Urban Design, Visual and Bulk and Location Amenity Effects</p>	<p>Concerns in respect to the outcome envisaged or provided in the UDFG and/or appendix 2 Bulk and Location drawings, or missing assessment in these documents as summarised under section 6 of annexure 6.</p> <p>The proposed structure and content of the key design conditions (no 6 and 7) are not seen by Council to provide for the outcomes envisaged and have issues of precedence.</p>	<p>The response to the Council's recommended changes to conditions is provided in Attachment 6. To summarise, the Requiring Authority considers that the structure and content of the urban design conditions (proposed conditions 6 and 7), clarify and provide for the necessary assessment of outcomes identified in the Urban Design Assessment to be captured and provided to Council at Outline Plan of Works stage.</p>

Amendment to condition 6 and 7 to achieve the following:

- Address inherent conflict between condition 6 and 7 including regarding precedence and acknowledge that the finalised design (internally and externally) needs to collectively reference the UDGF and indicative bulk and location study.
- Provide clear parameters for the timing, approval process and standing of an OPW approved under this condition.
- Remove reference and the reference point of a limited number of zone standards in condition 7 (that in respect to height differ significantly from bulk and location study) given the scale of difference and the need for a more holistic design consideration of any scheme departing significantly from general accordance.
- - Under criteria G addition - Provide a pragmatic pathway for the issues and concerns identified by the Council urban design review to be established as a consideration, assessed and reviewed as part of the finalised design and assessment of the Council.

There is a level of agreement between the Applicant, planners and Council's Urban Designer aspect of many of the proposal in terms of urban design and amenity considerations. Notably there are areas that are considered that need further consideration and refinement, but these are considered of a scale that can be resolved through an outline plan of works subject to the correct terms of reference for that condition as

As outlined in the response to Minute 2 issued to the Panel on 23/12/2026 and the covering letter included with this response, the Requiring Authority has continued to investigate alternative configuration options on the site to achieve compliance with the proposed NoR conditions. To facilitate this, an 'alternative indicative plan set' was provided to Council to demonstrate once such compliant solution for the site. For completeness, the Urban Design Assessment has updated to include an addendum on page 21 which confirms that the alternative indicative plan set provided represents an appropriate urban design response to the opportunities and constraints of the site, and addresses the Urban Design Guideline Framework. A copy of the updated Urban Design Assessment is provided as **Attachment 5**.

Further, to reflect the introduction of the alternative bulk and location scheme, proposed Condition 6 and 7 have been updated to reference the latest revision of the Urban Design Assessment. Refer to the updated set of proposed NoR conditions included as **Attachment 2**.

	<p>suggested by Council within the amendment under condition 6.</p> <p>Provided this is achieved, no significant adverse effects are anticipated.</p>	
Reason why designation necessary	<p>No concerns are identified with this assessment and reasoning as to why a designation for a Justice facility is necessary. We do note that the option of utilising the existing site forms part of this assessment and is discounted. However, it is important to recognise that if there appears no explicit requirement in the designation that would mean the existing courthouse at 9-11 Ratanui Street and any new courthouse delivered under the confirmed designation could not both operate.</p>	<p>It is confirmed that the Justice Facility once in operation will replace the existing Justice Facility. At this stage the future use of the existing Justice Facility is unknown and is not the subject of this application.</p>
Consideration of alternatives	<p>No significant concerns are identified with this assessment and reasoning as to why a designation for a Justice facility is necessary.</p>	<p>No action needed.</p>
Project benefits / Purpose of the Act	<p>In evaluation the information presented in the application to demonstrate the project 'meets' limb ii is limited. It may well be that the documents and strategies could be provided that clearly demonstrate the status of the project but in review we do not consider that the application has robustly established that in its current content.</p> <p>The Property Economics Report applicants has been subject to economics review by Mr Stewart (Council economist) (Annexure 24). Mr Stewart in his wider review of the Applicant's economic assessment and also from reviewing information sources as detailed in his memo regarding constraints in the legal system provides an overall executive summary of principal issues.</p>	<p>Refer to the Economic Memorandum included as Attachment 1.</p>

	<p>Substantially for the reasons set out in his memorandum Mr Stewart does not consider on the basis of the evidence provided that the project meets the scale of benefits that he considers the purpose of the FTAA to define.</p> <p>Mr Stewart in his review acknowledges that <i>'it is plausible that the Proposed Development represents a net benefit to society. It is also plausible the Proposed Development would meet the statutory test, being an infrastructure development that could yield significant regional or national benefits. In my view, a cost-benefit analysis would assist in providing greater certainty of both'</i></p> <p>It is for the Panel to apply weight to the purpose of the Act, in our review we would not state that the proposal would cause significant conflict with the purpose of the Act, but we would consider that it has not been established that in applying Schedule 5, Criteria 24(1) of the FTAA very significant weight can be given to the scheme's contribution to the purpose of the Act</p>	
Section C	<p>a. Clarification regarding the classification status of the hazards under PC120 flood hazard risk definitions and applicants modelling.</p> <p>b. Clarification on the certainty provided in the designation in respect to the baseline of the existing courthouse operation ceasing and daytime operation for the opening hours for the new facility</p> <p>c. List of the consolidated and agreed documentation for the proposed designation and to inform proposed condition 1.</p>	<p>Refer to above response which address these points. In summary:</p> <ul style="list-style-type: none"> - updated assessment has been provided to clarify the classification status of the hazards under PC120. Refer to Attachment 4. - Refer to response to Auckland Council condition table in Attachment 6. No new conditions have been proposed in this regard.

	<p>d. Amendments and additional conditions suggested within the Appendix A : Condition Tracker – Waitākere Courthouse Project 22 January 2026. Appendix A is an outcome and response to the assessment provided in section B of this document and has been put forward to assist the Panel, Requiring Authority and the FTAA process with approaches and suggested amendments and additions which address matters and effects identified. The approach to these has been well considered, please note that whilst specialist views have been considered, these as detailed within section A have not necessarily been taken through into the suggested changes as detailed in the assessment.</p> <p>e. Appendix A is put forward for the assistance of parties in the process. We consider that if the Panel is minded to progress the substantive application following receipt and consideration of these comments under S53, a condition conference with parties would be beneficial on these matters and in providing this (appendix A) at this point would want the opportunity to reconsider, discuss and refine matters in that forum.</p>	<ul style="list-style-type: none"> - Refer to Attachment 2 which includes latest conditions which have been updated to reflect all latest documentation and plans. - Refer to response to Auckland Council condition table in Attachment 6.
<p>Conditions</p>	<p>Various comments and recommended changes.</p>	<p>The response to Council’s comments on conditions is provided as Attachment 6 and an updated set of NoR conditions is provided as Attachment 2.</p>