

## **Attachment 1**

---

Comments on draft conditions

---

# Memo

|       |  |             |                |
|-------|--|-------------|----------------|
| To:   | Environmental Protection Authority                               | From:       | Mark Arbuthnot |
| Date: | 14 August 2025   | Project No: | 12004.29       |
| Re:   | Comments on draft conditions in accordance with s 70 of the FTAA |             |                |

On 1 August 2025, the Bledisloe North Wharf and Fergusson North Berth Extension expert panel (‘Panel’) released Minute 5, inviting comments on the draft conditions of consent from specified parties in accordance with s 70 of the Fast-track Approvals Act 2024 (‘FTAA’).

Comments on the draft conditions of consent (s 70 of the FTAA)

Port of Auckland Limited (‘POAL’) generally agrees with the draft conditions of consent. Its comments are intended to improve the workability of the conditions and are set out in *Table 1* below.

Table 1: Comments on draft conditions

|     | Draft Condition   | Comments on Draft Condition  |
|-----|---|--|
|     | Bledisloe Wharf   |  |
|     | General conditions applicable to all consents   |  |
| 16. | For certification purposes, the CMP must, at a minimum:<br>...<br>(d) Outline the methods and procedures for consultation and communications with <del>Mana Whenua</del> Ngāti Whātua Ōrākei, Te Ākitai Waiohua, and Ngaati Te Ata Waiohua and Council. | A strikethrough of the words “mana whenua” has carried through into the decision at (d) and can be deleted to read as follows:<br>(d) Outline the methods and procedures for consultation and communications with Ngāti Whātua Ōrākei, Te Ākitai Waiohua, and Ngaati Te Ata Waiohua and Council. |
|     | Land use consent  |  |
| 46. | The objectives of the TMP are to:   | POAL disagrees with Condition 46(a), which requires details of how the   |

|  | Draft Condition  | Comments on Draft Condition   |
|--|--|---|
|  | <p>(a) Demonstrate how the requirements of Condition 44 will be achieved.</p> <p>(b) Ensure that the transport effects of large numbers of cruise passengers associated with cruise ships utilising the Bledisloe North Berth are adequately managed.</p> <p>(c) Ensure the safe and efficient operation of marine and port activities at the Port of Auckland at all times.</p> <p>(d) Provide for a safe and secure environment at the Port of Auckland.</p> <p>(e) Ensure public access is provided between the cruise terminal building and Quay Street.</p> | <p>construction management conditions at Condition 44 will be achieved.</p> <p>The TMP is intended to be an operational management plan, rather than a construction management plan (it is required to be submitted ten working days prior to the first berthing).</p> <p>As discussed at paragraphs 5.49 to 5.52 of the substantive application, the Assessment of Transport Effects prepared by Beca (Attachment 12) confirms that construction traffic will not materially impact the safety, efficiency and operation of the surrounding road network when compared with current day-to-day variability in vehicle movements associated with the operation of the Port of Auckland and therefore does not require specific management.</p> <p>The measures set out within Condition 44 are sufficient to manage the effects of construction traffic without the need for the preparation of a specific management plan.</p> <p>POAL therefore seeks the deletion of Condition 46(a) as follows:</p> <p>46. The objectives of the TMP are to:</p> <p><del>(a) Demonstrate how the requirements of Condition 44 will be achieved.</del></p> <p>(b) Ensure that the transport effects of large numbers of cruise passengers associated with cruise ships utilising</p> |

|    | Draft Condition  | Comments on Draft Condition   |
|----|--|---|
|    |  | <p>the Bledisloe North Berth are adequately managed.</p> <p>(c) Ensure the safe and efficient operation of marine and port activities at the Port of Auckland at all times.</p> <p>(d) Provide for a safe and secure environment at the Port of Auckland.</p> <p>(e) Ensure public access is provided between the cruise terminal building and Quay Street.</p>   |
|    | <i>Industrial and Trade Activity consent</i>   |   |
| 56 | <p>In the event that any modifications to the stormwater management works are required, the following information must be provided to and certified by the Council (Team Leader Compliance and Monitoring Central in consultation with Team Leader – Stormwater, Natural Resources and Specialist Input), prior to implementation:</p> <p>(a) Plans and drawings outlining the details for the new stormwater system and treatment system at Bledisloe North Wharf; and</p> <p>(b) Plans and drawings outlining the details of any modifications to the Fergusson North berth stormwater treatment system; and</p> <p>(c) Supporting information that details how the proposal does not affect the capacity or performance of stormwater management works.</p> | <p>Condition 38(b) refers to the Fergusson Wharf consent and should be deleted, as follows:</p> <p>In the event that any modifications to the stormwater management works are required, the following information must be provided to and certified by the Council (Team Leader Compliance and Monitoring Central in consultation with Team Leader – Stormwater, Natural Resources and Specialist Input), prior to implementation:</p> <p>(a) Plans and drawings outlining the details for the new stormwater system and treatment system at Bledisloe North Wharf; and</p> <p><del>(b) Plans and drawings outlining the details of any modifications to the Fergusson North berth stormwater treatment system; and</del></p> <p>(c) Supporting information that details how the proposal does not affect the capacity or performance of stormwater management works.</p> |

|     | Draft Condition   | Comments on Draft Condition  |
|-----|---|--|
|     | Fergusson Wharf   |  |
|     | <i>General conditions applicable to all consents</i>  |  |
| 16. | For certification purposes, the CMP must, at a minimum:<br>...<br>(d) Outline the methods and procedures for consultation and communications with <del>Mana Whenua</del> Ngāti Whātua Ōrākei, Te Ākitai Waiohū, and Ngaati Te Ata Waiohū and Council.   | A strikethrough of the words “mana whenua” has carried through into the decision at (d) and can be deleted to read as follows:<br>(d) Outline the methods and procedures for consultation and communications with Ngāti Whātua Ōrākei, Te Ākitai Waiohū, and Ngaati Te Ata Waiohū and Council.   |
|     | <i>Industrial and Trade Activity consent</i>  |  |
| 38  | In the event that any modifications to the stormwater management works are required, the following information must be provided to and certified by the Council (Team Leader Compliance and Monitoring Central in consultation with Team Leader – Stormwater, Natural Resources and Specialist Input), prior to implementation:<br>(a) Plans and drawings outlining the details for the new stormwater system and treatment system at Bledisloe North Wharf; and<br>(b) Plans and drawings outlining the details of any modifications to the Fergusson North berth stormwater treatment system; and<br>(c) Supporting information that details how the proposal does not affect the capacity or performance of stormwater management works. | Condition 38(a) refers to the Bledisloe North Wharf consent and should be deleted, as follows:<br><br>In the event that any modifications to the stormwater management works are required, the following information must be provided to and certified by the Council (Team Leader Compliance and Monitoring Central in consultation with Team Leader – Stormwater, Natural Resources and Specialist Input), prior to implementation:<br><del>(a) Plans and drawings outlining the details for the new stormwater system and treatment system at Bledisloe North Wharf; and</del><br>(b) Plans and drawings outlining the details of any modifications to the Fergusson North berth stormwater treatment system; and<br>(c) Supporting information that details how the proposal does not affect the capacity or performance of stormwater management works. |

|     | Draft Condition  | Comments on Draft Condition   |
|-----|--|---|
|     | Wildlife Approval  |   |
|     | <i>Little Penguin Management Plan</i>  |   |
| 1.5 | <p>Any amendment to the LPMP must provide for:</p> <ul style="list-style-type: none"> <li>(a) Surveying and monitoring for little penguin both pre-construction and during construction.</li> <li>(b) Training construction staff in the identification and detection of little penguins.</li> <li>(c) Training construction staff for what to do in the event a little penguin is found during construction.</li> <li>(d) Reporting and communicating to relevant persons the presence of little penguin within the Project area.</li> <li>(e) Responding to a little penguin sighting within or near to the Project area.</li> <li>(f) The safe management and, if appropriate, relocation of little penguin if found within or near to the Project area, including identification of appropriate relocation sites and mitigation for impacts like habitat loss.</li> <li>(g) Procedures to ensure penguins are only relocated if they are neither moulting nor nesting penguins, including establishment of cordons around any penguins located that are moulting or nesting, and signage preventing disturbance of nesting and moulting penguins once cordoned off.</li> <li>(h) Feedback mechanisms for any adaptive management, including circumstances in which a material change to the management plan would be required</li> </ul> | <p>Item (b) includes “and detection”. As discussed in the response to the comments received from DoC, detection was not the appropriate word when referring to activities to be carried out by construction staff.</p> <p>Specifically, ‘detection’ is undertaken by specialist methods such as conservation dogs and is not undertaken by construction staff. Construction staff will be trained to support the ‘identification’ of little penguins.</p> <p>POAL therefore seeks the following change to item (b) is:</p> <ul style="list-style-type: none"> <li>(b) Training construction staff in the identification <del>and detection</del> of little penguins</li> </ul> <p>Item (f) includes “relocation sites” (plural, instead of singular). Following discussion with DoC, a single relocation site was identified.</p> <p>This was added to the most recent copy of the LPMP (May 2025, V4) as Section 5.9.2.</p> <p>POAL therefore seeks the following change to item (f):</p> <ul style="list-style-type: none"> <li>(f) The safe management and, if appropriate, relocation of little penguin if found within or near to the</li> </ul> |

|  | Draft Condition  | Comments on Draft Condition   |
|--|--|---|
|  | <p>and how that change would be certified following the same process as in this condition.</p> <p>(i) Reporting procedures and format for providing the results of any monitoring or surveying required by the LPMP.</p> | <p>Project area, including identification of <u>the</u> appropriate relocation sites and mitigation for impacts like habitat loss.</p> <p>Item (i) includes the words “monitoring or”. As discussed in the response to the comments received from DoC, the methods set out within the LPMP are limited to reporting and surveying, not monitoring.</p> <p>To ensure consistency with the LPMP, POAL seeks the following amendment to item (i):</p> <p>(i) Reporting procedures and format for providing the results of any <del>monitoring or</del> surveying required by the LPMP.</p> |

### Little Penguin Management Plan

The Panel has also requested that the Applicant provides the final version of the Little Penguin Management Plan as part of its response to the draft conditions.

The Little Penguin Management Plan has been updated to reflect its “final” status. A track-changed version of the Plan is provided as **Attachment 2**, while a “clean” version is provided as **Attachment 3**.