

IN THE MATTER of the Fast-track Approvals Act 2024 (“FTAA”)

AND

IN THE MATTER of an application for approvals (Notice of Requirement) by The Ministry of Justice to designate 14 Edmonton Road, Henderson. (Lot 1 Deposited Plan 564257) to provide for the construction and operation of a new Justice facility.- Project FTAA-2508-1096 (Waitākere District Court – New courthouse project)

MEMORANDUM OF PLANNING MATTERS FOR AUCKLAND COUNCIL

Dated: 22 January 2026

SECTION A: INTRODUCTION

1. This Planning Memorandum (**Memorandum**) sets out Auckland Council’s Planning led comments on the substantive application for the Waitākere District Court – New courthouse project (**Application**) lodged by The Ministry of Justice (**Applicant**) under the FTAA. This Memorandum is provided in response to the invitation to comment issued by the Expert Panel (**Panel**) under s53(2) of the FTAA.
2. The **memorandum** has been principally prepared by Mr Joe Wilson, Principal Project Lead with the involvement and peer review of Jo Hart, Senior Policy Officer for Auckland Council who has been involved from the beginning of pre-application discussions on this project.
3. In addition, there are 11 accompanying annexures, as follows, which are referred to throughout this memorandum:
 - a. Healthy Waters - Hillary Johnston (**Annexure 1**)
 - b. Watercare – Annika Swanberg (**Annexure 2**)
 - c. Development Engineering – Serena Goh (**Annexure 3**)
 - d. Traffic Engineering – Andrew Temperley (**Annexure 4**)
 - e. Auckland Transport – Emeline Fonua (**Annexure 5**)
 - f. Urban Design – Sheerin Samsudeen (**Annexure 6**)
 - g. Lighting – Jared Osman (**Annexure 7**)
 - h. Parks and Community Facilities – Douglas Sadlier (**Annexure 8**)
 - i. Noise and Vibration – Andrew Gordon (**Annexure 9**)
 - j. Economist – James Stewart (**Annexure 10**)
 - k. Heritage Arborist – West Fynn (**Annexure 11**)

The annexures of specialist and asset owner inputs including from the Council Controlled Organisations (**Annexures 1-11**) have generally been provided as memorandum using a consistent format for ease of review and reference. Departures in format include where matters of assessment/comment are of a relatively reduced scale for instance where email format is sufficient in the interests of overall expediency and person(s) time.

4. We are aware that the Panel have also directly invited comments under s53(2) of the FTAA from the following:
 - a. Watercare (**Annexure 2**)
 - b. Auckland Transport (**Annexure 5**).
5. As part of Council's established process certain elected officials and representatives (namely ward cllrs, Local Board representatives, Houkura and committee chairs) were made aware of the request for comment and provided material to make comment or seek further clarification. One response from a ward cllr in response seeking clarification regarding what information has been provided on whether the notable trees (proposed for removal) could be retained and what options had been assessed. Further to signposting and explanation of the applicant's lodgement in this regard no further comments were provided at the time of completion of this report.
6. The process has benefitted from a collaborative and engaged approach from both the applicant team and the Council. As part of this process the Council have shared a preliminary list of information request on the 04 December 2025, aswell as meetings and correspondence with the applicant team on matters/clarifications. The preliminary information requests fell into three main categories:
 - a. where information was required at this point to understand effects in Council opinion:
 - b. where matters may be able to addressed by proposed condition wording/additions;
 - c. or where there is a decision to make in respect to how the underlying issue could be addressed between these two points.
7. For process clarity, the following information is the basis for our comments:
 - a. Application materials contained within the substantive lodgement issued by the Environmental Protection Agency as the accepted substantive application.
 - b. Updated and additional information received from the Applicant on 19 December 2025, as agreed between the parties to enable Council family comments to be provided by the 22 January 2026 deadline. This namely includes:
 - i. Memorandum in response to Auckland Council Preliminary Information Request, prepared by Barker & Associates Limited
 - ii. Plan Change 120 – Housing Intensification and Resilience Memo,

- prepared by Barker & Associates Limited and dated 19/12/25
- iii. Flooding and Infrastructure Assessment to support a new Justice Facility at 14 Edmonton Road, prepared by Holmes NZ LP, dated 19/12/25.
 - iv. Occupancy Evacuation Pathway Risk Assessment (forming part of the FEMP)
 - v. Plan Change 120, 50 year flood assessment, prepared by ACH Consulting Ltd dated 06/11/25.
 - vi. Proposed Drainage and Utility Services Layout Plan, drawing C40-02 Rev B, prepared by Holmes NZ LP, dated 30/04/2025
 - vii. Waitākere District Courthouse – Proposed NoR Conditions
 - viii. Waitākere Justice Facility – Stormwater Management Plan Memorandum, prepared by Holmes NZ LP, dated 12/12/25.
 - ix. Accessible Parking Tracking diagrams
 - x. Waitākere District Courthouse – New Courthouse Project - Response to Request for Further Information Acoustic Memo, prepared by SLR, dated 17/12/25.
 - xi. Waitākere District Court House Concept Design Massing & AUP Planning Envelope and Height Restrictions - North West Side (2 pages)
 - xii. Response to UD Items, prepared by Barker & Associates Limited.
 - xiii. Urban Design Report, prepared by Architectus, dated 18/12/25.
 - xiv. Shading Study Document, dated 19/12/25 (6 pages).

c) On the 21st January in response to correspondence regarding the Proposed Drainage and Utility Services Layout Plan referred to above and two specific additions to respond to HW feedback regarding stormwater infrastructure the following updated plan was received:

- a. Proposed Drainage and Utility Services Layout Plan, drawing C40-02 Rev C, prepared by Holmes NZ LP, dated 30/04/2025

8. It is understood that this additional information is to be provided to the Panel with an associated schedule identifying lodgement documents superseded or that the above is additional to. Subject to the Panel's consideration of the application and process progression under the FTAA an agreed and consolidated document and plan list specifically given the general accordancy proposal of condition 1 is considered essential.

9. Comments have sought to be provided inclusive of this updated information. The advantages of providing and accepting this information to the process provided are clear. The timing prior to the Christmas break and midway during the Councils review and period for comment on information did create some challenges in terms of stages of review of information and working around leave commitments in January. Joe Wilson coordinated the review and signposting of this updated information to selected specialists to balance these considerations based on the areas/matters that the scheme updates related to.

10. It is also noted that the EPA directed by the Panel have requested under S67 of the Act further information on the 19 December 2025. The deadline for response to these requests is the 23 January 2026 and any information provided in response does not form part of this response. We will await confirmation from the Panel as to whether Council comments is sought/requested on this updated information.

Qualifications and Relevant Experience

Joe Wilson

11. Joe Wilson is a Principal Project Lead at Auckland Council within the Premium Unit of Resource Consents. Joe holds qualifications from the United Kingdom of Bachelor Arts in Urban Studies and Planning and post graduate Diploma in Town and Regional Planning and has nineteen years of planning experience across the United Kingdom and New Zealand having relocated in early 2022. Joe has prepared planning evidence and technical assessments for planning applications and appeals within the UK planning system.
12. Joe's experience that is relevant to this application includes determining resource consent applications throughout the Auckland region area.

Jo Hart

13. Jo Hart is a Senior Policy Planner at Auckland Council within the Planning – Regional, North, West, and Islands Unit (Planning and Resource Consents). Jo holds the qualifications of Bachelor of Science and Masters of Planning Practice (Auckland University) and has nineteen years of planning experience. Jo is an Associate member of the NZPI and has prepared expert evidence and technical assessments for notices of requirement and plan changes, including the Board of Inquiry process for the Northern Corridor Improvements Project, the Proposed Auckland Unitary Plan, and Plan Change 78 (PC78) (Intensification Plan Change, and Plan Change 120 (Auckland Council's replacement plan change for PC78), and was one of the reporting planners for the nineteen notices of requirement for the Supporting Growth (NZTA/AT) roading projects for growth in the north-west).
14. Jo's experience that is relevant to this application includes processing notices of requirement for designations and other Part 8 processes, including alterations, uplifts, and extensions to lapse dates, to existing designations, across the Auckland region.

Code of Conduct

15. Joe Wilson and Jo Hart confirm that they have read the Environment Court Practice Note 2023 – Code of Conduct for Expert Witnesses (Code) and have complied with it in the preparation of this assessment. They also agree to follow the Code when participating in any subsequent processes, such as expert conferencing, directed by the Panel. They confirm that the opinions they have expressed are within their area of expertise and are their own, except where they have stated that they are relying on the work or evidence of

others, which they have specified.

SECTION B: PLANNING ASSESSMENT

Documents Reviewed

16. We have reviewed the Waitākere District Courthouse – New Courthouse Project Notice of Requirement 14 Edmonton Road, Henderson, Assessment of Environmental Effects and Statutory Analysis, prepared by Barker & Associates (the **Planning Report**).
17. We have also reviewed the following Application documents and supplementary information supplied December 2025, as detailed in **Section A** of this report above.
18. We have reviewed the technical memorandum prepared by officers and consultants for Auckland Council including Council-controlled organisations (CCOs) on various relevant specialist matters.

Pre-Application Overview

Pre-Application

19. Prior to the projects referral application under the FTAA the applicant was previously and presently engaged in pre-application discussions with Auckland Council policy team regarding a potential Notice of Requirement application to designate the site for the construction and operation of a Justice Facility. These pre-application discussions were led by the Jo Hart of the Policy team in accordance with Council procedure on Notice of Requirement applications being progressed under the RMA.
20. During these pre-application discussions Council were helpfully advised that a 'referral application' has been made for the project under the FTAA. Council provided comments on that referral application via the EPA and pre-application discussions continued with the application through and after the decision to 'accept' the project as a referred project under the FTAA.
21. The pre-application process involved to varying degrees (in terms of extent and timing) a number of asset owners and technical specialists who have also commented on the substantive application (Healthy Waters, Auckland Transport, Traffic Specialist, Urban Design, Arborist and Parks and Community Facilities). This was agreed with the Applicant's representatives at the time as appropriate given the level of information available at that point. Other specialists which now form part of the Council response were not included in this pre-application process due to proportionality considerations and/or limited information to review.

Key Understandings / Context to this Response

Relevance to Strategic Planning Documents

22. At a regional level higher order strategic documents such as the Future Development Strategy 2023-2025 (FDS) and the Regional Policy Statement (RPS) and provisions found in Chapter B of the AUP(OP) are notable for development proposals and proposals of a scale that would be anticipated through the FTAA.
23. The limited scale of this development, an important but single site located within the defined urban area, indeed within one of the 12 Business – Metropolitan Centre Zones, for a use envisaged in these locations means that significant comment on this matter is not considered proportional to the comments sought by the Panel.
24. The FDS establishes Auckland Council's vision for how the region will grow and change over the next 30 years. The key strategic direction is to provide for well functioning urban environments within Auckland, setting out a spatial strategy for the management of growth, integrating this with the provision of infrastructure and the protection and responsiveness needed to the natural environment.
25. The FDS was prepared using the special consultative procedure in section 83 of the Local Government Act and is an important growth document required by the National Policy Statement on Urban Development (NPS-UD).
26. The relevant Regional Policy Statement can be found in Chapter B of the AUP(OP). The provisions at B2 and B10 are the most relevant to this Application,

B2 – Urban growth and form

27. Chapter B2 seeks to ensure that urban growth achieves a well-functioning and high-quality urban environment, the provides for efficiency provision of new infrastructure, good accessibility, greater social and cultural variety, better maintenance of rural character and productivity, reduced environmental effects, and improved resilience to the effects of climate change.
28. Overall, the principle of the proposed use as a Justice Facility providing new and fit for purpose infrastructure which forms part of the important judicial functions within the Region and New Zealand within a Metropolitan Centre that are locations where these activities are anticipated on account of factors including their effects and accessibility is considered to have alignment with the pattern of growth sought. However 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.

B10 – Environmental Risk

29. Chapter B10 is relevant to this Application insofar as it relates to natural hazards and climate change. The provisions broadly seek to ensure that communities are more resilient to natural hazards and the effects of climate change, and that new development does not exacerbate or create new risks in those regards.
30. The site in respect to the 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.

Zoning – Operative and Proposed

31. Under the Auckland Unitary Plan (Operative in Part), the site is mainly zoned Business – Metropolitan Centre Zone (MC) with a small portion of the site zoned Open Space – Informal Recreation Zone (IR), as shown in Figure 1 below (blue outline site boundary, pink/red MC zone and green IR zone).

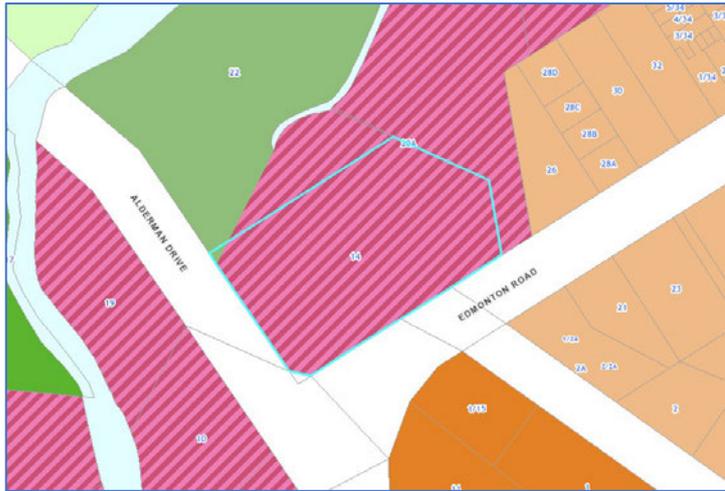


Figure 1: Zoning AUP:OP

32. This section of Open Space – Informal Recreation Zone overlaps with a portion and is contained within the section of the site subject to a Right of Way (RoW) easement. The site's northern boundary adjoins the Fall Park which is appropriately subject to this openspace zoning. The background and reasoning for this discrepancy between the site boundary and zoning is unclear. What is clear to us in visiting the site is that the site operates and has a character as a single site and there is no apparent reason to consider that this area (the portion of Open Space – Informal Recreation Zone) should be zoned differently from the remaining areas of the site. Therefore, we consider it appropriate for the assessment of this application to focus in terms of the zoning provisions and the associated objectives and policies to frame the assessment of effects on the Business – Metropolitan Centre Zone.
33. Plan Change 120 (PC120) is a plan change that has been notified (03 November 2025) and submissions received (closed 19 December 2025). The Plan Change is focused on the approach to density and intensification and the management and resilience to natural hazards (discussed later in this report). The property as a site within the Metropolitan Centre Zone is excluded from the intensification aspects of Plan Change 120.
34. Prior to the notification of PC120, Plan Change 78 (PC78) Auckland Council's former intensification plan change, was withdrawn in part. Notably however with relevance to this site (located primarily within a Metropolitan Centre Zone) the changes proposed to the Metropolitan Centre Zone will continue under this Plan Change.

35. Further information on the status of PC78 can be found at this link [PC 78: Intensification](#) with discussions/correspondence ongoing regarding IHP recommendations regarding the proposed Metropolitan Centre Zone changes.
36. The proposed changes to the zone provisions are respectfully seen to be focused on explicit reference to enabling building heights of at least six storeys unless qualifying matters apply, the zone Height in Relation to Boundary (HIRB) standard is amended which the general change to anticipate and provide as a baseline of the application of the standard a less restrictive envelope. This has the effect when applied to this site of changing the western and northern recession planes (those not adjoining and separated by Edmonton Road and Alderman Drive) as follows.

Boundary	Operative	PC78
Eastern (B-MUZ)	60 degrees at 8m above ground	60 degrees at 19m above ground.
Northern adjoining Falls Park (O-IRZ)	45 degrees at 16.5m above ground	60 degrees at 19m above ground.

37. A point of reference for the indicative bulk and location study (appendix 2 of the UDA) as outlined in the updated information provided on the 19 December 2025 is the operative HIRB provisions, not these less restrictive proposed provisions. This additional demonstrates before considering the proposed provisions compliance with the current standard with the exception of a corner infringement. This is attributable to being measured from the internal site openspace boundary as shown at the north western corner of the site.

Justice Facility

38. Whilst this application seeks to designate the land via a Notice of Requirement, the planning framework of the AUP in terms of the classification of the activity proposed and other provisions including the activity status within the zone provisions is considered notable.
39. “Justice Facility” is defined in Chapter J of the AUP(OP) as a “Facility used for judicial, court, or tribunal purposes, and/or activities including collection of fines and reparation, administration and support, together with custodial services as part of the operation of New Zealand's justice system”. We are satisfied that the purpose description of the proposed designation put forward by the Requiring Authority falls within this definition. Justice facilities are also listed and defined in Chapter J of the AUP under the nesting table J1.3.2 Community under the sub grouping of Correction Facilities.

Care centres	
Cemeteries	
Community facilities	
Correction facilities	Justice facilities
	Community correction facilities
Education facilities	Community use of education and tertiary education facilities
Emergency services	
Healthcare facilities	

Figure 2: Nesting table J1.3.2 : Chapter J AUP:OP

40. The activity of a Justice Facility is a Permitted Activity within the Business – Metropolitan Centre Zone. This activity status and definition is unchanged under the proposed provisions of PC78.
41. Whilst the Justice facility activity under the AUP:OP would be a permitted activity if progressed as a resource consent application and this is a context relevant to considering effects under S171(1)(a)(iv) of the RMA. It is important to acknowledge and be clear that the development sought to be enabled under the NoR would, based on the concept development provided in the application (appendix 2 of the UDA), require at a district plan level various resource consent needs which would include intensity and amenity effects, this is not limited to, but would notably include for understanding and a focus of our comments:
 - a. The development of new buildings with consideration and discretion focused on adjacent amenity and streetscape/appearance matters.
 - b. Traffic and transportation matters related to the construction and operation of the activity on site, safety within the site and access points to the wider network and potential effects on the operation of the wider transport network.
 - c. Consideration of the proposed activity in respect to Natural Hazards and the potential effects of the development on the conveyance of these hazards.
 - d. Amenity related matters including Lighting and Noise/Vibration (construction and operation)
 - e. Potential effects of earthworks in terms of land disturbance, stability and sediment control
 - f. The removal of scheduled trees (Schedule 10 – Notable Trees of the AUP).

AUP: OP / Plan Change 120 - Auckland Unitary Plan – Natural Hazards

42. Plan Change 120 is a proposed plan change to the Auckland Unitary Plan that has been notified on the 03 November 2025 and submissions received before the closed date of the 19 December 2025.
43. The Plan Change is focused on the approach to density and intensification and with

relevance to this application and the site the management and resilience to natural hazards. As described in the Healthy Waters memorandum (annexure 1) the site is subject to the following flooding hazards:

Flooding that impacts the site is primarily associated with the Waikumete Stream to the southwest of the site with modelled 100-year storm flows of over 100m³/s that spills over Alderman Drive and through the site. A large secondary flow of 16m³/s also intersects the site from Takapu Street to the East of the site and passes over Edmonton Road and then through the site exiting over the remaining carparking area and into a unnamed tributary of the Waikumete Stream behind the Alderman restaurant.

44. Under the AUP:OP Chapter E36 provides the key frameworks for how decisions are made in respect to natural hazards including a series of rules, definitions and activity status based on certain types of physical development which this development in proposing earthworks and buildings would trigger and require consideration focused on effects on the operation, conveyance, extent, depth and velocity of the hazard as a result of these changes.
45. In respect to the use of a building (i.e the Justice Facility use) the provisions of the AUP:OP do provide a restricted discretionary status and consent requirement around defined more vulnerable activities. The proposed Justice Facility as located within the Community nesting table of Chapter J (AUP:OP) would not fall into the definition of a 'more vulnerable activity', rather falling under the definition of a less vulnerable activity. This is subject to the commitment as is understood to be proposed, that no overnight stay will be enabled by the activity.
46. However, managing significant risks from natural hazards is a matter of national importance under the RMA, with managing risk from these hazards including flooding key issues in Auckland. The AUP:OP currently manages natural hazard risks, but PC120 significantly strengthens natural hazard management provisions of the AUP relating to both risk to persons and property within a site, the appropriateness of the proposed use/activity and the potential effects on the wider environment.
47. PC120 is seen to implement this via two key and related methods, firstly changes to the zoning of residential land where some land has been rezoned to a lower intensity zone, this has more limited relevance to this site given the Business zoning of the site. PC120 also directly proposes amendments and additions to the AUP provisions including the classification of hazards risk levels, and providing strengthened controls associated with these risk levels (focused within Chapters E36 Natural Hazards and Flooding and Chapter J Definitions of the AUP).
48. The following information sheet provides useful guidance on the natural hazards aspect of PC120 for further reading and understanding.

<https://www.aucklandcouncil.govt.nz/content/dam/ac/docs/plans/unitary/pc-120/09-pc120-info-sheet-08-natural-hazards-2025-12-11.pdf>

49. In respect to the application of S171(1)(a)(iv) of the RMA (directed through Schedule 5,

S24(1)(a)(ii) of the FTAA) the rules of PC120 relating to Natural Hazards In accordance with S86B (3) of the Resource Management Act, have legal effect. The specific reference to 'a rule in a proposed plan' in S86B (3) when considered alongside S171(1)(a)(iv) creates a potential question as to whether the objectives and policy provisions of the proposed plan, key for the assessment of Notice of Requirement application, have immediate legal effect.

50. The Panel may want to take separate advice on this matter but we have not considered it proportionate to seek legal advice on this matter of interpretation. In our view the strengthened rules introduced under PC120 particularly in respect to Chapter E36 of the AUP:OP are intertwined, informed and to be read alongside the objectives and policies of Chapter 36. S43AA of the RMA defines a rule as a district rule or regional rule. In respect to District Rules S75 and S76 of the RMA are clear in established the link between rules and these achieving and implementing the policies and objectives for the district. Therefore, and with a particular understanding of the importance and interplay in Chapter 36 of the objectives and policies to the rules and matters of discretion we have taken a precautionary approach of considering them on this basis and being relevant to the application. It is noted that the application has also in their additional and updated information on the 19 December 2025 have also considered the content of the PC120 objectives and policies introduced relevant.
51. Notable matters of understanding arising from this include:
52. *Hazard Classification*
53. Under and with the application of the PC120 definition and risk level changes the site is subject to the following hazard risk classifications incorporating low to very high hazard risk levels across different parts of the site.
54. The below figure shows the mapping of classification across the site as mapped under PC120. This shows a notable variety and range of hazards across the site from very high and high (centrally and to the eastern section of the site) to medium and lower classifications on the western section of the site adjacent to Alderman Drive, the roundabout and towards the Town Centre.

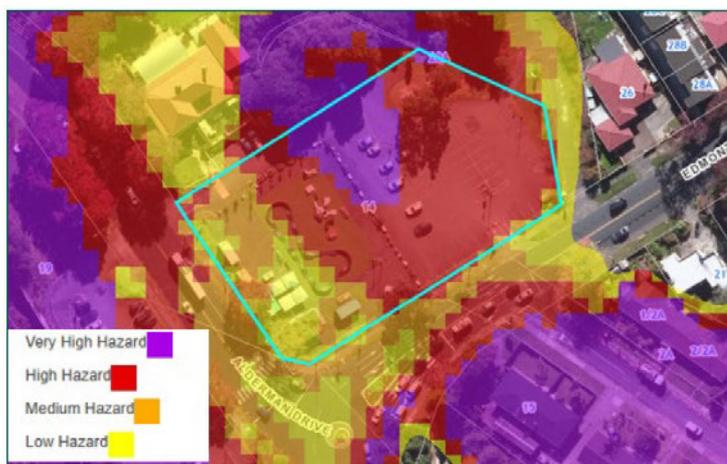


Figure 3: PC120 Flood Hazard Risk level overlay (site in blue outline)

55. As noted in the HW memorandum (annexure 1) the application has been subject to site specific modelling which is encouraged and necessary for a site with these constraints, the planning frameworks applying and the specific mitigation and measures put forward in respect to the resilience and effects of the development to/on natural hazards. The AUP allows for the provision of this as detailed in the following excerpts in respect to floodplains and Overland Flow Paths:

'Council holds publicly available information showing the modelled extent of floodplains affecting specific properties in its GIS viewer for the one per cent annual exceedance probability (AEP) rainfall event (the floodplain maps). The floodplain map is indicative only although Council accepts its accuracy with regard to land shown on the floodplain map as being outside the floodplain. A party may provide the Council with a site specific technical report prepared by a suitably qualified and experienced person to establish the extent, depth and flow characteristics of the floodplain. (unchanged within P120)'

'The Council holds publicly available information showing the modelled Overland Flow Paths in its GIS viewer ~~for specific properties (the Overland Flow Path map)~~. The Overland Flow Path map is indicative only and shows only the thalweg, not the full extent of the Overland Flow Path. The thalweg is the line of the lowest elevation on a cross-section of the overland flow path) and further technical assessment by a suitably qualified and experienced person is required to establish the extent, depth and flow characteristics. The actual extent of any particular Overland Flow Path may extend beyond the site on which the thalweg is depicted. ~~A party may provide the Council with a site specific technical report prepared by a suitably qualified and experienced person to establish the location, depth or flow characteristics of the Overland Flow Path.~~

Council will continually update the Overland Flow Path map to reflect the best information available. (amendments shown are as contained within PC120).'

56. This updated and site-specific assessment can then be utilised for the development of the proposal and assessment of the proposal activity and modelling of downstream effects. Notably the updated modelling in providing information on the depth and velocity of the hazard at different part of the site in the pre and post development scenario can be utilised to apply the classifications levels of hazards as defined within PC120 of very high, high medium and low based on the two variables of depth; and the calculated product of depth x velocity.
57. It is important to establish and clearly acknowledge the positive and engaged approach to the notification with immediate legal effect of PC120 provisions relating to natural hazards in discussions with the Council and the extent and level of work undertaken by the applicant team. The information provided in the 19 December 2025 through the Council review comments period has been welcomed and carefully reviewed This provides extensive and site specific information.
58. It is noted that some of the assessments and documentation provided within the applicant's response of the 19 December (B&A PC120 assessment and update infrastructure assessment from Holmes NZ)) rely on GeoMaps flood hazard risk classification (figure 3). However it is noted based on the applicant modelling that the

Occupancy Evacuation Pathway Risk Assessment and Flooding Evacuation Plan included as Appendix D of the revised Flood Emergency Management Plan includes a level of categorisation and indication of the PC120 Flood Hazard Risk classifications that the site is subject to based on the modelling undertaken (HW being content with the methodology of the modelling).

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:
- 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.
 - b. Does not clearly delineate which areas of the site in the post development scenario are subject to which hazard classification.
 - c. Notes for two specific points (a and b on the plan) the classification risk but notes this as medium-to-high for 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.
60. Notwithstanding this the modelling plan indicates/suggests some differences to the risk categories and operation of the hazard that that are shown on Auckland Council's GeoMaps viewer. The key areas of notable difference are the categorisation of risk at the pedestrian access and external areas to the building on both Edmonton Road and Alderman Drive, the rear servicing area, as well as the proposed safe egress and refuge areas and accesses along Edmonton Road.

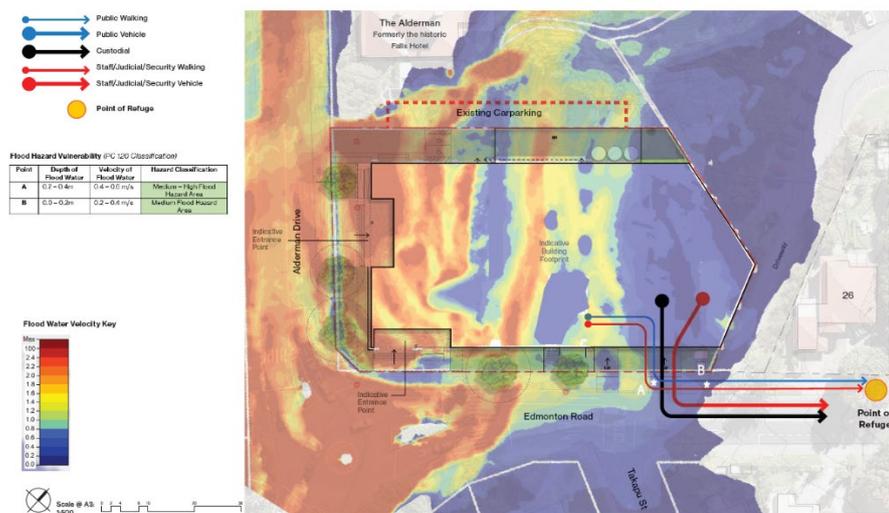


Figure 4: Occupancy Evacuation Pathway Risk Assessment (forming part of the FEMP)

61. Importantly PC120 introduces three classifications of risk for use and development based on both the above hazard risk level and the sensitivity use and activity proposed. The reasoning behind this is that there may be uses that are more sensitive and less sensitive to different levels of hazard risk based on their characteristics and function.
62. These risk levels are:
 - a. Significant
 - b. Potentially Tolerable
 - c. Acceptable
63. The sensitivity of the activity is defined in the changes proposed to PC120 within Chapter J of the AUP with again three classifications as follows:
 - a. Activities Sensitive to natural hazards
 - b. Activities potentially sensitive to natural hazards
 - c. Activities less sensitive to natural hazards
64. The applicants' representatives have identified that the proposed activity would be considered an 'activity potentially sensitive to natural hazards' on the basis of the use being a community facility. The application of the definitions of the plan when reading across the various definitions however is considered to require further discussion and understanding.
65. Table J1.3.2 Community is clear that Justice Facilities falls under the sub category of Correction Facilities rather than Community Facilities. However, conversely the separate definition of Community Facilities within the AUP also lists Justice Facilities as being included within that definition. This creates a degree of conflict which can be attributed in our view to the facility both having a public/community use and visitation character, and a functional correction purpose and parts in its operation.
66. In addition, and importantly, the term correction facilities and community facilities are used separately in both the definition of activities potentially sensitive and sensitive to natural hazards found in chapter J of the AUP:OP. Taking these in turn community facilities are defined as activities potentially sensitive to natural hazards, except where they are listed as 'activities sensitive to natural hazards'. The definition of activities sensitive to natural hazards does not list justice facilities but does list correction facilities which as identified under table J1.3.2 a Justice facility falls within. However, the definition of 'activities potentially sensitive to natural hazards' notes that these also include correction facilities with the notable addition of *without overnight accommodation*.
67. In conclusion on this matter and classification, our view is that these definitions need to be read together and on the basis of activity not having overnight accommodation the activity would fall within activities potentially sensitive to natural hazards. This relies however on the clarification and agreed restriction that the activity will not be used overnight. Whilst this could be reasonably assumed and seems very unlikely based on the proposal and the arrangements that would be needed for judiciary connected overnight stay, this has not been clarified or a restriction offered in this

regard and given this context this is considered a matter that should be included in any conditions imposed on the designation as a result. This is also considered important to ensure that the proposal aligns with the basis and understanding in terms of operating hours that the flood management, mitigation and evacuation strategy is based upon.

68. On the basis that this (a condition regarding hours of operation) is agreed, PC120 introduces table E36.3.1B.1 for the application of the three classifications which in turn then has a key role in the application and relevance of the provisions of the chapter and the framework around the summarised avoidance, avoidance unless or acceptable policies relating to use, development and subdivision under PC120. Using the hazard, the location of the activity, and the sensitivity of the activity to natural hazards to determine the default level of risk, as per Tables E36.3.1B.1 the scheme and parts of the site would fall into the following categories of risk based on an overlay of the hazard classification. A notable point from this is the threshold of significant versus potentially tolerable dependent on whether the hazard classification is high or medium which contrasts and provides a demonstration of the deficiencies in the figure 4 material referring to medium-high classification for areas of the site.

	Activities sensitive to natural hazards	Activities potentially sensitive to natural hazards	Activities less sensitive to natural hazards
Very high flood hazard area, high flood hazard area, coastal erosion hazard area 1 and coastal inundation hazard area 1	Significant	Significant	Acceptable
Medium flood hazard area, coastal erosion hazard area 2 and coastal inundation hazard area 2	Potentially tolerable	Potentially tolerable	Acceptable
Low flood hazard, coastal erosion hazard area 3 and coastal inundation hazard area 3	Potentially tolerable	Potentially tolerable	Acceptable

69. Based on the above the key and applicable policies of PC120 are as following (underlined for key emphasis of relevant parts) noting that the site hazard composition and classification is relatively dynamic and the proposed activity is envisaged to sit across the entire site, Therefore for this site it is a case that these proposed provisions are important in terms of providing the framework to assess effects but must be read and applied together.

30B) Avoid new subdivision, use and development in existing urbanised areas that gives rise to significant flood hazard risk in accordance with Table E36.3.1B.1 in very high flood hazard areas.

(30D) Avoid new subdivision, use and development in existing urbanised areas that gives rise to significant flood hazard risk in accordance with Table E36.3.1B.1 where it is for activities sensitive to natural hazards [A] or activities potentially sensitive to natural hazards in high hazard areas unless risk can be reduced to a tolerable level by:

- *providing appropriate safe refuge and safe egress for activities sensitive to natural hazards [A];*
- *and providing appropriate safe refuge and safe egress for activities potentially sensitive to natural hazards, unless it can be demonstrated that safe egress is not necessary to manage risk to life;*
- *and minimising all other risks to as low as reasonably practicable.*

(30E) Manage new subdivision, use and development in existing urbanised areas that gives rise to potentially tolerable flood hazard risk in accordance with Table E36.3.1B.1 so that risk is maintained at a tolerable level by:

- *providing appropriate safe refuge and safe egress for activities sensitive to natural hazards [A]*
- *unless it can be demonstrated that safe egress is not necessary to manage risk to life;*
- *and providing appropriate safe refuge and/or safe egress for activities potentially sensitive to natural hazards; and minimising all other risks to as low as reasonably practicable.*

70. It is appreciated in setting this information out to the Panel that this is relatively lengthy and complex. However, the situation of this site and the status of the information provided is considered to warrant this and it is considered important that Panel understands the proposed plan provisions in respect to resilience and risk to natural hazards when assessing effects. In terms of key points for the assessment of effects:

- Policy 36.3.30B (PC120 AUP) requires the avoidance of development and use (including as proposed as potentially sensitive to natural hazards) regardless on any risk mitigation. This would apply to the section of the site which is subject to a very high flood hazard classification.
- As noted we think it is ideal that a hazard classification map is produced for the site based on the modelling and the PC120 categories of flood hazard risk (based on depth and product of velocity and depth) as next step in the extensive and valued work the applicant team have undertaken on the matter. To assist the Panel, our understanding based on GeoMaps (figure 3) and the direction of travel of the applicants modelling (figure 4) our expectation would be that the framework provided by policies E36.3.30D (requires avoidance unless risk can be reduced to a tolerable level) and E36.3.30E (manage risk to a tolerable level) would apply to the majority of the site. Reading these together it is clear to us that the development must demonstrate that a tolerable level of risk has been established by providing both safe refuge and egress; and minimising other risks.

71. The PC120 policies referred to in the Plan Change 120 – Housing Intensification and Resilience Memo, prepared by Barker & Associates Limited and dated 19/12/25 are relevant and helpful. These are suggested as focusing on the policy framework for establishing and assessing risk, whereas the above policies are notable to first understand and apply in terms of the avoid, avoid unless risk is tolerable or manage to maintain tolerable risk hierarchy that they provide in respect to use and development on sites subject to different classification of flooding hazards in urbanised areas.
72. In respect to the PC120 provisions identified these were notified under the Streamlined Planning Process with immediate legal effect on 03 November 2025 with submissions closing on the 19 December 2025. It is acknowledged that the provisions and changes will be subject to further process and examination including the following for understanding:

The council must notify:

- PC120 on 3 November 2025 and receive submissions up to 19 December 2025.
- its decisions on PC120 before the end of June 2027.

The council was allowed to include strengthened provisions for managing natural hazard risks in using the SPP for PC120.

The panel that will consider submissions and make recommendations can have eight or nine members, with Ministers appointing four people and the council appointing the rest of the panel members. The panel is required to hold public hearings on PC120 which means submitters who indicate they want to be heard can present their submissions in-person.

Ministers included a 'statement of expectations' for the SPP. Both the SPP panel and the council must have particular regard to those expectations in making recommendations and decisions.

73. The provisions at this point are not operative but we would suggest need to be given significant consideration in any decision noting the immediate legal effect, the clear context and example in our environment in respect to flooding and other natural hazard matters in Auckland and the 10 year lapse date and timeframe for the designation. On this matter is noted that the Government has released the National Policy Statement for Natural Hazards 2025 which has come into force on 15.01.26. This has not formed part due to timings of the applicants or this assessment. Confirmation is respectfully requested as to whether this is sought by the Panel.

Framework for Council Response

74. This response for comments forms Auckland Council first response under the FTAA to a NoR application rather than other responses which have been focused on Resource Consent applications. It is therefore considered appropriate to confirm that our response has been guided and structured to assist the Panel with a particular understanding and reference to the following:

- Schedule 5, S24 and S25 of the FTAA
- S171 of the RMA

75. In providing these comments the Council have also noted as recognised by the applicant that in the event of any future works being taken forward under any confirmed designation any requirements triggered for regional consents would not be provided for under such a designation.

Assessment of Effects

76. The Council Memos and other relevant forms of advice listed in **Section A** above inform this planning assessment. These have been provided in annexures in their complete form for the benefit of the Panel and their review and assessment on specialist matters.

77. In response to the FTAA and in the interests of the process this planning assessment does not seek to review and provide comment necessarily on all potential effects of the proposed development rather focusing on the matters of key consideration and/or contention. The Council memos have been provided in full and are available to Panel should they wish to consider views on any matters not discussed in the below. In addition, the authors of this report are available should the Panel wish to ask any specific further questions on matters not covered in the below from their review of the application.

Earthwork and Geotechnical

78. The potential adverse effects and management measures associated with the earthworks which would be provided for under the proposed designation have been reviewed by Council's Development Engineer (**Annexure 3**). The site is relatively flat, concept scheme does not envisage or provide as baseline proposals for the application of the general accordance condition (condition 1) any basement levels in terms of the potential scope of earthworks.

79. The Council's Development Engineer has recommended a number of different / additional conditions rather than provide direct comment on the conditions proposed in respect to the management of earthworks by the applicant. These include but are not limited to:

- Notification of the earthworks commencing
- Implementation of the Erosion and Sediment Controls measures
- Use and type of imported fill.
- Management of earthworks potential discharge
- Compliance with acoustic standards and hours of construction.
- No obstruction of public areas
- Dust management
- Repair to damage any damage to public areas
- Disposal of cut
- Compliance of fill with technical guidance.

80. Within section C of this report, we have taken a proportional approach as to how the key matters raised in these suggested conditions could be addressed within any conditions imposed on the designation.

81. In respect to earthworks the Council's Development Engineer has also noted the potential for earthworks to require regional consents on the basis of the rules of E11 of the AUP:OP. The substantive application has not sought such consent needs and therefore it is acknowledged and our comments are provided on the understanding that if future earthworks were to trigger regional consent needs this would need to be applied for and assessed at that point.

Conclusions on Earthworks and Geotechnical Effects

82. 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 conveyed over the site.

Construction and Operational Noise and Vibration Effects

83. Documentation regarding potential noise and vibration effects informed by the concept scheme has been reviewed by Council's Acoustic Specialist (**Annexure 9**). This includes the AEE (in part) dated 11 August 2025 by B&A, the Construction Noise and Vibration Assessment dated 15 September 2025 and the Response to Request for Further Information dated 17/12/2025 by SLR Consulting NZ Ltd.
84. Noting the NoR structure of the application the assessment of construction effects provided by the applicant is stated as preliminary but assumes relatively limited earthworks and the use of piling. The applicant's assessment predicts temporary exceedances of the equivalent construction noise standards of chapter E25 of the AUP:OP of between 5-10 dBA as specified adjacent person(s)/land. In addition, and in response to the assessment the applicant has proposed condition of the designation which include the lodgement and certification of a Construction Noise and Vibration Management Plan.
85. The Council specialist considers the assessment and predicted levels to be indicative of the proposed works envisaged under the designation, the effects are typical for the development that would be provided for under the concept scheme. The Council specialist concludes that with the implementation of the recommended measures the potential effects are reasonable. The Council specialist has received condition 2-5 as drafted (19.12.25 issue) and considers these acceptable without any further amendment or addition.
86. During the review of the application material a question was raised in respect to the potential effects and need for a condition survey regarding the site of significance building at 22 Alderman Drive. A response was provided to Council on 19 December 2025 based on the separation of the proposed piling works as envisaged by the concept scheme to this location. The Council acoustic specialist has concluded the following in respect to this matter and is not seeking an amendment to the proposed conditions:

'The additional information also confirms there is a low risk of vibration causing cosmetic damage to the building at 22 Alderman Drive. I note examples of cosmetic damage include cracking in paint or plasterwork. Cosmetic building damage effects are deemed 'minor damage' in DIN 4150-3 and can generally be easily repaired. Further, the cosmetic damage guideline limits are much lower than those that will result in structural damage and experience has shown that if these limits are complied with, damage that reduces the serviceability of the building will not occur'.

87. In respect to operational noise and vibration effects of the Justice Facility activity the assessment provided by the applicant utilises the standards of Chapter E25 of the AUP:OP based on the activity occurring during daytime hours, during the weekdays. The Council's specialist has reviewed the assessment and the proposed concept scheme and concluded the following:

Compliance strongly implies noise will be at a reasonable level when assessed within neighbouring sites and effects will be compatible with surrounding land use, in particular given the expected ambient noise levels due to traffic on the immediate road network

88. 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. In the Memorandum in response to Auckland Council Preliminary Information Request provide don the 19 December 2025 the applicants representatives confirmed the following:

We confirm that the Justice Facility is a daytime facility only and will not operate as an overnight facility. There will be some activities (administration, staff, cleaning, security etc..) that will occur outside standard daytime operating hours.

89. In critical review on this matter it is however apparent that 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. In stating and proposing this it is considered important to recognise that this is a Business Metropolitan Centre Zoned site which adjoins is in proximity to residential zones as opposed to a site located at the heart of a business zoning.

Conclusions on Noise and Vibration Effects

90. 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.

Lighting Effects

91. The Application has been reviewed by Council's Lighting (**Annexure 7**) inclusive of the

further information and updates to condition 8 proposed by the applicant in response to Council comment by the applicants representatives in their updated conditions on the 19 December 2025.

92. The Council's lighting specialist utilises the concept scheme for understanding and assessment of potential effects.
93. The specialist demonstrates an understanding of the proposal and adjacencies including separation to residential properties. The overall conclusion is that effects can be addressed via the proposed conditions and that compliance with the permitted standards of Chapter E24 (Lighting) of the AUP:OP should be readily achievable.
94. 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.

Conclusions on Lighting Effects

95. Subject to the minor additions to condition 8 it is considered that the NoR will address and manage potential lighting effects.

Water Supply and Wastewater Effects

96. The water supply and wastewater servicing proposals envisaged of the applicants engineer, based on the concept design, have been reviewed by Council's Development Engineer (**Annexure 3**) and Watercare (**Annexure 2**). The Watercare review is based on information provided within the substantive lodgement including peak discharge and demand based on daytime operation. The review does not consider the updates and additional information provided on the 19 December 2025 which beyond a clarification on the intent of proposed condition 12 did not relate to these matters.
97. In respect to wastewater capacity Watercare consider at the date of assessment that there is sufficient capacity in the network to accommodate the concept development but do note that the site is located within an area identified where capacity is closely monitored and that capacity may change in the future.
98. At a detailed level the Watercare memorandum identifies various other statutory approvals outside the scope of the FTAA and any decision on this substantive application which will be required. In a location subject to these identified capacity constraints and competing development proposals and uncertainty in respect to delivery and timings of projects infrastructure capacity is not allocated by the providers.
99. Notably the Watercare memorandum discussion includes the following identification as a correction to the understanding and basis for the applicants' proposals:

As part of the Takapu Street wastewater upgrade, the existing 225 AC pipe has been abandoned and replaced by a new 300 PVC pipe as shown on Watercare's publicly available GIS. The Applicant has proposed to relocate existing 225 AC pipe (and

discharge into it) however this has been abandoned and replaced by the new 300

100. Given the specific general accordance wording of condition 12 proposed it is our opinion that the services engineering plan which will form the general accordance 'baseline' for this condition should be updated at this point to reflect this revised understanding or explicit recognition that this will need to be updated at any subsequent regulatory engineering approval stages. Alternatively as suggested in Section C an advice note could be added to condition 12.

101. In respect to water supply Watercare note the following:

Watercare can confirm that as of today's date there is sufficient capacity in the local and transmission water supply network to support the New Courthouse Project, provided the hydrant test and any required upgrades are undertaken to accommodate the required fire flows including sprinkler connection. These requirements will be confirmed at the Engineering Plan Approval stage.

102. The Watercare memo identifies as would be the case typically and of particular relevance given this wastewater capacity situation that an approval under this application does not constitute approval for connection or supply as part of any future Engineering Plan Approval and/or the Water Supply and Wastewater Network Bylaw 2015 (Bylaw)

Conclusions on Wastewater and Water Supply Effects

103. In respect to water and wastewater supply the site based on the concept development there is broad agreement with the Application can suitably serviced as of today to avoid potential environmental and capacity effects.

104. For a decision on this NoR application it is considered that effects can be appropriately managed through and subject to the following:

- 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.
- c. Update to 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.

Stormwater Infrastructure Effects

105. Council's Development Engineer (Annexure 3) has undertaken a review of the proposed stormwater servicing proposals envisaged of the applicants engineer, based on the

concept design. In addition, Healthy Waters (Annexure 1) as part of their review and noting that the concept proposal envisages a building over the existing stormwater pipe have commented on this aspect of the scheme, this was also considered prudent given separate engineering which would be required to deliver this option in the future. The proposed development footprint is located over an area with critical stormwater assets, including a 1500mm diameter concrete pipe that services a large upstream area within the Oratia Catchment. Correspondence and meetings have occurred on this aspect of the application with the applicant updating their proposals to include the provision of a new larger stormwater pipe and install new manholes.

106. In respect to the effects of the proposed development in terms of stormwater management and infrastructure capacity the Council Development Engineer requested further information noting that in addition to the consideration required in respect to the potential effects on the stormwater network, the site is located in a Stormwater Management Area Control – Flow 2 control area under the AUP:OP. These apply to locations particularly sensitive to discharge effects and have generally higher levels of existing impervious area.
107. The applicant team therefore provided further details on these matters in their response of the 19 December 2025 including a Stormwater Management Plan (SMP) based on the concept scheme (including detention and retention tanks in accordance with Council requirements to demonstrate consideration and feasibility) and an amendment to condition 13 to require the preparation and approval of a final SMP based on any final design.
108. The infrastructure design proposal as previously identified proposes the build over of the stormwater pipe with an associated condition provided in respect to a clearance zone for the buildings pile foundations from this infrastructure. This (building over infrastructure) is not a preferred approach for a pipe of this scale and raises significant concerns regarding future access, maintenance risk, and structural vulnerability.
109. Following a series of meetings and correspondence on this matter, including updated proposals as noted above and by Healthy Waters (Annexure 1) and discussion on alternatives it is confirmed that this approach can be accepted. There are two relatively minor further updates noted in the memo discussed with the applicant team. On the 21 January 2026, after the completion of the Healthy Waters memorandum an updated services plan was received to address these outstanding points. These relate to:
 - a. An additional manhole at the southern side of the building.
 - b. Fitting of a hinged manhole lid and safety grills to the two proposed manholes.

Conclusions on Stormwater Effects

110. Council's Development Engineer and Healthy Waters in their preliminary review identified significant technical uncertainties and unresolved issues. This prevented a full assessment of the proposal and its potential effects in respect to Stormwater management from the development, and the suitability of the proposed development in terms of the effect on onsite public stormwater infrastructure.

111. The applicant team has constructively engaged with parties on these matters, including providing further information and amendments to the proposed conditions to respond to these matters.
112. 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)

113. The AUP: OP / Plan Change 120 - Auckland Unitary Plan – Natural Hazards section of this report has provided a detailed understanding of the context and framework for assessing effects in respect to these matters including notably the specific situation of the notification and immediate legal effect of the natural hazard provisions of PC120.
114. As noted the Requiring Authority Team have engaged extensively with the Council on these matters and responded positively to the PC120 provisions with updated assessment received on the 19 December 2025. The information provided in the application and in this additional issue has been reviewed and subject to discussions with the Council including specialists within Council's Healthy Waters (Annexure 1) and the Council Development Engineer (Annexure 3) who provide an overall recommendation of considering the proposals in detail supportable (Healthy Waters) or supported (Development Engineer) for these aspects.

Offsite Effects

115. Alongside considering the principle and resilience of the proposed use assessment if required at these effects and risk. The Healthy Waters memorandum provides a helpful review and assessment on this matter including an issue with the helpful proposed additional condition which I am in agreement with:

In assessing potential effects, consideration and review was given to potential offsite effects including displacement and changes to the conveyance, extent, and velocity of the flood hazard in a post development scenario. The Applicant's Engineers have provided assessments based on a conceptual site and building design. HWFR are satisfied with the Flood Assessment provided in this regard.

It is important to note that this review is based on the effects of the development assumed by the Applicants modelling. The NoR recognises that the final design has not yet been confirmed at this stage of development. In response to preliminary comments on this matter and the potential need for further review or assessment of potential offsite effects as a result of any changes to the finalised design, a condition (New Condition X: Flood Modelling) has been offered within the 19 December 2025 version of the proposed NoR conditions. The inclusion of a condition to address this concern is supported but the scope of condition put forward is limited to changes to the final building slab and pile design as the trigger for re-assessment. It is considered that there are a greater number of factors that could influence potential changes in downstream flooding effects. For this

reason, further amendments are proposed to this condition.

In addition, the Council's Development Engineer has received the pre and post development modelling and extent of hazards including the modelled increase of 110mm flood depth for the adjacent crossing.

116. Section C includes suggested amendments to the new flood modelling condition X which has been developed by Auckland Council Planners and Healthy Waters to address these perceived limitations in the current drafting, a key matter and principle being that there needs to be a process and check to ensure that the post development effects on the operation of the hazard as assessed is provided in the finalised design and a mechanism for the assessment of any minor changes before considering the need for a separate resource consent. Whilst we would not consider that there are no effects and risk in terms of the natural hazard in the wider area it is acknowledged that the design has sought to mitigate and manage these effects to an acceptable degree.

Onsite Effects

117. The proposed Waitākere Courthouse development will introduce additional people and assets to an area that is subject to significant flood hazards increasing exposure to flood risk and creating significant safety and operational concerns. The proposed Waitākere Courthouse development will introduce additional people and assets to an area that is subject to significant flood hazards increasing exposure to flood risk and creating potential significant safety and operational concerns.
118. In proposing a judicial activity in this location which due the hazards including the potential duration of flooding it has been noted in pre-application discussions extensively that this may significantly impact on operation of this social infrastructure. Notwithstanding this questioning it is noted the Requiring Authority Ministry of Justice have put forward this use inclusive, aware and to be bound by a management plan which may result in operational issues and uncertainties for the Courthouse in the future.
119. Notwithstanding these noted points the application has provided detailed assessment of the hazards as they apply to the site, design measures and arrangement to respond to this and a flood management plan includes planning, monitoring, and evacuation procedures, outlines roles and responsibilities of building management staff, and includes provision for regular auditing and updating of flood management practices and procedures. The reference points of providing safe egress and safe refuge noted in the conclusions of the AUP: OP / Plan Change 120 - Auckland Unitary Plan – Natural Hazards section of this report have been appropriately assessed and detailed.

Both the Councils Development Engineer and Healthy Waters have carefully reviewed the information provided, with the following point of review highlighted from the Healthy Waters memorandum:

Overall, it is agreed that the risk to persons is appropriately managed as a safe and unobstructed route can be provided from the building in the event of a flood hazard. A significant reason for this position is the robust site and building management process

and framework that are associated with this type of facility, the fact that the building is not intended to be occupied or in use outside normal business hours, and that there are no overnight stays of court personal or persons in custodial care. It is noted following discussion with our planning colleagues that whilst the activity is described, and a number of the assessments clearly rely on daytime business hour operations with no overnight stay, the designation conditions do not explicitly provide for this. It is understood our planning colleagues have raised this in preliminary feedback to the Applicant's Agents and will be raising this to the Panel.

Conclusions on Natural Hazards (Flooding and Overland Flowpaths) Effects

120. 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.
121. 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.

Transport Effects

122. The Application includes a Transportation Assessment that has been reviewed by Auckland Transport (Annexure 5) and Council's appointed Consultant Traffic Engineer (Annexure 4). The transportation assessment provided by the applicant when considering effects assumes the closure of the existing courthouse in Henderson (9-11 Ratanui Street) as part of the proposal.

Site Access and Onsite Arrangements

123. The applications sites frontage is subject to two intersecting arterial roads, adjacent to the roundabout intersection of Alderman Drive / Edmonton Road. As arterial roads, these roads are both subject to a Vehicle Access Restriction (VAR) under AUP:OP, thus placing heightened and specific considerations on the provision of new vehicle crossings and accesses both in terms of potential safety and operation of the network.
124. As an NoR with a concept (appendix 2 of the UDA) but no finalised design this environment and policy context, together with the specific and various access points required for the proposed Justice Facility activity, provides the framework to assess the indicative scheme and the proposed conditions and how these will mitigate and manage potential operational and safety effects. A summary of the applications approach is as follows:
 - a. The concept scheme (appendix 2 of the UDA) and basis for the transportation

assessment outlines the following:

- i. The existing vehicle crossing onto Alderman Drive and to the RoW easement is to be retained to allow for access to the RoW, the envisaged rear servicing area and accessible parking bays in the concept scheme. The application identifies that it has not been possible to utilise this access to provide for the other functions of the Justice Facility (custodial vehicles for instance) due to the general permitted access required on the RoW (Alderman Hospitality Venue) and security needs of the proposed activity.
 - ii. The provision of two vehicle crossings at specific locations on Edmonton Road, required for the custodial function of the proposed activity.
 - iii. The transportation assessment is clear that the a key design constraint and assumption in their assessment is that due to safety and operational matters no further crossing shall be provided on the Alderman Drive frontage (other than use of the RoW access) and that the two crossings on Edmonton Road frontage are located to the southeast of the sites frontage and away from the roundabout.
- b. In respect to the proposed designation conditions relating to access the following is summary is identified:
- i. Condition 1 (Scope of designations) a general condition regarding works to be undertaken in general accordance with the NoR unless modified by the other conditions.
 - ii. Condition 24: specifies that no more than two crossings shall be located on the Edmonton Road frontage and there shall be no vehicle crossing on the Edmonton Road frontage adjacent to the area to the west of the Edmonton Road/Takapu Street intersection. Unless supported and subject to future OPW assessment.
 - iii. Condition 25: Queuing space will be provided at each vehicle crossing.
 - iv. Condition 26: Vehicle crossings will be no more than 7m wide unless supported and subject to future OPW assessment. Notably this is in excess of the maximum 6 metre width standard which would be a relevant standard under the AUP:OP Chapter E27.
 - v. Condition 27: Provision of visibility splay and alert system on crossings on Edmonton Road.

125. As an outcome of our review, we consider that that there are some matters that require clarification and strengthening in the conditions to ensure that the potential safety and network effects are addressed. This is outlined in section C of this report in details but for assistance includes:

- 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.

126. The Council's Traffic Engineer in respect to the various vehicle access has focused on

the locations of the crossings as outlined in the concept plan and provided for in the future design through the proposed conditions, including the 7m width allowance sought to be established in the NoR and proposed conditions.

127. In respect to the location of the vehicle crossings the traffic engineer notes *'further to assessment undertaken in the applicant's TA, I consider that the selected locations for the vehicle accesses on the Edmonton Road frontage represent the optimum outcome in relation to vehicle crossing spacing and consequent management of potential conflicts for vehicles and pedestrians'*.
128. However, in respect to the sought 'default' 7m allowance for vehicle crossings onto Edmonton Road under condition 26 the Council's Traffic Engineer does not consider that sufficient justification or evidence has been provided to support this as a default position for the future design as detailed in Annexure 4. The Council's traffic engineer has suggested that this information is provided ideally at this point. In the interests of expediency in our review, we have considered that this matter could be managed through an amendment to the wording of condition 26 as outlined within section C.
129. Also as highlighted in the Council Traffic Engineers memorandum the internal layout of the vehicular areas is not supported by tracking diagrams, in the absence of these the traffic engineer has identified that there may well be conflict with the standards of the AUP in terms of internal manoeuvring.
130. The Council traffic engineer has also identified that in his opinion it has not been satisfactorily demonstrated that the accessway including the RoW will provide sufficient space for the manoeuvring of vehicles likely to use this space to service the development to ensure that they enter and exit the site in forward gear as suggested and considered critical given the environment of the arterial road of Alderman Drive. Further information has been provided in respect to manoeuvring of accessible parking bays (for the proposed activity and the Alderman Hospitality Venue accessible parking spaces) however this has a number of limitations (no scale) which the applicants representatives have been advised of.
131. In review of these two matters, it is clear to us that the proposal in front of us is at indicative stage rather than finalised design. However, within the designation conditions there is no apparent process for this internal detail (including tracking) and the dimensions of the rear accessway to be finalised and assessed in terms of its suitability and approved. Our current understanding of the structure of the proposed NoR and conditions would be that if the finalised design provided the same arrangement in terms of dimensions of the accessway and internal vehicular areas this would be anticipated to be default accepted.
132. Further information as suggested in the Council Traffic Engineers memorandum could be provided at this point to clarify and address these matters. However, noting the scale of these matters, that this is not the finalised design and the NoR context of this proposal which provides the opportunity for the finalised design to address these matters within section C a proposed condition has been put forward to address this matter as a pragmatic way forward. This is considered suitable on the basis that these potential

issues are identified at this point and the current dimensions of these areas should not be considered default acceptable.

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

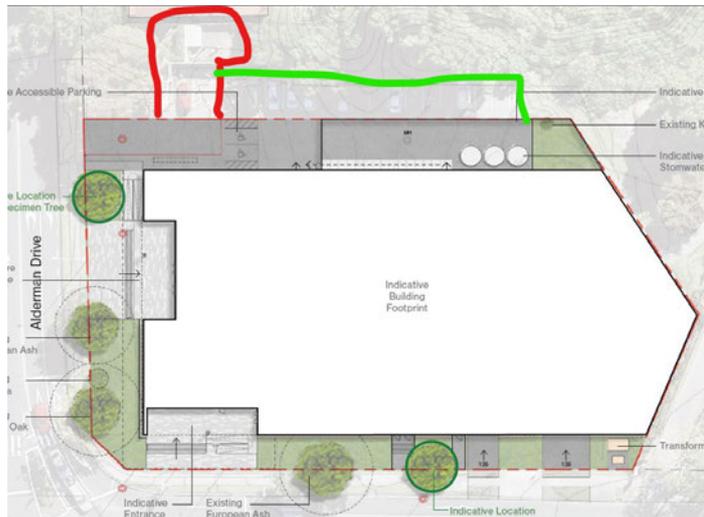


Figure 5 : Annotated landscape plan to assist with assessment understanding.

133. The RoT for this site includes a Right of Way easement which is shown on the concept plans. The concept scheme shows this as a red outline (refer to figure 5) and provided for its vehicular access function (free from development by buildings). The RoW currently appears to be utilised by the Alderman Café to access and the function of service areas and accessible parking spaces at the rear of the operation adjoining and directly to the north of the RoW (highlighted in red annotation on figure 5).
134. During the consideration of this application both the Council's Traffic Engineer (Annexure 4) and Council Parks and Community Facilities specialists (Annexure 8) have raised queries regarding the potential effects on the activity and concept design on the operations of the Alderman Hospitality Venue. The Council's traffic engineer identifies that further information is needed in respect to tracking diagrams to demonstrate that the indicative scheme as a baseline/general accordance parameter for the future finalised design would be able to provide for these adjacent operations in terms of space for required size vehicles and to accommodate manoeuvring so that vehicles are likely to enter and exit Alderman Drive in a forward gear.
135. A separate matter highlighted in discussions on this application was that the concept scheme would cut off access to parking spaces currently accessed through the application site but not identified as being subject to any easement or interest to provide for this (circled in green in figure 5).
136. This area located within Falls Park open space being effectively cut off in the baseline indicative scheme raises consideration about firstly the loss of parking, secondly the resulting quality of the space and interface with any future development on the site, and thirdly access for future maintenance.

137. The applicant representatives have responded to these matters in the 19 December 2025 material confirming the following:

Alderman Café - With regards to existing legal access arrangements to the Alderman Café, it is reiterated that no structures or buildings are proposed within the Right of Way easement and the Justice Facility enabled by the designation will not restrict the ability for the Alderman café to access the existing parking.

Cut off Car Parking Area - The Requiring Authority considers that this is not considered to be an RMA effect, the assessment provided confirms that this work is not necessary to mitigate effects therefore plans for the carparks are to remain a private matter to be addressed outside of OPW stage.

It was agreed that further engagement and a potential Memorandum of Understanding would be progressed outside of this process.

138. In respect to the first matter, we agree with the Council's traffic specialist that a demonstration of what the manoeuvring arrangements for a variety of vehicles using the service area and scaled drawings for the accessible parking bay for the Alderman Hospitality Venue (relying on the RoW) would be of assistance and may indicate a likelihood of vehicles exiting the site and onto the arterial road in reverse. However, in critical review the NoR in proposing an indicative scheme which accommodates the RoW and its function, and shows development limited to the area within the application site and outside this RoW, which this adjacent occupier to our understanding has no current legal right for access cannot be considered to create any such effects if they occur. On this matter we note that the indicative scheme proposes in the tracking diagrams provided and ground floor layout plan (appendix 2 of the UDA) additional land within the application site for the accessway that the adjacent occupier will be able to utilise for manoeuvring as shown in figure 6 below in green.

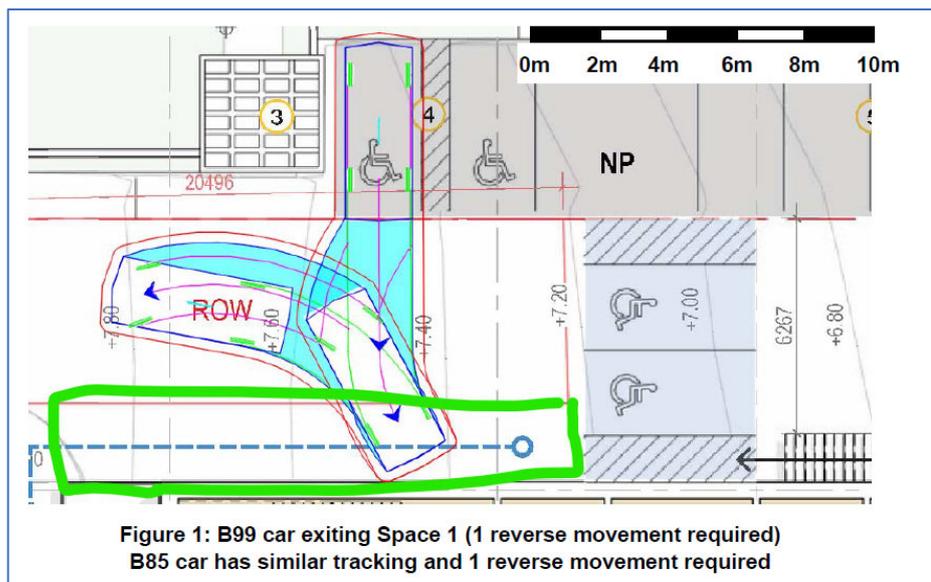


Figure 6: Tracking diagram within rear accessway – area in green land provided which is not within the RoW easement area.

139. Within the 19 December 2025 issue the applicants representative proposed an update to the wording on condition 10 (CTMP) to clarify legal access to the surrounding properties will not be obstructed during this construction phase. As outlined in section C of this report whilst we acknowledge the overarching requirements of the RoW easement on the title, we consider that a similar condition (separate of as an addition to existing conditions) would be helpful to make clear that the finalised design must provide the RoW easement.
140. In review of the car parking area/strip within Falls Park directly to the north of the application site which the indicative shows being cut off, ultimately this area solely relies on access which there appears to be no apparent current legal right to over the application site.
141. Helpfully the applicant has identified their commitment to engage outside of the process with the Council on this area and potential landscaping which will be advanced under separate process with Council.
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. This land is within Falls Park and it is in no one's interest for the land to become inaccessible and unmaintained.

Construction Traffic Effects

143. The NoR inclusive of the proposed designation conditions (condition 10) is considered to suitably address these potential effects. Within the 19 December 2025 material a minor amendment was proposed to condition 10 in response to Council feedback regarding future plans making provision for specific adjacent occupiers. This is welcomed, some minor further amendments are proposed following and responding to feedback within annexures 4 and 5 as detailed in section C.

Strategic Transportation and Parking Effects

144. At a strategic level in terms of transportation effects and the location of the activity proposed under the NoR the following supportive view is provided by Auckland Transport in their review:

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.

145. In terms of wider transportation effects the Council Consultant Traffic Engineer notes the following relying on the presumption in the applications assessment that the existing

courthouse operation will cease on the commencement of a new facility under the proposed NoR:

The transport effects of the proposal enabled by the NoR thus partially represent effects which already take place within the adjoining transport network but are effectively being 'displaced' to the new courthouse site, albeit it is not presently clear as to how the existing courthouse site may be repurposed in future.

The new courthouse location remains within the threshold of 'desirable' to 'acceptable' walking distances of the Henderson town centre, as defined by good practice guidelines published by the UK's Chartered Institution of Highways and Transportation (CIHT), which refers to 500 metres as a 'desirable' maximum walking distance and 1000 metres as an 'acceptable' maximum walking distance. This threshold includes access to public car parking areas and to public transport connections including Henderson railway station.

In respect to potential parking related effects the Council's Traffic Engineer notes the following:

'As a result of the displaced 'footprint' of transport related effects associated with the NoR proposal, nearby residential streets to the east of Henderson town centre may attract 'free' public on-street parking.

However, analysis requested from the applicant in the updated draft of their TA confirms that lengths of residential street within a 500-metre walking distance of the site and which are not subject to time limited parking or 'no stopping at all times' controls are relatively limited. The closest such location, along Takapu Street and Ciprian Place, is at least 300 metres from the site, while other such potential locations for 'free' on-street parking, such as Matuhi Rise and Claude Brookes Drive, would be accessed via an uphill ascent along Edmonton Road for the return journey.

Overall, I consider that members of the public accessing the new courthouse site will park wherever they find convenient. While this could result in some overspill parking occurring in nearby residential streets, I consider the likely geographical scope and corresponding scope for adverse effects associated with this problem to be low'

146. 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.

Conclusions on Transport Effects

147. For the Councils Traffic Specialist there are a number of unresolved matters which result in his current conclusion which the Panel are suggested to review:

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.

148. 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 and structures limited to areas where no apparent legal right of access exists is creating an adverse effect.
149. 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.
150. At this point, provided the recommended conditions are imposed it is considered that residual traffic impacts can be addressed.

Arboricultural and Landscaping

151. A key aspect of the proposal is that whilst the proposal in other respects is a concept scheme it has sought the confirmation and certainty of the removal of two notable trees.
152. The subject notable trees are listed in schedule 10 – Notable Trees of the AUP:OP as follows (note that there is an error in the site description which the Heritage Arborist intends to correct late January 2026):

1842	<i>Agathis australis</i>	Kauri	2	Edmonton Road 20	Henderson	Lot 4 DP 24633
------	--------------------------	-------	---	------------------	-----------	----------------

153. The Councils Heritage Arborist has reviewed the proposals and provided detailed comments in Annexure 11.
154. The two existing notable trees are located within a planter towards the north eastern part of the site. It is assessed that one of these trees has damage, but that this does not form adequate grounds for the removal of the tree in itself; and that the other tree is in good form and health.
155. The Councils Heritage Arborist memorandum provides a thorough and detailed

assessment which the Panel is encouraged to review. The Council in pre-application discussions with the applicant prior to the acceptance of the referral application (FTAA) were of the view that the proposed removal of these trees would be a key and notable aspect of the notification process on any lodged Notice of Requirement Application.

156. 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:

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.

157. Within Annexure 8 the Senior Parks Planner has provided helpful review and comments in respect to this matter supporting the Heritage arborists proposed provision and species of four trees. The memorandum helpful identifies locations where this tree planting could feasibility occur based on the indicative scheme. Separately 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.
158. Our position would be that is certainly is sought on the removal of these two notable trees at this point then it is reasonable that similar certainty is given on the replacement planting.
159. As an additional matter in discussion with the Heritage Arborist following the supply of his memorandum it has been identified that there is a potential issue in the NoR structure in that there is no explicit commitment on the timing of the removal of the notable trees. The conclusion on the removal of the trees is inherently tied to the development of this area being required and occurring for the purposes of the designation, the Council would therefore consider it essential and appropriate that there is within any designation a limitation exists which only allows the removal to take place in association with the development of this area. A situation where the designation technically allows, notwithstanding this clearly not being the intention of the Requiring Authority, for either of the following to occur should be avoided and this has been addressed in the section C:
- a. Notable trees removed significantly before any earthworks and/or development taking place under the designation.
 - b. Notable trees removed under designation and then other development not taking place as the designation does not advance further.

Conclusions on Arboricultural Effects

160. 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:
- a. Replacement planting
 - b. Timing of the removal of the trees being linked to committed development occurring.

Urban Design, Visual and Bulk and Location Amenity Effects

161. The Application in respect to these matters has been carefully reviewed by the planners and the Council's Urban Design Specialist (**Annexure 6**).
162. Annexure 6 is an outcome of detailed discussions internally and it is considered that this should be read in full by the Panel rather than repeated in this section. Matters raised can be categorised into two main areas, firstly where there are 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.
163. Secondly where 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.
164. To address these matters planners in consultation with our Urban Design colleagues have suggested an 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 UDFG 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.
165. In respect to amenity considerations arising from the bulk and mass envisaged from reviewing the separation and orientation to adjacent occupiers and features of interest the massing envisaged under the indicative bulk and location study which provides a

general accordance reference point for the finalised design is considered appropriate.

Conclusions on Urban Design, Visual and Bulk and Location Amenity Effects

166. 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 suggested by Council within the amendment under condition 6.

167. Provided this is achieved, no significant adverse effects are anticipated.

Reason why the Designation is Necessary

168. Chapter 19 of the AEE provides an explanation and assessment of the why the designation proposed under the Notice of Requirement is necessary in response to clause 12(1)(g) of Schedule 5 of the FTAA and relevant to assessment under S171(1)(b)(ii) of the RMA .

169. 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.

Consideration of Alternatives

170. Chapter 20 of the AEE provides a consideration of alternative sites, routes and methods for undertaking the project proposed under the Notice of Requirement in response to clause 12(1)(h) of Schedule 5 of the FTAA and relevant to assessment under S171(1)(b)(i) of the RMA .

171. No significant concerns are identified with this assessment and reasoning as to why a designation for a Justice facility is necessary.

Project benefits / Purpose of the Act

172. The application within Chapter 10 of the AEE and the Property Economics Report outlines how the project is considered to be consistent with the purpose of the FTAA. The project has previously been accepted as a referred project however the consistency of the project with the purpose of the Act is relevant to the Panels consideration and decision on the application under Part 24, Schedule 5 of the FTAA.

173. The application documentation utilises the reference point of S22(2)(a) of the FTAA on this matter and considers that the following criteria limbs are relevant to the proposal:

- (i) *(has been identified as a priority project in a central government, local government, or sector plan or strategy (for example, in a general policy statement or spatial strategy), or a central government infrastructure priority list:*
- (ii) *will deliver new regionally or nationally significant infrastructure or enable the continued functioning of existing regionally or nationally significant infrastructure:*
- (iii) *N/A*
- (iv) *will deliver significant economic benefits:*

174. In respect to the identification to limb (i) the key reference points in the NoR application is Chapter 5.2 of the AEE where it is identified that the project is a priority project, being part of the Minister of Justice 10-year infrastructure investment plan to restore and modernise buildings across the Minister of Justice's property portfolio. Also provided within the application is a letter (appendix 5 of the application lodgement) from Ministry of Justice representatives to the Minister Responsible for RMA Reform and the Expert Panel provided as part of the referral application to the FTAA pathway. This refers to the project being part of a cabinet approved business case (2024) and also being part of the Ministry of Justice's 10 year investment plan.
175. 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. The Panel may wish to request further information on these matters in respect to their consideration of consider in their application of Criteria 24(1), schedule 5.
176. 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. 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.
177. Mr Stewart in his review acknowledges that *'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'*
178. The request for a cost benefit analysis have been shared with the applicant's representatives who have respectfully confirmed that they do not consider a CBA as necessary and their 19 December 2025 issue identified that no further information will be provided on this matter.
179. We are aware that the Panel (via the EPA) has requested in its Request for Information under S67 (19th December 2025) further information regarding economic matters which will be reviewed alongside the comments provided on Mr Stewart.

180. Commenting on the purpose of the act, we do note the judicial facilities as proposed are recognised with the RPS (Chapter B2) as important social infrastructure as outlined below:

Social facilities include public and private facilities which provide for services such as education, health, justice, corrections, community and cultural facilities. They also contribute to the economy of Auckland and New Zealand in a variety of ways, both supporting other activities and by contributing to a high-value knowledge economy. This is particularly important for a growing city, as increasing numbers of people rely on these facilities to meet their needs and provide for their social, economic and cultural well-being.

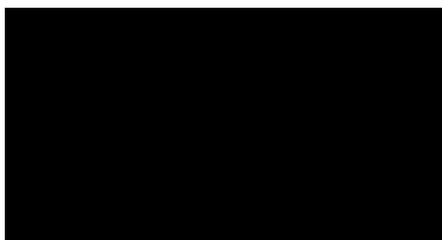
181. It is also apparent to us that judicial facilities have an important junction in the structure and application of laws within New Zealand and that this project as one of a network of such facilities within the Region will be important. It is for the Panel to apply weight to the purpose of the Act, 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

SECTION C: Recommendation and Conclusion

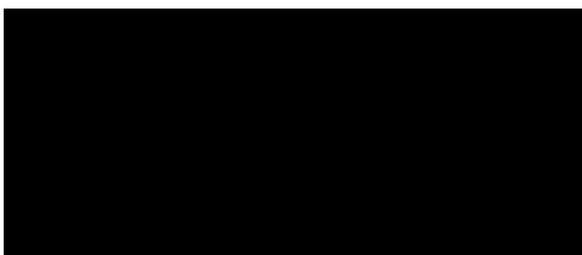
It is our overall opinion that the proposal as put forward under the designation is supportable subject to matter raised in this memorandum being addressed including the following key matters:

- a. Clarification regarding the classification status of the hazards under PC120 flood hazard risk definitions and applicants modelling.
- 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
- c. List of the consolidated and agreed documentation for the proposed designation and to inform proposed condition 1.
- 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.
- 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.

DATED the 22nd day of January 2026



Joe Wilson
Principal Project Lead, Auckland Council



Jo Hart (Peer Review)
Senior Policy Planner for Auckland Council