

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**

28 AUGUST 2026

**Russell
McVeagh**

L J E Rapley | A E V Gilbert
P +64 9 367 8000
F +64 9 367 8163
E alice.gilbert@russellmcveagh.com
PO Box 8
DX CX10085
Auckland

MAY IT PLEASE THE PANEL:

Introduction

1. This memorandum of counsel is filed in response to Minute 9 which recorded the Panel's decision to accept a late comment from First Street Body Corporate Management of 30 Madden Street ("**Body Corporate**") and advised the Applicant is entitled to respond to the comment by 5pm on 28 August 2026.
2. The matters raised by the Body Corporate relate to the Wynyard Precinct planning provisions and conditions for the management of construction effects. The Applicant responds to these matters below.

The Wynyard Precinct planning provisions have been comprehensively addressed

3. The matters raised by the Body Corporate in relation to Wynyard Precinct planning provisions including outlook, shading and amenity effects have been comprehensively addressed in the substantive application and the Applicant's response to comments dated 4 August 2026 ("**Response to Comments**"), including:
 - (a) urban design and visual and landscape matters are addressed by Ms de Lambert of Boffa Miskell in Appendix 15 of the substantive application and Attachment F of the Response to Comments; and
 - (b) planning matters relating to the Wynyard Precinct (including in relation to height and floor area ratio) and other relevant Auckland Unitary Plan ("**AUP**") provisions are addressed by Barkers & Associates in the Assessment of Environment Effects lodged with the substantive application and Attachment E of the Response to Comments.
4. The Applicant continues to consider the Application is not out of step with the relevant planning provisions of the AUP and the adverse effects of the Application have been appropriately managed and mitigated through the design and proposed conditions of consent.

Construction management

5. The remainder of the Body Corporate's submission relates to conditions for the management of construction effects should the Panel be minded to grant the approvals sought.

6. The Applicant has considered the conditions proposed by the Body Corporate and has provided a response to the proposed conditions in **Attachment A** of this memorandum, noting the Applicant considers the requested conditions have largely been adequately addressed by the conditions it has already put forward.

DATED: 28 August 2026



Lauren Rapley | Alice Gilbert

Counsel for Westhaven Residential Limited Partnership

Feedback from 30 Madden Body Corporate	Applicant Response
The effects of construction on 30 Madden BC and its residents should be managed through clear, enforceable conditions. In particular, 30 Madden BC seeks conditions requiring the following specific provisions. The Applicant considers the majority of these matters are addressed in the Applicant's proposed condition set. ¹	
1 Copies of the Construction Management Plan, Construction Traffic Management Plan, and Construction Noise and Vibration Management Plan must be provided to 30 Madden BC at least five working days before those plans are submitted to Auckland Council for certification, and in any event before works commence on site. Any feedback provided by 30 Madden BC on those plans must be included with the material submitted to Auckland Council for certification.	The Applicant does not consider it is necessary for draft management plans to be specifically provided to the 30 Madden Body Corporate prior to being submitted to Council as it is not commensurate with the nature and scale of the anticipated effects on the 30 Madden St apartment complex. For example, construction noise and vibration is expected to comply with the AUP thresholds at 30 Madden Street (see Appendix 22 of the substantive application). However, the Applicant is willing to provide the 30 Madden Body Corporate with copies of the certified management plans for information purposes, including any subsequently amended and recertified management plans, within ten working days of the certification process (set out in Condition 6) being completed so that they have notice of the relevant information including timing of proposed works. The Applicant proposes the below conditions be added to its conditions of consent: <i>17A. Within 10 working days of receiving the certified CMP from the Council, the Consent Holder shall provide a copy to the body corporate of 30 Madden Street, Wynyard Quarter at the following email address [email contact to be provided].</i> <i>20A. Within 10 working days of receiving the certified CTMP from the Council, the Consent Holder shall provide a copy to the body corporate of 30 Madden Street, Wynyard Quarter at the following email address [email contact to be provided].</i> <i>23A. Within 10 working days of receiving the certified CNVMP from the Council, the Consent Holder shall provide a copy to the body</i>

¹ All references to the conditions in the Applicant's response are to the proposed condition set submitted as Attachment A2 in the Applicant's initial response to comments dated 4 August 2026.

Feedback from 30 Madden Body Corporate		Applicant Response
		<i>corporate of 30 Madden Street, Wynyard Quarter at the following email address [email contact to be provided].</i>
2	30 Madden BC must receive advance notice of piling works, major concrete pours, road closures, oversized deliveries and any other works likely to cause material disruption.	The Applicant does not agree a specific condition is required for this purpose. In relation to piling works, all construction activities are expected to comply with the AUP construction noise thresholds at this receiver.² In relation to vehicle movements associated with concrete pours, construction traffic will be appropriately managed via the Construction Traffic Management Plan (CTMP) (Conditions 18-20). In relation to road closures and oversized deliveries, this is managed under a separate process by Auckland Transport (Corridor Access Request (CAR)). If a CAR is required, a specific Traffic Management Plan for the oversized delivery or road closure will be provided (see Advice Note 1).
3	A complaints and incidents register must be maintained, recording complaints received, actions taken and timeframes for resolution, with relevant information made available to 30 Madden BC on request	The Applicant considers its proposed conditions adequately address this matter through the various management plans which is standard practice. This includes Condition 17(i) for the final Construction Management Plan (CMP) contents; Condition 20(k) for the final CTMP contents, and Condition 23(g) for the final Construction Noise and Vibration Management Plan contents (CNVMP) which require the management plans to include procedures to record and investigate complaints.
4	Construction hours must be limited to 7:00am to 6:00pm Monday – Saturday. Work must not be carried out on any Sunday or public holiday (and any following Monday on which that public holiday is observed).	The Applicant considers its proposed conditions adequately address this matter. The Applicant's proposed Condition 45 restricts construction works to hours between 7:00am to 6:00pm Monday to Saturday. No construction works are permitted on Sundays, public holidays or after 6:00pm Monday to Saturday unless it can be demonstrated to be the Best Practicable Option and approved by Council.
5	Heavy vehicle deliveries must be limited to Monday – Friday between 9:00am and 4:00pm only and should not occur on Saturdays, Sundays or public holidays.	The Applicant considers its proposed conditions adequately address this matter.
		Construction traffic will be managed in accordance with the final CTMP (Conditions 18-20). Section 3.2 of the draft CTMP (Appendix 21 of the substantive application) requires that

² 188 Beaumont Street, Acoustic Assessment of Effects dated 26 February 2026 at 4.2, pages 8-10.

Feedback from 30 Madden Body Corporate		Applicant Response
		heavy vehicle deliveries are to be avoided during the hours of 4:00pm–6:00pm. No other restrictions are considered necessary by the Applicant's Transport Engineer.
6	Construction noise and vibration must be monitored at a location proximate to 30 Madden Street, to be agreed with 30 Madden BC, with clear procedures for notifying 30 Madden BC where relevant limits are exceeded or where particularly disruptive works are proposed.	The Applicant considers its existing proposed conditions adequately address this matter. As set out in the response to Panel questions for the Applicant (submitted as Attachment B in its response to initial comments dated 4 August 2026), the Noise and Vibration Assessment (Appendix 22 of the substantive application), considered the effects of construction noise on 30 Madden Street. Marshall Day Acoustics has confirmed the construction noise will readily comply with 75 db LAeg at 30 Madden Street because the construction area will be more than 80 metres away. ³ Therefore, construction noise is anticipated to comply with the AUP thresholds at 30 Madden. Notwithstanding this, section 7.0 of the draft CNVMP (Appendix 23 of the substantive application) as required under Conditions 21-23 sets out how construction noise will be monitored generally. The Applicant considers this is most appropriately addressed through the management plan process and for the monitoring locations (if any are required) to be determined by the suitably qualified as experienced person preparing the management plan. The Applicant does not consider it is appropriate for monitoring locations to be agreed with the 30 Madden BC, being a third party to which the Applicant does not have assurance agreement can or would be reached.
7	Pre-construction condition surveys must be undertaken for streets, accessways and public areas surrounding 30 Madden Street, with follow-up surveys carried out during and following construction as appropriate.	The Applicant considers this matter is appropriately managed by Condition 20(j) (proposed as an additional condition by the Applicant in Attachment A2 in its initial response to comments dated 4 August 2026) which requires the final CTMP to include requirements for any road pavement assessment and road pavement monitoring details, and associated road pavement repair measures.
8	Dust management measures must be implemented for demolition, excavation,	The Applicant considers dust is appropriately managed by Condition 64 which requires that during earthworks all necessary action must be taken to prevent dust generation and sufficient

³ Attachment B – Response to Panel Questions for the Applicant dated 4 August 2026 at 0.5, page 9.

	Feedback from 30 Madden Body Corporate	Applicant Response
	cutting and the transport of material from the site.	water must be available to dampen exposed soil, and/or other dust suppressing measures must be available to avoid dust formation. The Consent Holder must ensure that dust management during the excavation works generally complies with the 'Good Practice Guide for Assessing and Managing Dust' (Ministry for the Environment, 2016).
9	Construction traffic management must address heavy vehicle routes, delivery hours, vehicle movements, worker parking, temporary road or footpath closures and traffic-marshall requirements. No construction-related parking should be permitted on surrounding public streets including Madden Street.	The Applicant considers these construction traffic matters are appropriately managed by the CTMP. The final CTMP must include plans showing areas where stockpiles and equipment will occur so there is no obstruction of public spaces (Condition 20(c)), plans showing the location of any staff car parking required during the construction period (Condition 20(d)), location of traffic signs and proposed signage for traffic management purposes (Condition 20(f)), and measures to ensure satisfactory vehicle and pedestrian access is maintained to adjacent properties (Condition 20(g)). Temporary road closures will be managed by the Auckland Transport CAR process.
10	Safe and convenient access to 30 Madden Street must be maintained at all times for residents, visitors, service vehicles and emergency services throughout construction.	The Applicant considers this matter is appropriately managed by the CTMP. The final CTMP must include measures to ensure satisfactory vehicle and pedestrian access is maintained to adjacent properties at all times (Condition 20(g)).
11	Sediment controls must be maintained at all times, including procedures to prevent discharge onto neighbouring land or into the surrounding street network.	The Applicant considers erosion and sediment will be appropriately managed by conditions 24-26 which requires an Erosion Sediment Control Management Plan (ESCMP). The ESCMP will be in guided by Council's guideline document Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Regional Guideline Document 2016/05 (GD05) (Condition 26(a)). Condition 52 requires that the erosion and sediment controls at the Site must be constructed and maintained in accordance with the certified Erosion and Sediment Control Plan and Auckland Council guideline Document 2016/005 'Erosion and Sediment Control Guide for Land Disturbing Activities in the Auckland Region' throughout the duration of the earthwork activity, or until the Site is permanently stabilised against erosion.
12	Site security measures, including fencing, hoardings, pedestrian protection and after-	The Applicant considers public safety will be appropriately managed through the CMP in

Feedback from 30 Madden Body Corporate		Applicant Response
	hours security, must be maintained throughout construction	Conditions 14-17. Section 4.3 of the draft CMP (Appendix 26 of the substantive application) sets out the site establishment works including hoardings and management of site access.
13	Any damage to adjoining property, accessways, streets, footpaths or shared infrastructure caused by construction works must be promptly repaired and reinstated.	The Applicant considers its proposed conditions adequately address this matter. Potential damage to accessways, streets, footpaths and shared infrastructure arising from the construction works is appropriately managed through the CTMP in Conditions 18-20. Those conditions require the CTMP to identify the temporary protection measures to be implemented to minimise damage to public roads, footpaths, berms, kerbs, drains, reserves and other public assets during earthworks and construction (Condition 20(i)) and include requirements for any associated road pavement repair measures (Condition 20(j)). The potential for damage to adjoining properties is limited to effects associated with groundwater take and diversion. These effects are appropriately addressed through Conditions 19–24 of the Water Permit.