Fast-track

Te Kāwanatanga o Aotearoa
New Zealand Government

MINUTE 7 OF THE EXPERT PANEL

Request for Information

188 Beaumont Street FTAA-2604-1205

17 August 2026

[1] After reviewing the Applicant's response to the comments received on the application, the Expert Panel requests the following information be provided from the Applicant and Auckland Council.

[2] This information is requested pursuant to section 67 of the Fast-track Approvals Act 2024 (**FTAA**). The two topics addressed by this request are:

(a) The actions taken by Auckland Council to progress a plan change for Wynyard Precinct to address a range of matters including height and built form; and

(b) The content of the Residential Development Agreement entered into between Auckland Council and the Applicant or its individual entities.

Auckland Council

[3] A footnote to paragraph 23 of the Council's Strategic Planning Matters memorandum filed in its comments provides a link to the Council documents prepared to support resolutions made by the Planning and Development Committee on 2 July 2026 to progress a plan change for the Wynyard Precinct provisions in the Auckland Unitary Plan.

[4] Those documents (specifically, the Officers' Report and accompanying slide pack), recommend changes to the Wynyard Precinct provisions be prepared for consultation with iwi and engagement with the Waitemata Local Board and key stakeholders. The key changes include amendments to general height standards, within the core of the precinct generally increasing from 31m to 45m, and for "marker"

buildings increasing from 62m to 80m. The reasoning for the proposed built form strategy is set out in paragraphs 28 to 30 of the Officers' Report and, in summary, is that the current built form controls are "outdated", with the recommended height controls being "consistent with the original design principles for the Wynyard precinct, and would not infringe any existing maunga viewshafts".

[5] Other changes proposed would include amendments to the requirements associated with marine industry and marine retail, ("subject to the outcome of market analysis") and removal of hazardous industry provisions, associated risk areas and additional activity restrictions to manage reverse sensitivity.

[6] As confirmed in the minutes of the meeting on 2 July, The Policy, Planning and Development Committee passed the recommended resolutions.

[7] These matters are relevant to the Panel's decision on the Application and provide important context to the Applicant's request for significant increases in height in particular.

[8] The Panel seeks the following further information from Auckland Council:

(a) Confirmation of the Plan Change 78 process that led to the increase in height for the 188 Beaumont Street site, including:
   (i) Which submitter sought an uplift in height;
   (ii) What recommendation was made in relation to that submission by the Independent Hearings Panel (IHP);
   (iii) Whether the Council accepted the IHP recommendation;

(b) Whether the Applicant (or its individual entities) consulted with Auckland Council as part of the Wynyard Precinct built form review undertaken prior to the Committee resolution of 2 July 2026 regarding a height uplift on the 188 Beaumont Street site;

(c) Whether the Applicant (or its individual entities) will be regarded as key stakeholders to be consulted before preparation of the proposed plan change;

(d) Any additional detail regarding the likely timing of the proposed plan change (noting the timeline provided in the slide pack accompanying the Officers' Report).

[9] The Panel also requests that the Council provide the Orams consent documents referred to in its comments, since they were not attached.

Applicant

[10] The Market Economics report prepared in support of the Application makes a number of statements about Orams' continued commercial viability if consent for the project is not granted. No evidence is provided for these statements, other than expressions of the author's "understanding" that the Residential Development Agreement entered into between Auckland Council and Orams/WRLP contains punitive provisions that would see Orams required to vacate the site and lose the right to develop it if it fails to deliver a residential development at this location.

[11] The Residential Development Agreement is also referred to in the Corporate Statement by Mr Neven Barbour, CEO of Orams. Mr Barbour refers to the Agreement as specifically requiring residential development on the 188 Beaumont St site by a "sunset date" or within a "required timeframe". He also states that "getting the residential development underway now is critical to support the viability of marine infrastructure investment to date" because of the contractual consequences of failing to do so.

[12] The Agreement itself has not been provided to the Panel and is likely to be subject to confidentiality obligations. However, the Panel needs to better understand the detail of the obligations set out in the Agreement. The issue of confidentiality is addressed later in this Minute, but the Panel records below the nature of the information it is seeking:

(a) Is the nature, size, bulk or form of the residential development specified as a requirement or obligation in the Agreement? For example, does the Agreement require a building of a specific height or with a specific number/type of apartments to be delivered on the site?

(b) What is the "required timeframe" within which the residential development on the site must be delivered? Are there provisions requiring commencement of development (or alternatively, completion of the development) within a certain timeframe or by a specific date?

(c) If the obligations as to timeframe are not complied with, are the consequences automatic or subject to further negotiation and/or a dispute resolution process?

(d) Is Orams able to comment directly on the extent of the risk to its future commercial viability in the event that the delivery obligations in the Agreement cannot be met within the relevant timeframe?

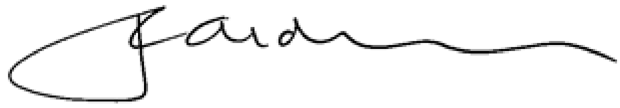
[13] The Panel understands that the Residential Agreement is likely to be commercially sensitive and subject to confidentiality and/or non-disclosure obligations that may or may not make provision for disclosure to decision makers in the context of legal proceedings. The Panel nevertheless needs a more detailed understanding of the nature of the development that Orams is contractually bound to deliver, and the timing pressure it is under to do so, since these matters are directly relevant to its decision, particularly as to the purpose of the Act and the economic benefits.

[14] If that information can be provided in summary form to the Panel there is a process available by which the Applicant can request that it be withheld on the basis of sensitivity or made subject of a non-publication order. This is addressed in Section 26 of the Panel Conveners' Guidance Note, which notes the continued application of section 42 of the Resource Management Act 1991 as a result of clause 11, Schedule 3 of the FTAA. The Panel therefore directs that the Applicant prepare an appropriate response to the matters set out in paragraph 12 above, and if necessary file an application for appropriate directions that can be considered by the Panel prior to receiving the information sought.

[15] As a separate but related matter, the Panel seeks further information regarding the construction programme. Figure 3 in the Draft Construction Management Plan indicates commencement in Q3, 2027 and continuing for approximately 33-36 months, to Q3, 2030. This is consistent with the indicative programme given in the ECMP and the Draft CTMP. The AEE notes that the final construction methodology, staging and programme will be confirmed by the contractor, yet to be appointed.

[16] However, the Economic Impact Assessment (EIA, Appendix 16 to the Application) assesses construction-related benefits over a 5-year development period. Please provide confirmation of the development period, an explanation for the discrepancy and, if necessary, provide an update to the EIA in terms of the relevant period over which development-related benefits have been assessed.

[17] The further information requested by the Panel is required to be provided to the EPA by **4pm Monday 24 August 2026**.



Jennifer Caldwell
188 Beaumont Street Expert Panel Chair