

**BEFORE THE FAST-TRACK APPROVALS
EXPERT PANEL**

FTAA-2512-1158

UNDER the Fast-track Approvals Act 2024 ("**FTAA**")

AND

IN THE MATTER of an application for approvals by Precinct Properties
New Zealand Limited ("**Applicant**" or "**Precinct**") in
relation to the proposed Downtown Carpark
Redevelopment ("**Application**")

MEMORANDUM OF COUNSEL

31 MARCH 2026



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MAY IT PLEASE THE PANEL:

1. This memorandum of counsel is in response to the EPA request for information at the direction of the Downtown Carpark Expert Consenting Panel ("**Panel**") dated 25 March 2026. It addresses the two topics the Panel has sought information on:

- (a) The extent of land that is "adjacent" to the site; and
- (b) Additional requests from parties seeking invitation to comment.

Land "adjacent" to the site

2. As is noted in the Panel's request for information, the Memorandum on invitations prepared by the EPA identifies a more extensive area of "adjacent" land than the Applicant has identified.¹

3. In our submission, the difference between the EPA and the Applicant's assessment of "adjacent" land comes down to different approaches to what the Application "site" is.

4. Precinct, in its Application, has included the following addresses in the "site address" in section 1:

- (a) 2 Lower Hobson Street (the Downtown Carpark);
- (b) 29 Customs Street West (the AON Building);
- (c) 188 Quay Street (the HSBC Tower);
- (d) 204 Quay Street (the former Harbour Board Workshops); and
- (e) Roads – Lower Hobson Street, Fanshawe Street and Sturdee Street.

5. The Application makes it clear that the "site" that the demolition and construction works will occur on is the Downtown Carpark. The other addresses listed in (b) to (e) above were included in the description of the site to acknowledge that the Application involves essentially ancillary works that directly adjoin those buildings:

- (a) In respect of the AON Building and HSBC Tower, the Application involves works in the service lane and the podium that runs between

¹ Request for Information dated 25 March 2026 at [1].

these buildings and the Downtown Carpark, but does not involve any surface disturbance at or on the AON and HSBC buildings.²

(b) In respect of the former Harbour Board Workshops, there will be "make good" works associated with the demolition of the footbridge connecting to the Downtown Carpark, but no physical demolition works on the site itself.³

(c) In respect of the roads, there are connecting structures and bridges that connect to the Downtown Carpark that are proposed to be removed by the project. Consequential minor modifications are proposed as a result.⁴

6. The EPA has determined the "site" based on the record of titles of the buildings listed in paragraph 4 (a) to (d) above. This has resulted in a much larger "site" which incorporates each of those full buildings, and a much larger associated area of "adjacent" properties, including the Coastal Marine Area.⁵

7. The Applicant, by contrast, has determined the "site" based on the physical works occurring on the full Downtown Carpark site only, for the reasons listed above at paragraph 5. As such, the addresses listed in paragraph 4(b) to (d) have been determined as "adjacent" properties.

8. The Applicant therefore considers it would be incorrect to treat the addresses in paragraph 4(b) to (d) as part of the "site" for the purpose of determining who the adjacent owner and occupiers are.

9. The Applicant has done significant work to identify what it considers to be the relevant owners and occupiers of the site and adjacent land, and has endeavoured to identify these parties as comprehensively as is reasonably possible. These are set out in **Appendix 1** to this memorandum. An accompanying map is provided in Figure 1 of **Appendix 1** showing where each owner/occupier is located.

² AEE at [5.1].

³ AEE at [6.6.1].

⁴ AEE at [3.0] and [6.6.2].

⁵ Maps 1 and 2 of Attachment 1 to the Further Information Request.

Applicant's assessment of owners and occupiers of the Application site and adjacent land

Owners and occupiers of the Application site

10. In respect of owners and occupiers of the Application site itself, Precinct is the owner of the Application site (being the Downtown Carpark at 2 Lower Hobson Street). The Applicant considers the Expert Panel should invite comments from the current occupiers of the Downtown Carpark, who are largely monthly licence holders for car parking spaces. A list of the current occupants is contained in **Appendix 1** (reference 11).

Adjacent owners and occupiers

11. The Applicant considers the following owners and occupiers are "adjacent" to the site (a full list of adjacent owners and occupiers is contained in **Appendix 1**, references 1-10):
- (a) 139 Quay Street (owned by Dockland Shed Leases Limited, with various retail and business tenants);
 - (b) 175 Quay Street (owned by Auckland Council and Tataki Auckland Unlimited Limited, occupied by the Maritime Museum and food /beverage tenants);
 - (c) 85 Customs Street West (owned by Viaduct Harbour Holdings Limited ("**VHHL**"), occupied by The Sebel);
 - (d) 100 Customs Street West (owned by Auckland Council and occupied by the Tepid Baths);
 - (e) 16 Fanshawe Street (owned by Picadilly Trustee Limited, with various business tenants);
 - (f) 1 Albert Street (owned by Quattro Re Limited (Kyndryl Tower) with various business and food/beverage tenants);
 - (g) 29 Customs Street West and 188 Quay Street (the AON Building and HSBC Tower, owned by Precinct with various business and food and beverage tenants);
 - (h) 204 Quay Street (Precinct is the ground lessee and VHHL is the ground lessor, with largely food/ beverage tenants);

- (i) 196-200 Quay Street (owned by Millennium & Copthorne Hotels New Zealand Limited and occupied by the M Social Hotel).
12. While it has been possible for Precinct to identify all relevant owners of adjacent sites and also some of the occupiers of those sites, given the large volume of potential tenanted properties/spaces that Precinct does not own, it is acknowledged that it has not been possible for Precinct to identify every single occupier of those sites. Precinct is very happy to offer what assistance it can to the Panel in this regard moving forward.

Additional requests to be invited to comment

13. The EPA has received unsolicited correspondence from several parties requesting the Panel invite them to comment under s53(2) or (3) of the FTAA. These parties are VHHL, the Essential Group Trust ("**Trust**"), as well as Dockland Management Limited ("**Docklands**") and six Bodycorporate parties.⁶

VHHL

14. In respect of VHHL and as is set out above and at **Appendix 1**, VHHL is an "adjacent" owner/occupier to the site under s53(2) of the FTAA and is included in the group of owners and occupiers the Applicant considers should be invited to comment on the Application.⁷ The Applicant has sought to engage with VHHL on outstanding issues.

Trust

15. In respect of the Trust, the Applicant does not consider they should be invited to comment on the Application under s53(2) or (3) of the FTAA as:
- (a) the Trust's property at 28 Market Street is several blocks away from, and not located "adjacent" to, the site; and
 - (b) it appears (more importantly) that the Trust is particularly concerned with the removal of the Lower Hobson Street Flyover, which does not form part of Precinct's Application.

⁶ Email correspondence received from the EPA on 30 March 2026, attaching letter from Janette Campbell on behalf of Docklands and the Bodycorporates, dated 26 March 2026.

⁷ It is noted that VHHL was not identified on the list of adjacent owners/ occupiers by accident however this has since been corrected in the list in **Appendix 1**.

Docklands and Bodycorporates

16. Docklands has already been identified in **Appendix 1**⁸ as an owner/ ground lease holder of an adjacent property at 139 Quay Street. We do not consider that any further buildings owned/leased by Docklands (ie extending to the whole of Princes Wharf) behind 139 Quay Street should be considered "adjacent" to the Application under s53(2) of the FTAA.
17. In respect of the six Bodycorporate parties,⁹ these parties are not adjacent owners or occupiers under s53(2) of the FTAA.
18. The Applicant previously engaged with these Bodycorporates under the Resource Management Act 1991 ("**RMA**") regime because they made submissions on the previous RMA application. However, the FTAA regime differs from the RMA, in that there is no public submissions process or expectation that parties that are not adjacent to the Application site will be invited to comment. We acknowledge that the Panel has jurisdiction to invite comments from non-adjacent parties under s53(3) of the FTAA. However, in this instance, the Applicant considers these parties, if invited to comment, would not provide the Panel with additional information that would materially assist its ultimate decision-making.
19. Therefore, we respectfully submit that Precinct has identified all parties that the Panel may wish to invite to comment. There are no further parties that Precinct considers might be appropriate for the Panel to invite to comment, arising out of Precinct's extensive consultation to date. We acknowledge that it is of course ultimately up to the Panel to determine who is invited to comment under s53 of the FTAA.

DATED: 31 March 2026



Simon Pilkinton | Louise Espin
Counsel for Precinct Properties Holdings Limited

⁸ Also refer to Figure 1, reference (1).

⁹ As outlined in the letter from Janette Campbell on behalf of Docklands and the Bodycorporates dated 26 March 2026 – The Quays; The Point; Viaduct Point; Lighter Quay Halsey; Lighter Quay Stratis; The Parc.

Appendix 1

Owners and Occupiers of the Sites and Land Adjacent

Reference to Figure 1 below	Address	Legal Description	Owner(s)	Occupier/ Tenant	Contacts Received	Contact Date and Notes
1	139 Quay Street	Lot 20 Deposited Plan 191790 and at Reduced Level RL 3.75m Lot 20 Deposited Plan 191790 and at Reduced Level RL 7.66m	Dockland Shed Leases Limited	Level 3: <ul style="list-style-type: none"> • PSC Insurance Brokers NZ • PSC Connect Life NZ • Kauri NZ Investment • Oravida Ltd • OK Gift Shop (Office) • Ok Gift Shop (Warehouse) Level 4: <ul style="list-style-type: none"> • Education First (EF) Level 6: <ul style="list-style-type: none"> • NZ Trade and Enterprise • Ministry of Foreign Affairs and Trade • Invest New Zealand • New Zealand Story Level 7: <ul style="list-style-type: none"> • Kainga Ora/LEAD Alliance Level 8: <ul style="list-style-type: none"> • Servcorp • Trip.com NZ Limited • Intelia NZ • FAMNZ • Earcon Acoustics • Datagrid NZ • MyFuture • PowerHub Group • Tahiti Voyages • PSC Consulting NZ 	[Redacted contact details]	Initial letter drop was on 16/10/2025 to all owners/ occupiers. Follow up on the initial letter drop was conducted on 23/10/2025 to confirm that letter had been received by relevant parties.
2.	175 Quay Street	Lot 3 Deposited Plan 153316	Auckland Council Tataki Auckland Unlimited Limited	Ground Level <ul style="list-style-type: none"> • New Zealand Maritime Museum • The Lula Inn • White and Wongs Level 1 <ul style="list-style-type: none"> • Sero Inspiring Occasions • The Maritime Room 	No contact details were received from the owner or occupants.	Initial letter drop was on 16/10/2025 to the Lula Inn, White and Wongs and Maritime Museum. The Sero Occasions and the Maritime Room are on Level 1 and have restricted to public access thus the letters were given to the general manager to circulate.
3.	85 Customs Street West		Viaduct Harbour		[Redacted contact details]	

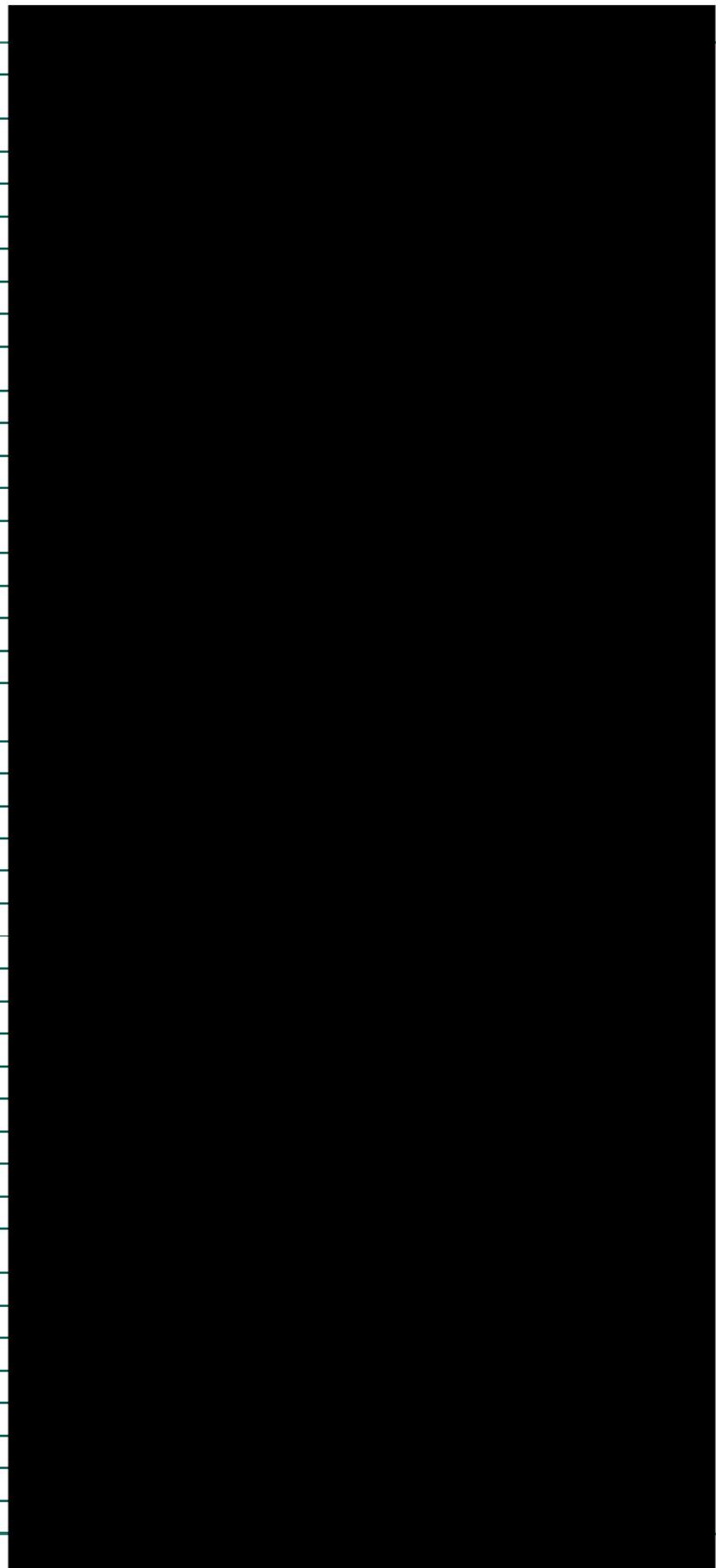
	Auckland Central, Auckland, Auckland					Follow up on the initial letter drop was conducted on 23/10/2025 to confirm that letter had been received by relevant parties.
5.	16 Fanshawe Street, Auckland Central, Auckland	Lot 1 Deposited Plan 112556	Piccadilly Trustee Limited	<p>Ground Level</p> <ul style="list-style-type: none"> The Common Room <p>Level 1</p> <ul style="list-style-type: none"> Streamlined Litigation Support <p>Level 2</p> <ul style="list-style-type: none"> Nectar NZ Change Financial MEA/ Margules Groome/ Cranleigh Partners <p>Level 3 Strategic Pay</p> <ul style="list-style-type: none"> Altis Consulting NZ Ltd <p>Level 4</p> <ul style="list-style-type: none"> Information Leadership F5 Networks – Generator <p>Level 5</p> <ul style="list-style-type: none"> Tenzing – Management & Technology Consultants <p>Level 6</p> <ul style="list-style-type: none"> Voco Business/ Digital Transformation Consultants Assurity Consulting <p>Level 7</p> <ul style="list-style-type: none"> Push Digital Ltd <p>Level 8</p> <ul style="list-style-type: none"> Inugo Systems Covington Group McElroys <p>Level 10</p> <ul style="list-style-type: none"> WTW <p>Level 11</p> <ul style="list-style-type: none"> WPP Media Reception/ Essence Mediacom/ Wavemaker/ Mindshare 	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Initial letter drop was on 16/10/2025:</p> <ul style="list-style-type: none"> The common room – No one there (Café closed). Left letter at counter. Streamlined litigation support - Received Nectar NZ – Received Change Financial – Didn't deliver (Business not in building) Insight NZ – Didn't deliver (Business not in building) MEAA/Margules Groome/Cranleigh Partners - Received Strategic Pay - Received Altis Consulting NZ - Received Information leadership - Received F5 Networks – Generator - Received Tenzing – Management & Technology Consultants - Received Assurity Consulting – Couldn't deliver – level restricted by key card access. Push Digital Lts t/a timbre digital - Received McElroys - Received WTW - Received WPP Media Reception plus our media brands – Received <p>Follow up on the initial letter drop was conducted on 23/10/2025 to confirm that letter had been received by relevant parties and request for letter to be circulated if not.</p>
6.	1 Albert Street, Auckland Central	Lot 2 Deposited Plan 552420	Quattro Re Limited	<p>Level 2</p> <ul style="list-style-type: none"> Afrimo Anthem GreenMount JC Legal Omnibridge vdX.tv WNT Ventures 	<p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED]</p>	<p>Letters dropped off on 16/10/2025 at reception with request for the receptionist to circulate to all tenants. All offices are restricted by key card access thus could not conduct letter drop personally.</p>

			<ul style="list-style-type: none"> • Gents and Rascals 	[REDACTED]	
			Level 2	[REDACTED]	
			<ul style="list-style-type: none"> • Sushi Pac 	[REDACTED]	
			Level 3	[REDACTED]	
			<ul style="list-style-type: none"> • i-site 	[REDACTED]	
			Level 4	[REDACTED]	
			<ul style="list-style-type: none"> • Baguette & Co • Toasty • Mojo 	[REDACTED]	
			Level 5	[REDACTED]	
			<ul style="list-style-type: none"> • N/A 	[REDACTED]	
			Level 6	[REDACTED]	
			<ul style="list-style-type: none"> • N/A 	[REDACTED]	
			Level 7	[REDACTED]	
			<ul style="list-style-type: none"> • Australian Consulate 	[REDACTED]	
			Level 8	[REDACTED]	
			<ul style="list-style-type: none"> • Serious Fraud Office 	[REDACTED]	
			Level 9	[REDACTED]	
			<ul style="list-style-type: none"> • MCVeagh Flemming 	[REDACTED]	
			Level 10	[REDACTED]	
			<ul style="list-style-type: none"> • National Infrastructure • Kiely Thompson Caisley 	[REDACTED]	
			Level 11	[REDACTED]	
			<ul style="list-style-type: none"> • ICBC 	[REDACTED]	
			Level 12	[REDACTED]	
			<ul style="list-style-type: none"> • Precinct Properties 	[REDACTED]	
			Level 13	[REDACTED]	
			<ul style="list-style-type: none"> • McKinsey 	[REDACTED]	
			Level 14	[REDACTED]	
			<ul style="list-style-type: none"> • [REDACTED] 	[REDACTED]	
			Level 15	[REDACTED]	
			<ul style="list-style-type: none"> • Lowndes Jordan • Cash Converters 	[REDACTED]	
			Level 16	[REDACTED]	
			<ul style="list-style-type: none"> • JLL 	[REDACTED]	
			Level 17	[REDACTED]	
			<ul style="list-style-type: none"> • UBS • Murray & Co • Vital Healthcare • Devon Funds • Webb Henderson 	[REDACTED]	
			Level 18	[REDACTED]	
			<ul style="list-style-type: none"> • Buddle Findlay 	[REDACTED]	

			<p>Level 19</p> <ul style="list-style-type: none"> • N/A <p>Level 20</p> <ul style="list-style-type: none"> • BlackBull Markets • Martelli McKegg <p>Level 21</p> <ul style="list-style-type: none"> • N/A <p>Level 22</p> <ul style="list-style-type: none"> • HSBC <p>Level 23</p> <ul style="list-style-type: none"> • Colliers Auckland <p>Level 24</p> <ul style="list-style-type: none"> • Unispace <p>Level 25</p> <ul style="list-style-type: none"> • Rothbury <p>Level 26</p> <ul style="list-style-type: none"> • Oceania Healthcare <p>Level 27</p> <ul style="list-style-type: none"> • N/A <p>Level 28</p> <ul style="list-style-type: none"> • FirstCape Level 29 • Fortuna Forest <p>Companies on unspecified floors</p> <ul style="list-style-type: none"> • Unknown • ACC • Contact Energy • Waikato Tainui 		
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					[REDACTED]	
9	204 Quay St, Auckland Central	Lot 1 DP 183125	Viaduct Harbour Holdings Limited (VHHL) Precinct Properties	<ul style="list-style-type: none"> • Rosies • Dr Rudis & St Alice • Holey Moley • Parasol & Swing • McConnell Property 	[REDACTED]	Provided by applicant.
10	196-200 Quay Street, Auckland Central	Lot 8 Deposited Plan 60151	Millennium & Copthorne Hotels New Zealand Limited	MSocial Hotel	[REDACTED]	Provided by applicant.
11	2 Lower Hobson Street (Downtown Carpark Building)	Lot 9 Deposited Plan 60151	Precinct Downtown Development Limited	26 SEASONS LTD	[REDACTED]	Provided by applicant.
				Actionstep New Zealand Limited Attn: Delpreet Sing	[REDACTED]	
				Alaska Construction + Interiors Auckland Limited	[REDACTED]	
				[REDACTED]	[REDACTED]	

				[REDACTED]
				Allevia Radiology
				Altoworks Limited
				[REDACTED]
				[REDACTED]
				[REDACTED]
				Aon NZ AKL
				Aotea Holdings NZ Limited
				Arbee & Co Limited
				Arrakis Alpacas Limited Attention Paul Chisholm
				Ashni Lal
				[REDACTED]
				Beth Tamson McKay
				[REDACTED]
				[REDACTED]
				Bracewell Limited t/a Bracewell Construction
				[REDACTED]
				Bridget Mary Grace
				Buddle Findlay Limited
				Calder Stewart Shared Services
				Canting Trader Limited
				[REDACTED]
				[REDACTED]
				Catalyst Group
				Catch Design Limited Attn: Paige Willmott
				Cha & Berry Limited
				[REDACTED]
				[REDACTED]
				[REDACTED]
				[REDACTED]
				[REDACTED]
				[REDACTED]
				CityHop - Greys Ave/Broadway/Ronayne
				Clearcut Consultants Limited
				Codeops Limited-
				Connexa
				Copia Products Limited
				CP Hotels Limited
				CTM Consulting Ltd Attn
				Cushman & Wakefield New Zealand Limited
				Customs Solutions 2007 Limited
				Cyril Wright Artspex New Zealand Limited
				Daikoku Restaurant Ltd
				[REDACTED]



				[REDACTED]
				[REDACTED]
				[REDACTED]
				[REDACTED]
				[REDACTED]
				Design Denmark NZ Limited Attention: William Carrig
				[REDACTED]
				[REDACTED]
				EcoMatters Environment Trust
				[REDACTED]
				Eggmoney LTD
				Electrix Limited t/a Omexom
				[REDACTED]
				[REDACTED]
				[REDACTED]
				[REDACTED]
				Falafel Federation Limited
				Ferry Building Limited
				[REDACTED]
				[REDACTED]
				[REDACTED]
				[REDACTED]
				French Country Collections Limited
				Fullers Group Limited
				[REDACTED]
				German Fernandez Trelles LTD
				[REDACTED]
				[REDACTED]
				Hampton Jones Property Consultancy Limited
				Hansangmi Fresh Food Limited
				Happy Valley Women&Children's Foundation
				[REDACTED]
				[REDACTED]
				Heaney & Co
				Hesketh Henry NZ
				HOT Trading Ltd
				House of Travel Auckland City Ltd
				[REDACTED]
				[REDACTED]
				[REDACTED]
				[REDACTED]
				[REDACTED]
				[REDACTED]
				JC Legal Limited Attn: Haekyung Jung
				[REDACTED]



				[REDACTED]
				[REDACTED]
				[REDACTED]
				[REDACTED]
				[REDACTED]
				[REDACTED]
				Jonathan Russell Scott C/- The Boat Shed
				[REDACTED]
				[REDACTED]
				Just Lemons Marketing Ltd
				[REDACTED]
				[REDACTED]
				[REDACTED]
				Kindercare Learning Centres
				Kirkland Morrison O'Callahan & Ho Ltd
				[REDACTED]
				Konstruct Limited
				[REDACTED]
				[REDACTED]
				[REDACTED]
				[REDACTED]
				Luminate LTD
				[REDACTED]
				[REDACTED]
				Managed By Williams Auckland Limited
				[REDACTED]
				Mark Izzard Medical Ltd Attention: Mark Izzard
				McConnell Property Services Ltd
				[REDACTED]
				MCK
				Medsolv Solutionz Limited
				[REDACTED]
				[REDACTED]
				[REDACTED]
				Ministry of Business, Innovation and Employment- PN115773
				[REDACTED]
				[REDACTED]
				[REDACTED]
				Momentum LTD
				Murray & Company Limited
				[REDACTED]
				Namic Britomart Ltd t/a ProfessioNail
				[REDACTED]
				[REDACTED]
				[REDACTED]



				[REDACTED]
				NZ Upstream Limited
				OCN Gourmet Limited
				OK Gift Shop LTD
				Outside In Ltd Attn: Merrin Rosnell
				[REDACTED]
				[REDACTED]
				[REDACTED]
				[REDACTED]
				Precinct Properties Holdings Limited
				Price Waterhouse Coopers Attention: Paulo De Mora
				[REDACTED]
				Qatar Airways Group (Q.C.S.C.)
				QBE Insurance (Australia) Limited Attention: Accounts
				[REDACTED]
				[REDACTED]
				Rebeck Dunn Watters Ltd
				[REDACTED]
				REFORM COMMERCIAL BAY LTD
				Remarkable Scaffolding Limited
				Resolvexo Aotearoa GP Limited
				[REDACTED]
				[REDACTED]
				[REDACTED]
				[REDACTED]
				S C Johnson & Son Proprietary Limited Attention: Sharon Jackson
				[REDACTED]
				[REDACTED]
				Samp CND Limited
				[REDACTED]
				[REDACTED]
				Scoop Studio Limited
				[REDACTED]
				[REDACTED]
				Shamal Arumaperruma Arachchige Don
				Shamrock Recruitment Group Ltd Attention: Roana Ca
				[REDACTED]
				Sir Peter Blake Charity Limited
				Soho Wine Company Limited
				[REDACTED]
				[REDACTED]
				[REDACTED]





Figure 1. Adjacent neighbour location reference. Source: Auckland Council GIS and Barker & Associates.