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## MINUTE 9 OF THE EXPERT PANEL

### Late submission, Provision of Panel expert reports, Next steps

188 Beaumont Street FTAA-2604-1205

27 August 2026

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[1] This minute deals with the following matters:

- (a) A request from the 30 Madden Body Corporate (**Body Corporate**) that its late comment be accepted, notwithstanding the Panel's earlier determination (recorded in Minute 6) to not accept the comment;
- (b) Provision of the expert reports commissioned by the Panel from Tim Denne (Economics) and Rebecca Skidmore (Urban Design, Landscape & Visual) and an opportunity for the Applicant to respond to those expert reports;
- (c) Next steps for the Panel's consideration of the Application.

### 30 Madden Body Corporate late comment

[2] Further to Minute 6, First Street Body Corporate Management (representatives of 30 Madden Body Corporate) (**First Street**) sent an email to the Panel via the EPA on 20 August 2026 asking the Panel to reconsider its decision to not accept a comment submitted by the Body Corporate on 5 August 2026. A copy of the email request is attached to this Minute (**Attachment A**).

[3] The reasons given in Minute 6 for not accepting the Body Corporate's comment (along with other late comments received on or after 5 August 2026) were, in summary, that:

- (a) The invitation to comment issued to the Body Corporate and the 30 Madden apartment owners gave a clear deadline of 28 July 2026; and
- (b) The late comments (including that of the Body Corporate) raised the same or similar issues to those raised in other comments that were made on time or were otherwise late but accepted by the Panel;

- (c) The late comments not accepted were received after receipt of the Applicant's comprehensive response to comments on 4 August 2026, thereby giving rise to potential prejudice to the Applicant.

[4] First Street has now provided further information in its email to explain the lateness of the Body Corporate submission, together with a timeline, illustrating that the Body Corporate did not receive its invitation to comment until 8 July 2026 because of an administrative error that resulted in the invitation being sent to the wrong contact details. The letter was reissued, but according to the EPA the deadline for comments remained as originally advised, namely 28 July 2026, and that was communicated verbally to First Street.

[5] The key reason for lateness, however, was an email that the Body Corporate received from EPA on 17 July 2026. That email is also attached to this Minute (**Attachment B**). The email was sent the same day that Minute 3 was released, which recorded in Schedule 1 a list of parties that did not receive the original invitation to comment and explained that those parties would be given an extension to 13 August 2026. None of the 30 Madden residents, or the Body Corporate, were included in that list, having received their invitations shortly after they were sent on 29 June 2026.

[6] In fact, the Body Corporate should not have received an email on 17 July 2026, because they were not the intended recipients of the extension to the deadline for making comments. Unfortunately, the email received by the Body Corporate stated that "*your comments must be received by the Fast-track Team no later than 13 August 2026*". The EPA has now confirmed that the Body Corporate was the only party mistakenly sent the email of 17 July 2026.

[7] It is therefore understandable that the Body Corporate interpreted the EPA's email to mean that they now had until 13 August 2026 to submit their comments. As the timeline illustrates, they then resolved to prepare a comment and provided it to the EPA on 4 August 2026, which they considered to be within the deadline they understood to have been extended.

[8] The Body Corporate has raised some other matters in its request to the Panel to reconsider its decision, including by reference to the Applicant's memorandum of 13 August 2026 which requested that the Panel not accept the Body Corporate's late comment (amongst others). Of particular note is their confirmation that they did not

review the Applicant's response to earlier comments before finalising their own.

[9] In light of this information, the Panel agrees that its earlier decision should be reconsidered. The Panel therefore exercises its discretion to accept and consider the comment made by the Body Corporate.

[10] The Applicant is entitled to provide a response to the Body Corporate's comment and is directed to do so by 5pm Friday 28 August 2026.

### **Provision of expert reports commissioned by the Panel**

[11] As recorded in Minute 5, the Panel commissioned expert reports from Tim Denne (Economics) and Rebecca Skidmore (Urban Design, Landscape & Visual). Those reports were provided in draft to the Panel on Friday 21 August 2026 and were issued in final form on Tuesday 25 August 2026 following clarification on several matters raised by the Panel. The expert reports have now been provided to the Applicant and published on the website.

[12] The Applicant is entitled to provide a response to these reports. However, the Panel has a number of further information requests arising out of the expert reports that may or may not be addressed fully by the Applicant's response. Some of those requests are likely to be quite detailed and may take some time to respond to.

[13] In addition, the Panel is currently considering whether to direct expert conferencing between all urban design and landscape & visual experts to explore modifications that could be made to the design of the building to address adverse impacts of the overall bulk and height when viewed from the west and south. Whether or not the Applicant is open to making such modifications is a separate issue; the Panel would be asking specific questions of the experts which they would be compelled to consider in accordance with the Code of Conduct.

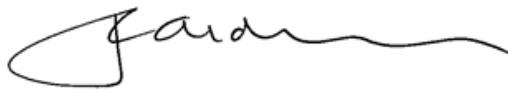
[14] The time for providing further information and undertaking expert conferencing is increasingly constrained by the remaining time available for preparation of the Panel's draft decision.

### **Next steps**

[15] The Panel is currently preparing a formal request for further information as a result of the expert reports now received and will issue a minute shortly. In the meantime, the Applicant should start preparing its response to the expert reports with a view to providing that response by **5pm Tuesday, 1 September 2026**.

[16] If, upon receipt of the Panel's further information request, the Applicant considers that more time is required to prepare a comprehensive response that addresses the expert reports and the Panel's information request arising out of the expert reports, the Panel recommends that the Applicant give consideration to requesting suspension of the Application for a limited period to enable that to occur.

[17] The Panel invites the Applicant and Auckland Council to confirm, by **10am Friday 28 August 2026**, whether their urban design, landscape and visual experts are available for expert conferencing on 2, 3 or 4 September 2026. Once availability is ascertained, the Panel will confirm whether expert conferencing is required and the EPA will make appropriate arrangements.

A handwritten signature in black ink, appearing to read 'J Caldwell', with a long, flowing horizontal line extending to the right.

Jennifer Caldwell

**188 Beaumont Street Expert Panel Chair**

## Attachment A – First Street Body Corporate Management email to 188 Beaumont Street Expert Panel



BC549521- response - 30 Madden Body Corporate BC549521

From Sarah Woodhams [REDACTED]  
 Date Thu 20/08/2026 10:10 AM  
 To Emma Fahey [REDACTED]; Substantive [REDACTED]  
 Cc 'Alex van Son' [REDACTED]

1 attachment (51 KB)  
 30 Madden Timeline - 188 Beaumont.pdf;

Tēnā koe,

The 30 Madden Body Corporate considers that its comments on the 188 Beaumont Street project were received by the Fast-track Panel within the timeframe specified. On this basis, the Body Corporate submits that the Panel must accept the Body Corporate comments.

### Timing of the invitation to comment

Minute 3 relating to late invitations, the Body Corporate did not formally receive its invitation to comment until 8 July 2026 because of a Fast-track administrative error. This was approximately 9 days after the letter was dated and other invited parties received their invitations. The relevant timeline is attached.

The Fast-track email dated 17 July 2026 that confirmed a new deadline of 13 August 2026 for the Body Corporate's comments:

*Following on from the email sent yesterday, a deadline has now been decided for **your** invite to comment on the 188 Beaumont Street project.  
 Your comments must be received by the Fast-track Team no later than 13 August 2026. There is no right for you, or any other person, to seek a waiver of this time limit.*

It is reasonable to read "**your**" as referring to the recipient of that email, namely the Body Corporate. To the best of the Body Corporate's knowledge, no individual owners or residents of 30 Madden received this notice. The email therefore was directed to the Body Corporate and any other recipients to whom Fast Track sent the same notice.

### Response to the applicant's memorandum

The Body Corporate also responds to the applicant's *Memorandum of Counsel on behalf of Westhaven Residential Limited Partnership*, dated 13 August 2026, and takes issue with several points made in that memorandum.

4. the applicant states that Minute 3 provided additional time only to parties who, for administrative reasons, did not receive an invitation on 29 June 2026.

- The Body Corporate's position is that an administrative error did occur, and Minute 3 therefore applied. This position is supported by the Fast-track email sent to the Body Corporate on 17 July 2026.

6. the applicant further states that the Body Corporate's comments do not appear to raise new material issues that would prejudice the applicant.

- The Body Corporate disagrees. Having now reviewed the other comments provided to the Panel, the Body Corporate considers that its comments raised new material issues for consideration, including:
  1. The Body Corporate submitted that the planning elements of the application should remain with Auckland Council rather than being determined through the Fast-track process.
  2. The Body Corporate proposed a considered and reasonable set of construction conditions.

8 (b) and (c) the applicant also refers to parties who provided comments after 4 August 2026 having an opportunity to review the applicant's response and comment on it and suggests this would effectively allow residents to prepare rebuttal submissions.

- The Body Corporate did not review the applicant's responses to earlier comments before providing its own comments to the Panel.

The panel can remedy the situation created by this sequence of events by accepting and considering the Body Corporate's comments.

Ngā mihi  
30 Madden Body Corporate Committee

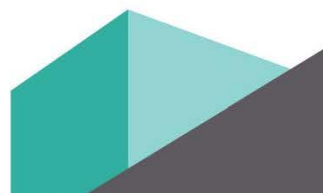
*Sent on behalf of 30 Madden BC549521 by*



**SARAH  
WOODHAMS**  
DIRECTOR



firststreet.co.nz



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#### 30 Madden Timeline - 188 Beaumont

|                                 |                                                                                                                                                                                                                                                               |
|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Monday, 29 June 2026            | Original invitation (by mail) was dated 29 June 2026 and addressed to the <b>ex-chair</b> of the BC (Body Corporate)                                                                                                                                          |
| Friday, 3 July 2026             | This letter was passed on to the BC                                                                                                                                                                                                                           |
| Wednesday, 8 July 2026          | BCM (First Street, Body Corporate Manager) called Fast Track, advised updated contact details and asked that the invite be reissued to the BC                                                                                                                 |
| Friday, 8 July 2026             | BCM received a new invitation to comment addressed to the Body Corporate, this was immediately shared with the full committee.                                                                                                                                |
| <b>Friday, 17 July 2026</b>     | <b>The BC received an email from Fast Track noting a new deadline for comments, being 13 August 2026</b>                                                                                                                                                      |
| Monday, 27 July 2026            | The BC committee held an out of cycle committee meeting on 27 July to discuss whether the BC should comment; it was agreed that the BC should and would.                                                                                                      |
| Tuesday, 28 July 2026           | The BC planner, Planning Focus, was briefed the following day                                                                                                                                                                                                 |
| Tuesday, 4 August 2026          | The BC received a draft from Planning Focus the morning of 4 August 2026; some editing was done. Final draft was sent to all committee members the evening of the same day for approval.<br><br>Subsequently the committee approved final draft that evening. |
| Wednesday, 5 August 2026        | Planning Focus was asked to submit comments, which was done.                                                                                                                                                                                                  |
| <b>Thursday, 13 August 2026</b> | <b>Close of comments timeframe.</b>                                                                                                                                                                                                                           |

## Attachment B – EPA email sent to First Street Body Corporate Management on 17 July 2026



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**Fw: 188 Beaumont Street Project - invitation to comment on application [FTAA-2604-1205]**

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**From** Substantive <Substantive@fasttrack.govt.nz>

**Date** Fri 17/07/2026 9:17 AM

**To** Substantive <Substantive@fasttrack.govt.nz>

 2 attachments (243 KB)

188 Beaumont Invitation to Comment Form.docx; Panel Minute 3.pdf;

Kia ora koutou,

Following on from the email sent yesterday, a deadline has now been decided for your invite to comment on the 188 Beaumont Street project.

**Your comments must be received by the Fast-track Team no later than 13 August 2026. There is no right for you (or any other person) to seek a waiver of this time limit.**

The attached minute explains in more detail the reason for the late invite and associated timeframe update. This will shortly be published here – <https://www.fasttrack.govt.nz/projects/188-beaumont-street/correspondence>.

If you have any questions please contact Emma Fahey, Application Lead, by email at [substantive@fasttrack.govt.nz](mailto:substantive@fasttrack.govt.nz).

Nāku noa, nā

**Fast-track team**



Fast-track is administered by the Environmental Protection Authority. The EPA's New Zealand Business Number is 9429041901977.

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