

**BEFORE THE EXPERT CONSENTING PANEL
APPOINTED BY THE ENVIRONMENTAL PROTECTION AUTHORITY**

UNDER the COVID-19 Recovery (Fast-track Consenting)
Act 2020

IN THE MATTER OF of an application by P0012 Auckland NZ Pty
Limited in relation to the Federal Street
Residences – a mixed-use high-rise building in
central Auckland

**MEMORANDUM OF COUNSEL ON BEHALF OF
NEW BAY INVESTMENTS LIMITED**

15 JULY 2022

MAY IT PLEASE THE PANEL:

1. This memorandum has been prepared on behalf of New Bay Investments Limited ("**NBIL**") and is filed in response to the Panel's Minute 3 (21 April 2022) and Minute 4 (3 May 2022). NBIL provided comments on the Federal Street Residences fast-track application ("**Application**").
2. In Minute 3 the Panel granted the Applicant's request to suspend the processing of the Application. The suspension was granted on the understanding the Applicant would use the additional time to consider and prepare substantive responses to the comments received on the Application. The Panel strongly encouraged the Applicant and parties to caucus to narrow and resolve issues, with a written record to be provided on the outcome of caucusing. Caucusing is further endorsed in Minute 4.
3. The purpose of this memorandum is to record that NBIL has had no contact from the Applicant or any party acting on the Applicant's behalf, following the release of Minute 3. Accordingly, neither NBIL or its consultants were consulted with or involved in the preparation of the updated conditions. NBIL is concerned that the caucusing which has been encouraged by the Panel has not taken place between the Applicant and NBIL.
4. NBIL has been transparent in its concerns with the Application, through its comments on the Application and suggested amendments to the proposed conditions of consent. The updated conditions provided by the Applicant on 28 June 2022 have only addressed these concerns to a very limited extent and have not addressed NBIL's fundamental concerns, as outlined in NBIL's comments on the Application. Those concerns remain unaddressed, including:
 - (a) The failure to include an assessment of noise and vibration effects in relation to the Rydges Hotel, or other adjoining properties, despite the Applicant predicting a noise level inside the Rydges Hotel that exceeds the noise limits of the Auckland Unitary Plan. This failure means the Panel does not have sufficient information on which to assess the potential adverse noise and vibration effects of the Application and what might be appropriate to avoid, remedy or mitigate those adverse effects.
 - (b) The inclusion of noise limits that unnecessarily and inappropriately provide for high noise levels, and will have little effect in providing a meaningful constraint on noise. The approach to the proposed

noise limits will have significant repercussions in terms of the adverse noise effects experienced by neighbours, such as the Rydges Hotel.

- (c) The failure to adequately provide for the retention of the bus parking zone outside the Rydges Hotel, which will have a major impact on the operations of the Rydges Hotel.
 - (d) The requirement for truck exit routes to be via Albert Street once City Rail Link has been completed, rather than Federal Street. The effects on Federal Street of not using Albert Street have not been assessed.
5. Counsel received Minute 6 and draft condition set from the Panel this afternoon. NBIL will provide its comments in relation to the draft conditions before 5pm on 21 July 2022 as required by Minute 6.

DATED: 15 July 2022



A A Arthur-Young / K L Gunnell
Counsel for New Bay Investments Limited