

To: Alex Mickleson – Application Lead, Environmental Protection Authority

From: Alisa Neal – Barker & Associates Limited

Date: 4 May 2026

Re: FTAA-2508-1096 Request for Minor Correction (Waitākere District Court – New Courthouse Project)

This memorandum addresses the decision letter received on 7 April 2026 which confirmed that the Waitākere District Court – New Courthouse Project has been granted subject to conditions. The decision letter outlines a pathway for minor corrections to be made to the decision to correct minor mistakes or defects within 20 working days after issuing the decision.

The Applicant, has reviewed the final conditions issued with the decision and requests minor corrections to the following conditions:

- Condition 12: Traffic, Parking and Access
- Condition 22: Flood Emergency Management Plan

Importantly, the proposed corrections do not change the intent or purpose of the condition, rather the outcomes remain aligned with the effects that are being managed by the proposed conditions and proposed amendments intend to provide further clarity for monitoring and implementation purposes.

The rationale for the proposed minor corrections to Conditions 12 and 22 is summarised in further detail below:

Condition 12: Traffic, Parking and Access

Condition Structure:

The structure and format of the proposed traffic, parking and access condition has changed rather substantially from the condition set that was issued to the Applicant in Minute 5 for the invitation to comment on the draft conditions.

As outlined in paragraph 332(12) of the Record of Decision of the Expert Consenting Panel, *“the Panel has consolidated all of the traffic/parking/access matters into one condition and amended the draft conditions to ensure consistency in the requirements for certification and clear direction in the language of condition 12, including the advice note”*.

The Applicant agrees that the language of the proposed conditions should provide clear direction and ensure consistency in the requirements, however, the Applicant considers the current advice note exposes potential confusion about the level of information required to satisfy the condition. For instance, the introduction statement refers to all conditions requiring an ‘assessment by a suitably qualified traffic engineer’ to satisfy how the conditions have been met. However, there are specific conditions relating to provision for cycle parking (B), accessible parking spaces (C), queuing space (G) that would not require additional assessment from a suitably qualified traffic engineer to demonstrate how the condition has been met. Further, the conditions (specifically 12(A), (D), (E), (F) and (H)), have an explicit reference to when additional transport assessment is required to be submitted to Council as part of the OPW.

In light of the above, the Applicant recommends the following minor correction to the condition to avoid confusion whilst still maintaining the overarching intent and purpose of the condition.

Panel Condition 12 (with proposed changes shown in bold underlined and strikethrough)

*The following traffic, parking and access details, ~~supported by an assessment which is undertaken or reviewed~~ by suitability qualified traffic engineer, shall be submitted to Council as part of the OPW and certified at the time of Building Consent. **Where an assessment is required by Conditions 12(A),(D),(E), (F) and (H) below, this shall be undertaken by a suitably qualified traffic engineer.***

Comments on Specific Conditions:

Condition A: Public Parking

The Applicant seeks a minor correction to proposed condition 12(A), to underline the sub-condition reference to be consistent with the formatting of other sub-conditions under Condition 12, as noted below. We understand Auckland Council is aligned on this position.

A.Public Parking

Any public parking proposed to be provided on site. The assessment shall confirm that the traffic effects associated with the provision of on-site public parking are acceptable.

Advice Note: Any proposal for the provision of public parking at ground level (existing or proposed levels) will also require assessment in respect to the requirements of Condition 4 (Flood Modelling) of this designation.

Condition D: Vehicle Manoeuvring

The Applicant seeks a minor correction to proposed condition 12(D), to clarify that an assessment for reverse manoeuvring is provided “from the site” as opposed to “on the site”.

The purpose of this condition is to manage the effects of all vehicles exiting the site, given the sensitivity of the arterial road. The Applicant considers the proposed corrections still achieve the intent and purpose of this condition.

*Suggested Wording: Provision for all vehicles to enter and exit the site in a forward direction, unless the assessment confirms that reverse manoeuvring is appropriate ~~on~~ **from** the site.*

Condition F: Vehicle Access on Edmonton Road

The Applicant seeks a minor correction to require the design certification process to be in the form of a statement as opposed to an assessment in the event, that right turn movements into or out of the site are proposed. The reasoning for this correction is that reference to an assessment could be misinterpreted to require a full Integrated Transport Assessment. Noting that the intent of the condition is to conclude that the design of the access will result in movements that can be safely accommodated, the certification of this outcome is more appropriately delivered through a statement by a suitably qualified person.

The suggested wording is provided below:

- 1). The provision of finalised details of all vehicle crossings and their operation. Where right turn movements into or out of the site are proposed, **the design shall be supported by a statement by a suitably qualified transport engineer which concludes that** ~~the assessment shall confirm whether~~ these movements can be safely accommodated.*
- 2). The provision of no more than two vehicle crossings to the site on Edmonton Road. Where more than two vehicle crossings are proposed the assessment shall confirm that this is appropriate.*

3). No vehicle crossing shall be located to the southwest of the Edmonton Road/Takapu Street intersection or on Alderman Drive (other than the existing vehicle crossing serving the Right of Way). Where such crossing is proposed, the assessment shall confirm that the construction of a vehicle crossing in proposed location is appropriate.

Condition 22: Flood Emergency Management Plan

The FEMP condition included in the Panel Decision includes new text relating to monitoring upstream of the NoR site that was not included in the draft conditions issued for comment as part of Minute 5. The Applicant considers that a correction to this condition is imperative to clarify the requirements and operational parameters of this condition to avoid ambiguity with implementation. To enable the condition to be appropriately enforced, the parameters around what constitutes 'monitoring upstream of the NoR site', need to be explicit. In the absence of this, compliance the condition would not be able to be clearly demonstrated due to the open-ended nature of the wording.

The suggested condition wording is noted below:

Prior to the operation of the activity, a finalised Flood Emergency Management Plan (FEMP) detailing measures outlined in the Draft Flood Emergency Management Plan, dated January 2026, shall be updated and provided to Council for certification. The objective of the finalised FEMP shall demonstrate that risks to persons as a result of the flood hazards are appropriately managed in general accordance with the Draft Flood Emergency Management Plan. The finalised FEMP shall include details of the following:

- Staff roles and responsibilities;
- Flood response protocols including activation and monitoring, including monitoring of existing upstream flow, level and rainfall gauges (to an appropriate extent) from the NoR site;
- Flood hazard signage and alert;
- Evacuation protocols including internally and externally within the site;
- Procedures and circumstances for stay-in-place;
- Communication plan;
- Process for annual inspections, certification, reviews and updates;
- Post-flood event recovery protocols; and
- Confirm detail on resilience of critical infrastructure for implementation of FEMP.

The FEMP must be implemented for the duration of the activity. The FEMP is a live document that must be reviewed yearly to evaluate the effectiveness in achieving the above objective. A copy of the latest FEMP shall be provided to Council at their request.

Advice Note: For clarity, upstream modelling would include review of publicly available flooding information at locations along Oratia Creek upstream of the site.