

BEFORE THE EXPERT PANEL

UNDER

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

AND

IN THE MATTER

of an application for approvals by Port of Auckland Limited ("**POAL**") to construct and operate a new wharf structure at the Bledisloe Terminal, an extension to the existing Fergusson North Berth, and a cruise passenger terminal ("**Project**")

**MEMORANDUM OF COUNSEL ON BEHALF OF PORT OF AUCKLAND LIMITED
IN RELATION TO MINUTE FOUR OF THE EXPERT PANEL**

15 JULY 2025

MAY IT PLEASE THE PANEL:

1. On 11 July 2025 the Panel issued Minute 4, which requested adjustments to, and clarification of, some aspects of the updated proposed resource consent conditions previously provided by POAL on 7 July 2025. This memorandum of counsel responds to Minute 4.
2. At paragraph 4 of Minute 4 the Panel requested that POAL re-organise the proposed conditions to meet certain requirements. The proposed conditions have been re-organised to reflect the Panel's requests and are attached as **Attachment 1**. POAL also confirms that the Wildlife Act approval only relates to the Bledisloe North works (and this is also reflected in the corresponding conditions regarding the little penguin management plan only applying to the Bledisloe North works).
3. Paragraph 5 of Minute 4 contains three additional requests for clarification. In response:
 - (a) In relation to paragraph 5(a) of Minute 4 regarding the use of the term "mana whenua", condition 16(d) of both sets of conditions (for each of Bledisloe North and Fergusson North) have been updated to reference the parties referenced in condition 10, for consistency and clarity.
 - (b) In relation to paragraph 5(b) of Minute 4, "the Port of Auckland" can be defined as "The land and CMA at 1-19 Quay Street, Auckland Central" (and this has been incorporated into the updated conditions.
 - (c) In relation to paragraph 5(c) of Minute 4 regarding the intended transfer of Captain Cook and Marsden Wharves:
 - (i) POAL does not consider further certainty is necessary or appropriate. That is because the Project is framed on the basis that it facilitates the potential transfer, rather than the transfer being a core part of the Project. That is because the transfer of the wharves to Auckland Council is not fully within the control of POAL (as it also relies on Auckland Council). To introduce a condition precedent (or similar) would potentially compromise or delay the delivery of the Project. That is not consistent with the purpose of the Fast-track Approvals Act.

- (ii) The proposed condition (condition 27A for each of Bledisloe North and Fergusson North) has been updated. It now includes provision for further updates if an agreement is not entered into within 12 months of construction commencing to provide additional comfort to the Panel.

DATED: 16 July 2025



Daniel Minninnick / Katie Marshall
Counsel for Port of Auckland Limited