

**To:** Alex Mickleson – Application Lead, Environmental Protection Authority

**From:** Alisa Neal – Barker & Associates Limited

**Date:** 13 February 2026

**Re:** FTAA-2508-1096 Response to Minute 3 Panel Chair (Waitākere District Court – New Courthouse Project)

This memorandum addresses the matters set out in the request for information items (1) to (5) and Appendix 1 received from the Waitākere District Court – New Courthouse Project Expert Panel on 5 February 2026. The Applicant acknowledges that the expert conference will be held on 19<sup>th</sup> February 2026 and awaits further details on the specific agenda for this session.

As part of this response, ACH Consulting have undertaken additional flood modelling based on the 2-year, 10-year and 50-year average rainfall events (ARI) for the ‘as-lodged’ indicative scheme and ‘alternative’ indicative scheme outlined in the Minute 2 response provided to the Panel on 23<sup>rd</sup> January 2026. A summary of this modelling is provided in the addendum to the Floodplain Impact Assessment included as **Attachment 1**. It is noted that the baseline parameters and boundary conditions used to facilitate the abovementioned modelling were obtained from Healthy Waters and are consistent with the boundary conditions used to undertake the previous modelling provided to Council and the EPA as part of the substantive application.

To support this response, the following attachments are provided:

- Attachment 1 – Floodplain Impact Assessment Addendum

Response to Appendix 1 Matters:

The responses are addressed in **Table 1** below.

**Table 1: Response to Appendix 1 regarding flooding matters**

Item	Request	Response
1	The Panel notes that the National Policy Statement for Natural Hazards 2025 (NPS Natural Hazards) came into force on 15 January 2026. The Panel therefore requests that the Applicant confirms how the objectives and policies of the NPS Natural Hazards have been applied to the Notice of Requirement (NoR) site. Noting that the NPS Natural Hazards applies to a range of hazards, please confirm which hazards are applicable for the site.	<p>In accordance with clause 1.3(1) of the National Policy Statement for Natural Hazards (NPS-NH), the natural hazards relevant to the Notice of Requirement includes flooding. The site is not located within or near the coastal environment, and therefore, the coastal erosion and coastal inundation area hazards are not relevant to the proposal.</p> <p>An assessment of how the objectives and policies of the NPS-NH have been applied to the Notice of Requirement is provided in <b>Table 2</b> below. This is supported by updated model information prepared by ACH consulting and included in <b>Attachment 1</b>.</p>

2	<p>With respect to Policy 1 of the NPS Natural Hazards, has the flood hazard risk within, upstream, and downstream of the NoR site been assessed in a manner that is consistent with, or is more conservative than, an assessment using the risk matrix in the NPS Natural Hazards?</p>	<p>An additional assessment that is consistent with the risk matrix in the NPS Natural Hazards has been provided in the 'Floodplain Impact Assessment – Addendum' prepared by ACH Consulting, included as <b>Attachment 1</b>. This includes consideration of the subject site, as well as upstream and downstream properties.</p>
3	<p>With respect to Policy 6, it is the Panel's understanding that the flood hazard risk within and downstream of the NoR site has been assessed using rainfall data in line with Auckland Unitary Plan PC120 assessment criteria. Please advise whether the assessment against the criteria of PC120 is consistent with the requirements of Policy 6.</p>	<p>Policy 6 sets out that the potential impacts of climate change to at least 100 years into the future must be considered. It is confirmed that the flood hazard risk within and downstream of the site has been assessed using rainfall data in line with Auckland Unitary Plan PC120 assessment criteria.</p> <p>Additional modelling that is consistent with the requirements of Policy 6 has been provided in the 'Floodplain Impact Assessment – Addendum' prepared by ACH Consulting, included as <b>Attachment 1</b>.</p> <p>The NPS and PC120 hazard classifications are consistent in identifying the building and its occupants, as well as site egress for all flood events other than the 100-year event, as being within low to negligible hazard categories. With regards to the 100-year flood event, both the NPS and PC120 classify site egress as medium hazard.</p>
4	<p>With respect to flood hazard risk, the assessment against PC120 covers a 100-year Average Recurrence Interval (ARI) event, including the effects of climate change. Please also provide assessments of 2, 10 and 50 year ARI events, as this would assist the Panel in reviewing likelihood and proportionate risk.</p>	<p>ACH Consulting have undertaken additional flood modelling to assess the pre and post development scenario for the 2, 10 and 50 year ARI events (including climate change), this is included in the 'Floodplain Impact Assessment – Addendum' as <b>Attachment 1</b>.</p>
5	<p>The Panel considers that the building and civil design response, and the Flood Emergency Management Plan are critical to the residual risk assessment. With respect to building and civil design, flood effects need to be considered in the event that the flood gate fails to operate. Effects in this circumstance should be included as part of the likelihood and consequence risk assessment, as per the implementation of the NPS Natural Hazards.</p>	<p>To support this response, ACH Consulting have undertaken additional modelling to understand the flood effects in the event that the flood gate fails to operate.</p> <p>To demonstrate this, the post-development model incorporates a 75% permeable grate along the openings along the southeastern façade (a likely blockage scenario if the flood gate fails due to the gate being permeable).</p>

		<p>With regards to the ‘as lodged scheme’, this scenario results in a 10–20 mm increase in water levels within the upstream catchment, particularly in the Takapu Street floodplain, compared to the fully permeable scenario, and a total increase of approximately 140 mm relative to predevelopment conditions. Flood levels in all other areas surrounding the site remain unchanged.</p> <p>With regards to the alternative scenario, this results in a 10–20 mm increase in water levels within the upstream catchment, particularly in the Takapu Street floodplain, compared to the un-grated scenario, and a total increase of approximately 160 mm relative to pre-development conditions. Flood levels in all other areas surrounding the site remain unchanged.</p> <p>The PC120 100 year risk classification has also been updated to assume the flood gate fails to operate. The results conclude that for both building scenarios, the proposed building is elevated above the floodplain, providing a minimum freeboard of 300 mm. As a result, all occupants are not at risk from flooding. During site egress, the depth–velocity product indicates a low hazard risk along the easternmost vehicle crossing, while the flood depth in the same area falls within the medium hazard risk category.</p>
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**Table 2: Summary of NPS-NH Objectives and Policies**

Objective/Policy	Comment
<p><u>Objective 2.1(1)</u> Natural hazard risk to people and property associated with subdivision use and development is managed using a risk-based proportionate approach.</p>	<p>Refer to the Floodplain Impact Assessment Addendum included as <b>Attachment 1</b> which includes revised modelling and hazard risk classification based on the requirements outlined in policy 1. Section 3.3 of the NPS-NH requires that high or medium natural hazard risk is avoided or <u>mitigated proportionate to the level of risk</u>.</p> <p>When applying the proportionate approach, decision-makers must take into account the cost effectiveness of mitigation measures relative to the level of anticipated risk.</p>

	<p>Following a review of the risk classification and taking into account the mitigation measures required by the Designation Conditions, it is considered that natural hazard risk to people and property associated with the development enabled by the designation, will be mitigated to a level that is proportionate to the level of risk.</p>
<p><b>Policies 2.2</b></p>	
<p><u>Policy 1:</u> When considering natural hazard risk associated with subdivision, use or development, the risk level must be assessed using the risk matrix.</p>	<p>ACH Consulting have prepared additional modelling using the hazard risk matrix in accordance with the NPS-NH requirements which is included as <b>Attachment 1</b>.</p>
<p><u>Policy 2:</u> Natural hazard risk associated with subdivision, use and development must be managed using an approach that is proportionate to the level of natural hazard risk.</p>	<p>The addendum to the Flood Risk Assessment prepared by ACH Consulting (included as <b>Attachment 1</b>) confirms that the risk classification is 'significant', the proposed mitigation measures (including engineering design solutions such as the horizontal void/channel, under the building, flood gate mechanism), provide vertical clearance above flood waters and do not increase natural hazard risk to persons or downstream properties. These mitigation measures are further strengthened by the proposed suite of NoR conditions which will provide adequate mitigation proportionate to the level of natural hazard risk identified.</p>
<p><u>Policy 3:</u> Where subdivision, use or development is assessed as having very high natural hazard risk, that risk must be avoided.</p>	<p>N/A – refer to the Floodplain Impact Assessment Addendum included as <b>Attachment 1</b> which confirms that the development is not assessed as having a very high natural hazard risk.</p>
<p><u>Policy 4:</u> Where subdivision, use or development, including any associated mitigation measures, will create or increase significant natural hazard risk on other sites, that risk must be avoided or mitigated using an approach that is proportionate to the level of natural hazard risk.</p>	<p>Refer to the Floodplain Impact Assessment Addendum included as <b>Attachment 1</b>.</p> <p>Development enabled by the Notice of Requirement will not create or increase significant natural hazard risk on other sites.</p> <p>Within the site, the egress route is classified as medium-risk hazard for the 100-year flood event for both the As-Lodged and Alternative schemes, with flood depths of 500 mm along the route. This constitutes a significant natural hazard risk however this does not extend to other sites.</p>
<p><u>Policy 5:</u> Natural hazard risk assessment and decisions must be based on the best available information and must be made even when that information is uncertain or incomplete.</p>	<p>Refer to the Floodplain Impact Assessment Addendum included as <b>Attachment 1</b>. This assessment is comprehensive and has details that the model used to inform the assessment has used the best available information.</p>
<p><u>Policy 6:</u> The potential impacts of climate change to at least 100 years into the future must be considered.</p>	<p>ACH Consulting have undertaken comprehensive flood modelling which has accounted for climate change factors. Refer to summary provided in <b>Table 1</b> above the Floodplain Impact Assessment Addendum included as <b>Attachment 1</b>.</p>

