

To: Alex Mickleson – Application Lead, Environmental Protection Authority

From: Alisa Neal – Barker & Associates Limited

Date: 19 March 2026

Re: FTAA-2508-1096 Response to Minute 5 of the Expert Panel (Waitākere District Court – New Courthouse Project)

This memorandum addresses the request from the Panel received on 13 March 2026 to provide a response to comments made on draft conditions. The Applicant thanks the Panel for the opportunity to provide further comments on conditions.

We understand that comments were only received from two parties, Auckland Council and Watercare. The Applicant's response to these comments is outlined below. In addition, we have picked up a minor typo with Condition 30 which refers to a 'draft flood evacuation management plan'. This text has been updated to reference the 'draft flood emergency management plan', which is captured in **Attachment 1**.

Watercare

The Applicant agrees with the comments in the Watercare letter dated 12 March 2026, specifically point (2) which recommends Advice 1 of Condition 7 is removed as the updated Flooding and Infrastructure Report captures the latest update/status with the Takapu Street wastewater upgrade. This change has been captured in the updated set of condition included as **Attachment 1**.

Auckland Council

Auckland Council have proposed a number of amendments to the Panel Conditions. The Applicant's response to these comments is provided below.

Condition 2: Scope of the Designation

Auckland Council has requested a list of documents related to the NoR application. For clarity, we provide the following list of documents that are referenced in the NoR conditions.

- Urban Design Assessment, prepared by Architectus dated 27th February 2026 (Condition 3).
- Flood Risk Assessment Report, prepared by ACH Consulting dated 2026 (Condition 4).
- Floodplain Impact Assessment Addendum, prepared by ACH Consulting dated February 2026 (Condition 4).
- Flooding Peer Review Memo, prepared by Flowstate Consulting dated 2026 (Condition 4).
- Flooding and Infrastructure Assessment, prepared by Holmes Ltd dated 29th January 2026 (Condition 7).
- Geotechnical Report, prepared by Wentz-Pacific Limited, dated 2025 (Condition 10).
- Flood Emergency Management Plan, dated January 2026 (Condition 30).

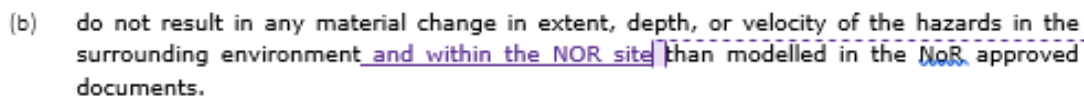
Condition 3: Urban Design:

As outlined in the Response to Minute 5 circulated to the Panel on 12th March 2026, the Applicant supports the proposed wording of Condition 3 issued by the Panel.

Further, a small update to Condition 3(1) has been made to clarify the date of the bulk and location drawings is 2026, not February 2026 as the date references vary across the plan set. A copy of the updated condition wording is included as **Attachment 1**.

Condition 4: Flood Modelling

Auckland Council has requested new text is added to Condition 4(b) to include “within the NoR” site as shown in Figure 1 below.



(b) do not result in any material change in extent, depth, or velocity of the hazards in the surrounding environment and within the NOR site than modelled in the NoR approved documents.

Figure 1: Council Comments on Condition 4.

The Applicant does not consider the additional wording is necessary as the intent and outcome of the condition is clear, and the advice notes clarify the parameters to quantify modelling, flood hazard and ‘material change’ in the context of this condition.

Condition 6: Minimum Finished Floor Level (Flood)

Auckland Council has requested the condition is updated to include ‘maintain’. The Applicant does not consider it necessary to include this additional text, as this is implied by the current condition wording.

Condition 7: Servicing and Infrastructure: General Accordance

Auckland Council requests that “including engineering plans” is included in the condition. The Flooding and Infrastructure Assessment referred to in this condition includes the engineering drawings as an appendix to this report, and therefore, it is not considered necessary to add this text.

Condition 8: Stormwater Mitigation

The Applicant proposes amendments to Condition 8 to clarify the Landscape Plans referred to in the NoR documentation with respect to the indicative ‘as-lodged’ and ‘alternative’ schemes. Refer to **Attachment 1** for further details.

Condition 9: The Design of Structures in Flood Hazard Areas

The Applicant is agreeable to the inclusion for another sub-bullet to this condition, which is reflected in the updated NoR conditions included as **Attachment 1**.

Condition 12: Public Parking

The Applicant does not consider the inclusion of an advice note is necessary as there are specific NoR flooding conditions that will manage the effects relating to surfaces within flood hazard areas. Further, the Applicant retains their position that reference to the ‘relevant Auckland Unitary Plan standards’ is not necessary or appropriate for a designation condition, as outlined in the Response to Minute 5 issued to the Panel on 12th March 2026.

Condition 17: Vehicle Access on Edmonton Road

The Applicant does not consider it necessary to include the additional text suggested by Auckland Council for the reasons outlined in the Response to Written Comments provided to the Panel on 29th January 2026. To summarise, this response outlined how the Transport Assessment prepared by Carriageway and Don McKenzie Consulting has not identified the need for a specific condition or sub-condition relating to right turn movements into or out of the site. As this has not been identified as a potential effect to be mitigated, it is not considered necessary to include in the NoR condition.

Condition 20 Vehicle Crossing on Edmonton Road

The Applicant does not agree with the proposed wording noted by Auckland Council, and retains their position that the wording proposed by the Panel is appropriate and suitable for this NoR.

Condition 30: Flood Emergency Management Plan

The Applicant has updated the condition to include reference to the date of the draft FEMP. Refer to **Attachment 1** for further details.