

Attachment 35

Copy of referral application

Fast-track approval applications

Page 1 of 13 Submitter details

Is this application for section 2a or 2b?

(Required)

- ☒ 2A
- ☐ 2B

1. Submitter name

Individual or organisation name (Required)

Port of Auckland Limited

2. Contact person

Contact person name (Required)

Roger Gray

3. What is your job title

Job title (Required)

Chief Executive Officer

4. What is your contact email address?

You will receive an acknowledgement email when you submit your response.

(Required)

[REDACTED]

5. What is your phone number?

(Required)

[REDACTED]

6. What is your postal address?

PO Box 1281, Shortland St, Auckland 1140

7. Is your address for service different from your postal address?

- ☒ Yes
- ☐ No

Fill out this section if you answered yes.

Organisation

Bentley & Co. Ltd

Contact person

Mark Arbuthnot

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Phone number

[REDACTED]

Email address

[REDACTED]

Job title

Director

Please enter your service address

PO Box 4492, Shortland Street, Auckland 1140

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Page 2 of 13 Section 1: Project location

Site address or location

A cadastral map and/or aerial imagery to clearly show the project location will help.

Add the address or describe the location (Required)

The land and coastal marine area at the Port of Auckland, 1-19 Quay Street, Auckland.

If you need to upload a larger file contact listedprojects@mfe.govt.nz

Please make sure your file is under 25MB

[Refer to: Cadastral Map.pdf]

Refer to: Aerial Photograph.pdf]

Do you have a current copy of the relevant Record(s) of Title?

(Required)

- Yes
- ~~No~~

Please make sure your file is under 25MB

[Refer to: Records of title.pdf]

Who are the registered legal land owner(s)?

Please write your answer here (Required)

Port of Auckland Limited, 1-19 Quay Street, Auckland

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Include a statement of how that affects the applicant's ability to undertake the work that is required for the project

Please write your answer here (Required)

Port of Auckland Limited ("**POAL**") is the owner of the land at 1-19 Quay Street, Auckland.

POAL is also the holder of coastal permits:

- in relation to Bledisloe North Wharf, granted under s 384A of the Resource Management Act ("**RMA**") to occupy the Coastal Marine Area ("**CMA**"), including that part of the CMA that is subject to the project, to manage and operate port-related activities to the extent necessary to undertake its port-related commercial undertakings until September 2026.
- in relation to Fergusson North Berth under s 12(2) of the RMA, until August 2052.

On 17 April 2024, RMA Reform Minister Chris Bishop and Transport Minister Simeon Brown announced the Coalition Government's intention to extend the coastal permits granted under s 384A of the RMA for a further 20 years to provide port operators with certainty to continue their operations. The Government intends to include the proposed extension in its second Resource Management Act Amendment Bill to be introduced later this year. This will enable POAL to continue to occupy the CMA and continue to undertake its port-related commercial activities.

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Page 3 of 13 Section 2: Project details

What is the project name?

Please write your answer here (Required)

Bledisloe North Wharf and Fergusson North Berth Extension

What is the project summary?

Please provide a brief summary (no more than 2-3 lines) of the proposed project.

Please write your answer here (Required)

Construct a 330m long x 34m wide reinforced concrete piled wharf structure to the northern edge of the Bledisloe Terminal.

Construct a reinforced concrete piled extension to extend the length of the existing Fergusson North Berth.

What are the project details?

Please provide details of the proposed project, its purpose, objectives and the activities it involves, noting that Clause 14(2)(b) of the Bill specifies that the application requires only a general level of detail.

Please write your answer here (Required)

Background

Bledisloe and Central Wharves

The Bledisloe Terminal and Central Wharves (Captain Cook Wharf and Marsden Wharf) comprises an area of approximately 16ha of land that handles much of POAL's multi-cargo. The Terminal handles POAL's considerable roll-on roll-off ("**RORO**") throughput, which includes cars, trucks, buses, trains, tractors, heavy machinery, project cargo and other bulk freight. The terminal handles around 70 percent of New Zealand's light vehicle imports.

Captain Cook Wharf and Marsden Wharf are utilised for the berthing and unloading of RORO vessels, as well as the berthing of work boat vessels (dredgers, barges, tugs) and the "Awanuia"; a 3,900-tonne bunker tanker.

Auckland is New Zealand's premier cruise port – with international air connections, hotel and hospitality, bus/taxi/ride sharing. POAL handles over 300,000 passengers annually. There is a growing trend towards more larger cruise ships (over 300m in length) and Auckland does not have fit for purpose infrastructure for these large ships. These ships are either berthed under very tight wind limits (leading to last minute cancelled calls) at Princes Wharf, or at the Fergusson Container Terminal (conflicting with container operations), or within the harbour for passengers to tender ashore. Large cruise ships at Princes Wharf conflict with passenger ferries in the Princes / Queens basin leading to ferry delays.

As part of Auckland Council's 2024-2034 Long Term Plan proposals, Mayor Brown has proposed to transfer the Central Wharves (Captain Cook Wharf and Marsden Wharf) to public use within the next 2-3 years. Auckland Council have consulted on the proposal to transfer Captain Cook Wharf and Marsden Wharf from POAL to Auckland Council (subject to POAL constructing the replacement Bledisloe North Wharf) and 53% of the over 14,000 submitters were in favour, 31% opposed and 14% don't know.

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To achieve the mayor's vision, POAL must reconfigure its operational footprint to enable the construction of a replacement mixed-use wharf (RORO and cruise) to accommodate the RORO vessels that will no longer be able to berth at Captain Cook Wharf and Marsden Wharf. This new wharf will also accommodate large (300m+long) cruise ships and provide greater certainty for the cruise industry and passengers.

Fergusson Container Terminal:

The Fergusson Terminal comprises an area of approximately 30ha that is POAL's main container terminal. The terminal is NZ's largest import port, handling around 25 percent of the total container volume. It comprises 3 berths for international container ships. One of these berths is the Fergusson North Berth, which is a 295m long (operational range of quay cranes) berth for the unloading and loading of container ships. It is POAL's deepest and largest berth and can accommodate ships with a length of up to 360m by using the existing mooring dolphins that are located to the west and east of the wharf.

Fergusson North Berth occasionally accommodates the largest cruise ships currently calling at New Zealand (such as the "Ovation of the Seas", which has a length of 348m and is too large to be accommodated at Queens Wharf or Princes Wharf) – however this conflicts with container operations.

Shipping lines are also proposing to reduce the number of smaller, < 4,000 teu (twenty-foot equivalent unit containers) container ships calling at New Zealand over the next 2-3 years in favour of larger 6,000-8,000 teu ships, with further plans to bring 'New Panamax' ships that have a length of up to 360m and can carry 10,000 teu. Auckland, as New Zealand's largest destination for imported goods, needs to be able to accommodate these larger ships, which also provide fuel efficiency, operational efficiency (fewer vessel movements per 1000 containers) and lower transport emission benefits.

While the Fergusson North Berth can accommodate the 6,000 – 8,000 teu and 'New Panamax' ships, the quay cranes cannot access the full length of the ship, meaning that the ships are either required to be repositioned mid-call (losing 2-3 hours for loading/unloading) or be subject to loading restrictions (which are often unworkable in the context of international shipping).

The project

POAL is proposing to construct:

- (a) a new 330m long x 34m wide reinforced concrete piled wharf structure to the northern edge of the Bledisloe Terminal for RORO and large cruise ships; and
- (b) a 45m long x 34m wide reinforced concrete piled extension to the length of the existing Fergusson North Berth to accommodate larger container ships.

Related to the above, POAL will establish a new cruise passenger terminal within the ground floor of the of the existing vehicle handling facility that is located on the Bledisloe Terminal.

Fendering (and other ancillary structures, as required) will be provided around both wharf structures, in a similar manner to that which exists for the balance of the wharves within the Port of Auckland.

To facilitate the construction of the piled wharf structure to the northern edge of the Bledisloe Terminal, it will be necessary to reconstruct the seawall. This includes the removal and regrading of the existing revetment, and the placement of new riprap and scour protection.

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The use of the wharf for port activities and the associated discharges will be subject to the same Best Practicable Option ("**BPO**") management regime that applies to the balance of the Port of Auckland under POAL's Industrial Trade Activity ("**ITA**") consent (25179). This includes:

- (a) A suite of Standard Operating Procedures ("**SOPs**") which address port operations such as cargo handling, sweeping, waste management and refuelling of cargo-handling equipment.
- (b) A spill response plan which sets out the actions to be followed to reduce the risk of contaminants being discharged from activities or events.
- (c) A series of Inspection and Maintenance Requirement protocols containing the steps required to keep the treatment devices and equipment in sound working order.
- (d) An Environmental Management Plan: Stormwater ("**EMP:S**") including areas of responsibility, auditing, and record-keeping, as well as identifying activities and potential contaminants, the measures listed above and a training programme.

Note:

POAL's existing ITA discharge permit (25719) expires on 28 February 2045. It is intended to align any ITA discharge permits for the project with the conditions and timeframes of the existing permit so that any replacement ITA consent can incorporate the project into a single consent (rather than operating under two consents).

Purpose

The project seeks to reconfigure POAL's operational footprint to enable more intensive operations in Bledisloe and Fergusson Terminal areas, with associated efficiency gains. Despite some modest further uptake of water space, the project will enable POAL to:

- (a) cater for the growth in the RORO trade on a reduced footprint;
- (b) cater for large (300m+ long) cruise ships;
- (c) reduce its overall operational footprint and provide Auckland Council with the opportunity to open up 3.1ha across Captain Cook Wharf and Marsden Wharf to the public within the mayor's two- three year timeframe,
- (d) relocate approximately 50% of cruise ships from Princes Wharf to the Bledisloe north wharf, reducing conflicts between passenger ferries and cruise ships and resulting passenger ferry delays and cancellations; and
- (e) increase the efficiency of the Fergusson North Berth to service larger container ships such as the 'New Panamax' ships.
- (f) Increase the overall capacity and efficiency of the port, to handle the increases in trade which will arise as the economy of Auckland and the upper North Island continues to grow. The success of the Auckland economy continues to be recognised as critical to the success of New Zealand as a whole, with ongoing Central Government investment focussed on facilitating and enhancing this growth, through a range of infrastructure and housing initiatives. The port has a core role in the Auckland economy, and enhancing that role will support economic growth for the region. This is especially because of the port's critical place as the main interface between the Auckland economy and all other national and regional economies across the World (together with Auckland International Airport Limited). These projects which enhance the port's international role and can be expected to contribute most effectively to the purpose of the legislation to facilitate "*projects with significant regional or national benefits.*"

Objectives

The objective of the Bledisloe North Wharf is to establish a mixed-use wharf (multi-cargo and cruise) that will:

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- (a) accommodate multi-cargo vessels, including the relocation of "RORO" vessels from Captain Cook Wharf; and
- (b) accommodate cruise ships that are over 300m in length, reducing the number of large cruise ships (300m+) berthing at Princes Wharf by around 50% and freeing up Fergusson North Berth for container cargo.

The objective of the extension to the existing Fergusson North Berth is to enable quay cranes to access the full length of the berth, removing current inefficiencies and constraints on the loading and unloading of vessels. While the Fergusson North Berth can accommodate the 6,000 – 8,000 teu ships and the 'New Panamax' ships, the quay cranes cannot access the full length of the ship, meaning that the ships are either required to be repositioned mid-call (losing 2-3 hours for loading/unloading) or be subject to loading restrictions (which are often unworkable in the context of international shipping).

Activities

A review of the project has been undertaken against the provisions of the Auckland Unitary Plan (Operative in part) ('Unitary Plan') and is appended to this application. All necessary resource consents are sought in relation to the project. At this stage, resource consent has been assessed to be required for the following reasons:

Bledisloe North Wharf

- New wharves in the Port Precinct require resource consent as a restricted discretionary activity (I208.4.1(A24)).
- Impact and vibratory piling activities require resource consent as a restricted discretionary activity (F2.19.8(A114)).
- Hard protection structures (reconstruction of Bledisloe seawall) require resource consent as a restricted discretionary activity (I208.4.1(A35)).
- Coastal marine area disturbance between 1,500m³ and 10,000m³ within a 12 month period associated with the reconstruction of Bledisloe seawall requires resource consent as a restricted discretionary activity (F2.19.4(A34)).
- The discharge of stormwater from a wharf structure that exceeds 5,000m² (11,220m² proposed) to the coastal marine area requires resource consent as a discretionary activity (F2.8.4.1(A10)).
- The use of the wharf for an industrial or trade activity listed as "high risk" in Table E33.4.3 requires resource consent as a controlled activity (E33.4.1(A8)).
- The discharge of contaminants from a new industrial or trade activity area listed as "high risk" in Table E33.4.3 requires resource consent as a discretionary activity (E33.4.2(A24)).

For completeness, the establishment of the new cruise passenger terminal within the ground floor of the of the existing vehicle handling facility that is located on the Fergusson Terminal is provided for as a permitted activity. Specifically:

- Maritime passenger facilities are provided for as a permitted activity within the Port Precinct (I208.4.1(A25)).
- Alterations and additions to buildings on land outside of Area A shown on Precinct plan 2 of the Port Precinct are provided for as a permitted activity (I208.4.1(A31)).

Fergusson North Berth extension

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- New wharves in the Port Precinct require resource consent as a restricted discretionary activity (I208.4.1(A24)).
- Impact and vibratory piling activities require resource consent as a restricted discretionary activity (F2.19.8(A114)).
- The use of the wharf extension for a new industrial or trade activity listed as high risk in Table E33.4.3 requires resource consent as a controlled activity (E33.4.1(A8)).

Occupation of the coastal marine area

As POAL is the holder of coastal permits, granted under s.384A and s.12(2) of the RMA to occupy the subject part of the CMA, no further occupation permits (s.12(2) RMA) are required in relation to the project.

The s.384A permit expires on 30 September 2026, however the Coalition Government intends to extend it for a further 20 years (30 September 2046).

The s.12(2) coastal occupation permit for the Fergusson North Berth expires on 4 August 2052.

Duration of permits

A consent duration of 22 years (to 30 September 2046) is sought in relation to the coastal permits that are required in relation to the Bledisloe North Wharf to match the extended s.384A coastal occupation permit.

A consent duration of 28 years (to 4 August 2052) is sought in relation to the coastal permits that are required in relation to the Fergusson North Berth extension to match the existing s.12(2) coastal occupation permit.

A consent duration of 21 years (to 28 February 2045) is sought in relation to the discharge permit that is required in relation to the project to match the existing ITA discharge permit (25179) that is held by POAL.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here (Required)

Construction of both the Bledisloe North Wharf and the Fergusson North Berth extension will commence as soon as consent is obtained and will be completed late 2026. Detailed design is well advanced.

What are the details of the regime under which approval is being sought?

The different regimes are:

- Resource Management Act 1991
 - resource consent
 - notice of requirement
 - certificate of compliance
 - coastal permit that authorises aquaculture activities to be undertaken in the coastal marine area and requires decisions under Part 9A of the Fisheries Act 1996
- Wildlife Act 1953
 - authority to do anything otherwise prohibited

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- Conservation Act 1987
 - approval
- Reserves Act 1977
 - approval
- Freshwater Fisheries Regulations 1983
 - approval
- Heritage New Zealand Pouhere Taonga Act 2014
 - archaeological authority
- Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012
 - marine consent
- Crown Minerals Act 1991
 - land access arrangement under section 61 or 61B
- Public Works Act 1981
 - proclamation under section 26 to take or deal with land

Please write your answer here

Resource consent under the Resource Management Act 1991
Wildlife Permits under the Wildlife Act 1953

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here (Required)

Auckland Council

What applications have you already made for approvals on the same or a similar project?

Please provide details and any decisions made of:

- applications
- notices

Schedule 4 clause 31(3) of the Bill details that a person who has lodged an application for a resource consent or a notice of requirement under the Resource Management Act 1991, in relation to a listed project or a referred project, must withdraw that application or notice of requirement before lodging a consent application or notice of requirement with an expert consenting panel under this Bill for the same, or substantially the same, activity.

Please write your answer here (Required)

None

Is approval required for the project by someone other than the applicant?

(Required)

- ~~Yes~~
- **No**

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Please explain your answer here (Required)

POAL is the owner of the land at 1-19 Quay Street, Auckland.

It is also the holder of coastal permit, granted under s.384A of the RMA and an existing resource consent for the Fergusson North berth, to occupy the CMA, including that part of the CMA that is subject to this application for resource consent.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please provide a high-level timeline outlining key milestones like:

- detailed design
- procurement
- funding
- site works commencement
- completion.

Please write your answer here (Required)

Bledisloe North Wharf

- Detailed design is underway and will be complete by November 2024.
- A Building Consent will be sought in parallel with Fast Track Consent processing to enable works to commence as soon as possible.
- Tenders to occur in March 2025, with an award for commencing works in May 2025.
- Construction will immediately follow and is anticipated to take 18 months to complete.
- Funding is in place.

Fergusson North Berth Extension

- Detailed design is underway and will be complete by November 2024.
- A Building Consent will be sought in parallel with Fast Track Consent processing to enable works to commence as soon as possible.
- Tenders to occur in March 2025, with an award for commencing works in May 2025.
- Construction will immediately follow and is anticipated to take 12 months to complete.
- Funding is in place.

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Who are the persons affected by the project?

Please provide a list of persons likely to be affected by the project, including:

- relevant local authorities
- relevant iwi authorities
- relevant Treaty settlement entities
- protected customary rights groups
- customary marine title groups
- applicant groups under the Marine and Coastal (Takutai Moana) Act 2011
- ngā hapū o Ngāti Porou
- any person with a registered interest in land that may need to be acquired under the Public Works Act 1981.

Please write your answer here (Required)

Relevant local authorities

Auckland Council

Relevant iwi authorities

1. Ngāi Tai ki Tāmaki
2. Ngāti Hako
3. Ngāti Manuhiri
4. Ngāti Maru
5. Ngāti Pāoa
6. Ngāti Rehua
7. Ngāti Tamaoho
8. Ngāti Tamaterā
9. Ngāti Te Ata
10. Ngāti Whanaunga
11. Ngāti Whātua
12. Ngāti Whātua o Kaipara
13. Ngāti Whātua o Ōrākei
14. Ngātiwai
15. Te Awiwaru – Waiohū
16. Te Ākitai Waiohū
17. Te Kawerau ā Maki
18. Te Patukirikiri
19. Te Uri o Hau
20. Waikato-Tainui

Relevant Treaty settlement entities

1. Ngāi Tai Ki Tāmaki Trust
2. Hako Tūpuna Trust
3. Ngāti Manuhiri Settlement Trust
4. Ngāti Maru Rūnanga Trust
5. Ngāti Pāoa Iwi Trust
6. Ngāti Rehua – Ngāti Wai Ki Aotea Trust
7. Ngāti Tamaoho Settlement Trust

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8. Ngāti Tamaterā Treaty Settlement Trust
9. Ngāti Te Ata Claims Support Whānau Trust
10. Ngāti Whanaunga Incorporated Society
11. Te Rūnanga o Ngāti Whātua
12. Ngā Maunga Whakahii o Kaipara Development Trust
13. Ngāti Whātua o Ōrākei Trust Board
14. Ngātiwai Trust
15. Makaurau Marae Māori Trust
16. Te Ākitai Waiohū Settlement Trust
17. Te Kawerau Iwi Settlement Trust
18. Te Patukirikiri Iwi Trust
19. Te Uri o Hau Settlement Trust
20. Te Whakakitenga o Waikato Incorporated

Protected customary rights groups

None

Customary marine title groups

None

Applicant groups under the Marine and Coastal (Takutai Moana) Act 2011

1. Ngāti Te Ata (MAC-01-02-005)
2. Ngāpuhi nui Tonu, Ngāti Rāhiri, Ngāti Awa, Ngāi Tāhuhu, Ngātiawake (MAC-01-01-050)
3. Ngātiawake (MAC-01-01-133)
4. Ngāti Whātua Ōrākei (MAC-01-02-006)
5. Ngāi Tai Ki Tāmaki (MAC-01-02-003)
6. Ngāti Kawau and Te Waiariki Kororā (MAC-01-01-073)
7. Ngāti Taimanawaiti (Ngāti Tai) (MAC-01-02-004)
8. Ihaia Paora Weka Tuwhera Gavala Murray Mahinepua Reserve Trust Ngāti Rua Iti Ngāti Muri Nagatiruamahue Ngāti Kawau Ngāti Haiti Ngāitupango Ngā Puhi Ngāti Kahu Te Auopouri (MAC-01-01-023)
9. Ngā Puhi Nui Tonu (Waitangi Marae) (MAC-01-01-058)
10. Ngāti Maru (MAC-01-03-006)
11. Ngā Puhi Nui Tonu (Te Kotahitanga Marae) (MAC-01-01-056)
12. Ngāati Whānaunga (PCR) (MAC-01-01-091)
13. Reti Whānau (MAC-01-01-105)
14. Te Hikutu Whānau and Hapū (PCR) (MAC-01-01-125)
15. Te Kaunihera o Te Tai Tokerau (MAC-01-01-133)
16. Te Rūnanga o Ngāti Whātua (MAC-01-01-140)
17. Te Kawerau a Maki (MAC-01-02-007)
18. Ngāati Tamaoho (MAC-01-03-010)
19. Hauraki Māori Trust Board (MAC-01-03-001)
20. Ngāti Tamaterā (MAC-01-03-011)
21. Mahurangi, Ngāti Awa and Ngāpuhi (CIV-2017-404-537)
22. Te Taoū (CIV-2017-404-542)
23. Te Taoū (Waitematā) (CIV-2017-404-567)
24. Ngāti Rehua / Ngāti Wai ki Aotea (CIV-2017-404-574)
25. Ngāti Rongo o Mahurangi (CIV-2017-485-276)

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Ngā hapū o Ngāti Porou

The proposal is not located within any area in which one or more hapū of ngā hapū o Ngāti Porou whose customary marine title in an area that is recognised by: an Order in Council made under s.112; a court order made under s.113; or under clause 1 of Schedule 1, of the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

Any person with a registered interest in land that may need to be acquired under the Public Works Act 1981

N/A

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here

To date, POAL has engaged with:

- Auckland Council (Shareholder).
- Eke Panuku
- Port Customers.
- Urban Auckland, Community Reference Group, Fullers.
- IMSB (Chair)
- Ngāti Whātua Ōrākei
- Ngāti Maru
- Ngāti Pāoa
- Ngāi Tai ki Tamaki

The design of the project has been informed through a number of iterative workshops with some of these parties.

More generally, the release of Captain Cook and Marsden Wharves has been clearly outlined in the Auckland Council draft Long Term Plan, which has been open for public consultation and submission. The public have had opportunity through this process to provide feedback.

Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here (Required)

N/A

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What treaty settlements apply to the geographical location of the project?

Include a summary of the relevant principles and provisions in those settlements and any statutory acknowledgement areas.

Please write your answer here (Required)

Ngāi Tai ki Tāmaki Tribal Trust

- Under the Ngāi Tai ki Tāmaki Claims Settlement Act 2018, resource consent applications within or adjacent to their statutory acknowledgment area must be provided to a trustee of the iwi by Auckland Council. It is also specifically relevant to notification decisions under the RMA. The project will be occurring within the statutory acknowledgement area (OTS-403-128).

Ngāti Tamaoho Settlement Trust

- Under the Ngāti Tamaoho Claims Settlement Act 2018, resource consent applications for an activity within, adjacent to, or directly affecting a statutory area must be provided to a trustee of the iwi by Auckland Council. The project will take place within the statutory acknowledgement area (OTS-129-03).

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

(Required)

- ☒ ~~Yes~~
- **No**

If yes, what are they?

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

(Required)

- ☒ ~~Yes~~
- **No**

If yes, what are they?

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

(Required)

- ☒ ~~Yes~~
- **No**

Has the applicant has secured the relevant landowners' consent?

(Required)

- **Yes**
- ☒ ~~No~~

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Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

(Required)

☒ ~~Yes~~

☐ **No**

If yes, what are they?

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

(Required)

☒ ~~Yes~~

☐ **No**

If yes, please explain

Upload your assessment if necessary

Please make sure your file is under 25MB

[Choose file]

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What are the anticipated and known adverse effects of the project on the environment?

Please describe

The anticipated and known adverse effects of the project on the environment relate to:

- (a) Landscape visual effects.
- (b) Navigation and safety.
- (c) Coastal processes.
- (d) Replacement seawall design.
- (e) Ecological effects.
- (f) Construction effects including piling methodology and construction noise and vibration.
- (g) Operational noise.
- (h) Effects on the road network.
- (i) Contamination.
- (j) Use of land for an industrial or trade activity and discharge from an industrial or trade activity.
- (k) Cultural effects.

The applicant has engaged a consultant team, including:

- Engineering – Beca
- Coastal Process – Beca
- Construction – Beca
- Hazardous substances – Beca
- Transport – Beca
- Planning – Bentley & Co.
- Landscape Visual – Boffa Miskell
- Economics – Market Economics
- Acoustics – Marshall Day
- Navigation and safety – Navigatus Consulting
- Ecology – Paul Kennedy
- Legal – Russell McVeagh

A detailed assessment of the effects of the project is underway and yet to be completed. No fundamental issues that would present a barrier to consent have been identified by the project team. All of the anticipated and known effects will be able to be addressed through both the project design, and conditions of resource consent. Examples of matters that will be readily addressed through conditions of consent are:

- Construction management, through the preparation of a Construction Management Plan that will provide details of the responsibilities, reporting frameworks, coordination and management required for effective site management, including information on the following matters:
 - Construction methodology, including piling methodology, methods to remedy any disturbance resulting from works, and methodology for the removal of temporary structures.
 - Construction quality assurance.
 - Construction works programming, including the proposed staging and sequence of construction.
 - Site management.

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- Communications.
- Erosion and sediment control measures.
- Construction traffic management, through the preparation of a Construction Traffic Management Plan, including:
 - Specific construction traffic details, including construction traffic numbers and types.
 - Construction traffic management measures required to be implemented.
 - Processes for monitoring, and to enable review and amendment to the management plan.
- Consultation with the Auckland Harbourmaster to identify the appropriate location, number and types of navigation aids and/or lighting.
- Construction noise and vibration management, through the preparation of a Construction Noise and Vibration Management Plan to identify and implement the best practicable option for the management and mitigation of all construction noise and vibration including where full compliance cannot be achieved at times.
- Measures to manage underwater noise effects on marine mammals and other users of the coastal marine area, including visual monitoring, construction methods, and shut down measures.
- Stormwater management, including design requirements for the removal of Total Suspended Solids.
- The implementation of the same Best Practicable Option management regime that applies to the balance of the Port of Auckland under POAL's Industrial Trade Activity ("ITA") consent (25179), including:
 - A suite of Standard Operating Procedures which address port operations such as cargo handling, sweeping, waste management and refuelling of cargo-handling equipment.
 - A spill response plan which sets out the actions to be followed to reduce the risk of contaminants being discharged from activities or events.
 - A series of Inspection and Maintenance Requirement protocols containing the steps required to keep the treatment devices and equipment in sound working order.
 - An Environmental Management Plan: Stormwater ('EMP:S') including areas of responsibility, auditing, and record-keeping, as well as identifying activities and potential contaminants, the measures listed above and a training programme.
- Maintenance requirements for the wharf structures to ensure they are maintained in a good and sound condition.
- Marine biosecurity management during the construction period, through the implementation of a Marine Biosecurity Management Plan to avoid the spread of unwanted/biosecurity risk species by construction vessels during construction, and to ensure that the construction works are carried out in a manner that minimises the risk of any biosecurity threats.

POAL has commenced engagement with all relevant Mana Whenua to gain an understanding on the above matters. It will also seek the views of the relevant applicant groups pursuant to section 62(3) of the Marine and Coastal Area (Takutai Moana) Act ("**MACAA**"). All discussions and responses with Mana Whenua and relevant applicant groups under the MACAA will be used to inform the project.

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[Refer to: Auckland Unitary Plan Rule Analysis.pdf]

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Page 7 of 13 Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here (Required)

Relevant national policy statements

New Zealand Coastal Policy Statement 2010

The 2010 New Zealand Coastal Policy Statement ("NZCPS") contains seven objectives and 29 policies. The following policies of the NZCPS are of particular relevance:

- Policy 2, which requires the traditional and continuing cultural relationships that tangata whenua have with areas of the coastal environment to be recognised, including places where they have lived and fished for generations. It also seeks to incorporate mātauranga Māori in the consideration of applications for resource consents, with the consent of tangata whenua and as far as practicable with tikanga Māori, as well as to provide opportunities in appropriate circumstances for Māori involvement in decision making. Consistent with Policy 2, POAL has commenced engagement with all relevant Mana Whenua to gain an understanding on these matters. It will also seek the views of the relevant applicant groups pursuant to section 62(3) of the MACAA. All discussions and responses with Mana Whenua and relevant applicant groups under the MACAA will inform the Project, including in relation to the management of cultural effects.
- Policy 6, which recognises the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities as being important to the social, economic, and cultural well-being of people and communities. It also recognises that there are activities that have a functional need to be located in the coastal marine area, and provides for those activities in appropriate places. The Project is consistent with Policy 6 as it will support the provision of infrastructure to the benefit of the social, economic, and cultural well-being of the community and has a functional need to locate in the coastal marine area.
- Policy 9, which recognises that a sustainable national transport system requires an efficient national network of safe ports, servicing national and international shipping, with efficient connections with other transport modes, including by considering where, how and when to provide in regional policy statements and in plans for the efficient and safe operation of ports, the development of their capacity for shipping, and their connections with other transport modes. This Project is consistent with Policy 9 as the Project will improve the safety and efficiency of the port, enabling POAL to safely handle larger ships; and thereby providing for the efficient and safe operation of the Port of Auckland.
- Policy 11, which seeks to protect indigenous biological diversity that are threatened, naturally rare, or nationally significant; and avoid other significant adverse effects on indigenous vegetation, species, and ecosystems. POAL has engaged an ecologist to assess the effects of the Project on indigenous biological diversity. Consistent with Policy 11, no threatened, naturally rare, or nationally significant indigenous biological diversity has been identified and other significant adverse effects will be able to be avoided through the imposition of conditions of consent.
- Policy 13, which seeks to avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and avoid other significant adverse effects and avoid, remedy or mitigate other adverse effects on natural character in

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all other areas of the coastal environment. The Project is located in a modified, manmade, coastal environment, as opposed to an area of outstanding natural character. POAL has engaged an expert to assess the effects of the activity on the natural character of the coastal environment. Consistent with Policy 13, no adverse effects on any areas of outstanding natural character have been identified, and significant adverse effects will be able to be avoided through the design and location of the structures and through the imposition of conditions of consent.

- Policy 15, which seeks to avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on other natural features and natural landscapes in the coastal environment. The Project is not located within an area of outstanding natural features or outstanding natural landscapes. POAL has engaged an expert to assess the effects of the activity on any outstanding natural features and outstanding natural landscapes within the surrounding environment. Consistent with Policy 15, no adverse effects on any outstanding natural features or outstanding natural landscapes have been identified, and significant adverse effects will be able to be avoided through the design and location of the structures and through the imposition of conditions of consent.
- Policy 23, which seeks to manage discharges to water in the coastal environment by requiring port operators to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that is more than minor. Consistent with Policy 23, the implementation of the same Standard Operating Procedures (including spill response plans, inspection and maintenance requirement protocols, and Environmental Management Plan: Stormwater) that apply to the balance of the Port of Auckland under POAL's existing ITA consent will ensure that activities on the Bledisloe North Wharf are appropriately managed to avoid the contamination of the coastal marine area that is more than minor.
- Policy 25, which seeks to avoid increasing the risk of social, environmental and economic harm from coastal hazards; and avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards. While the Project will be susceptible to climate change effects and natural hazard events due to its location on the coast, by necessity the port must locate in these areas, and the wharf structures have been designed to modern standards to take into account the effects of sea level rise and to be resilient to natural hazards and the effects of climate change. Consistent with Policy 25, the proposal will not increase the risk of social, environmental, and economic harm from coastal hazards, and will avoid the establishment of development that would increase the risk of adverse effects from coastal hazards.

Hauraki Gulf Marine Park Act 2000

The Hauraki Gulf Marine Park Act ("**HGMPA**") integrates the management of the Hauraki Gulf's islands and catchments across land and sea so that the effects of urban and rural land use are given proper attention, and its life supporting capacity is protected. The HGMPA also promotes the conservation and sustainable management of the natural, historic and physical resources of the Hauraki Gulf for the benefit of and enjoyment of the people and communities of the Hauraki Gulf and New Zealand.

The Project will promote the life supporting capacity of the Hauraki Gulf (which includes the economic well-being of communities); the sustainable management of the physical resource that is the Port of Auckland; and will not affect the ability of people and communities to benefit from and enjoy the amenity of the wider Hauraki Gulf.

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National Policy Statement on Urban Development 2020

The 2022 update to the National Policy Statement on Urban Development ("**NPS-UD**") contains eight objectives and 11 policies. Of particular relevance to the project are:

- Objective 4, which acknowledges that New Zealand's urban environments, including their amenity values, will develop and change over time in response to the diverse and changing needs of people, communities, and future generations.
- Objective 8, which requires New Zealand's urban environments to support reductions in greenhouse gas emissions and be resilient to the current and future effects of climate change.
- Policy 1, which requires planning decisions to contribute to well-functioning urban environments, which are defined as (amongst other things) environments that enable a variety of sites that are suitable for different business sectors in terms of location and site size and support the competitive operation of land and development markets.
- Policy 6, which requires decision-makers to have particular regard to:
 - the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement;
 - that the planned urban built form in those RMA planning documents may involve significant changes to an area, and those changes may detract from amenity values appreciated by some people but improve amenity values appreciated by other people, communities and future generations; and are not, of themselves, an adverse effect;
 - the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1);
 - any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity; and
 - the likely current and future effects of climate change.

The project will contribute to a well-functioning urban environment by establishing a mixed-use wharf and optimising the use of the Fergusson North Berth. The project ensures that infrastructure development is provided to match the needs of the cruise industry and the servicing requirements of national and international freight, enabling POAL to:

- (a) reduce its overall operational footprint and provide Auckland Council with the opportunity to release 3.1ha of Captain Cook Wharf and Marsden Wharf to the public within the mayor's two- three year timeframe;
- (b) establish a mixed-use wharf that will accommodate multi-cargo vessels and cruise ships that are over 300m in length, reducing the number of large cruise ships (300m+) berthing at Princes Wharf by around 50% (reducing public transport ferry delays / cancellations) and freeing up Fergusson North Berth for the transfer of container cargo;
- (c) increase the efficiency of the Fergusson North Berth by enabling quay cranes to access the full length of the berth to service ships capable of carrying up to 10,000 teu, removing current inefficiencies and constraints on the loading and unloading of these vessels; and
- (d) improve the overall capacity and efficiency of the port, enhancing its core role in the growing Auckland economy, including through the benefits of international cruise visitor activity in the CBD (supporting Policy 3 provisions). More broadly, this will contribute to key aspects of the well-functioning urban environment arising from the size of the economy and the employment opportunities offered.

The project has considered the planned urban form of the City Centre Zone and Port Precinct, and while it is acknowledged that the changes will alter the amenity values of this part of the Waitematā Harbour, they provide substantial long-term social and economic benefits.

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Relevant national environmental standards

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

Minor ground disturbance works will be required to facilitate the construction of the project. These works will be undertaken in accordance with the permitted activity requirements of Regulation 8 of the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health and consent is not anticipated to be required. However, should consent be required, it will be sought as part of any substantive consent application, with any contamination readily manageable through standard, good practice conditions of consent, including a site management plan.

Please make sure your file is under 25MB

[Refer to: Auckland Unitary Plan Summary of Key Objectives and Policies.pdf]

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Page 8 of 13 Section 7: Eligibility

Your application must be supported by an explanation as to how the project will help achieve the purpose of the Bill, that is to "provide a fast-track decision-making process that facilitates the delivery of infrastructure and development projects with significant regional or national benefits".

In considering whether the project will help to achieve the purpose of the Bill, the Ministers may have regard to the specific matters referred to below, and any other matter that the Ministers consider relevant.

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

(Required)

- **Yes**
- ~~No~~

Please explain your answer here

POAL has been given a two-three year timeframe by Mayor Brown to reduce its overall operational footprint and provide Auckland Council with the opportunity to open up Captain Cook Wharf and Marsden Wharf to the public, whilst consolidating and maintaining freight operations to Bledisloe. At the same time, it needs to better provide berthage for the increasing number of large (300m+) cruise ships calling Auckland and accommodate larger international container ships at the Fergusson Terminal.

A standard RMA consenting route is unlikely to deliver a consented outcome within the timeframes contemplated by the mayor and international shipping companies. Any application would be required to be publicly notified and is anticipated to take more than three years to obtain resource consent and resolve any appeals to the Environment Court before construction can even start.

The Fast Track approval process is the only consenting route available to POAL that would enable the necessary resource consents to be issued in sufficient time to facilitate the construction of the wharf infrastructure within the required two-three year timeframe. POAL is under the view that all parties who will be affected by the project in a meaningful way will be invited to comment on the proposal, and POAL will invite additional parties to those required in order to ensure all affected parties will be involved in the process. POAL is undertaking extensive consultation with these parties to help inform the final application for the project. The process under the Fast-track Approvals Bill for providing comments is appropriate and adequate to address concerns of the project.

The Fast-track process also provides significant advantages in streamlining the approval processes by bundling the processing of RMA consents and permissions required by other frameworks, such as the Wildlife Act. In POAL's experience, there can be significant time delays when approvals are granted at different times and this would avoid a situation where POAL is unable to rapidly implement a resource consent because of delays in securing any necessary wildlife permits. The critically time-sensitive nature of this project means, any time delays would not enable POAL to meet the two year timeframe it has been given by the Mayor and Council to transfer Captain Cook and Marsden Wharves to the public.

What is the impact referring this project will have on the efficient operation of the fast-track process?

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Please write your answer here (Required)

Given POAL is in a position to lodge a substantive application as soon as possible, it can immediately benefit from being a schedule 2A listed project. If this project is not listed, referral will be sought to utilise the Fast-track Approvals Bill given the clear and substantial benefits this fast-track process will provide to its delivery. On that basis, by listing this project under 2A substantially streamlines processing of this application for both the Ministry for the Environment staff, and the joint Ministers, allowing an Expert Panel to begin processing the application as soon as it is appointed and avoid delay associated with reapplying for referral.

Has the project been identified as a priority project in a:

- Central government plan or strategy
- Local government plan or strategy
- Sector plan or strategy
- Central government infrastructure priority list
- Other

Please explain your answer here

The draft Long-Term Plan 2024-2034 proposes transfer of Captain Cook and Marsden wharves from the Port to public use. This is part of a broader long-term strategy to improve connectivity between the Waitemata Harbour and the public, integrating these areas with the CBD, viaduct, and Wynyard Quarter.

The Auckland Council LTP states: *'Marsden and Captain Cook wharves could be freed-up for alternative use and transferred to Auckland Council with minimal impact on port operations or profitability, provided that the port operations currently taking place on these two wharves could be relocated to the Bledisloe Terminal. This would require construction work at Bledisloe North wharf and an additional vehicle handling building at the Bledisloe Terminal'*

In order for Captain Cook and Marsden wharves to be released, POAL needs to rapidly improve its operational efficiency in the balance port area. This project will enable these operation efficiency gains to be achieved and for POAL to cater for the increasing size of ships and increasing freight and cruise task. The Fast-track process will also allow this to occur within the 2 – 3 year timeframe set by Mayor Brown.

The Auckland Future Development Strategy, in line with previous Auckland development strategies, also continues to recognise growth and infrastructure investment in the City Centre area as a key priority, with release of Captain Cook and Marsden wharves enabling further integration of the CBD with the Waitemata Harbour area.

Will the project deliver regionally or nationally significant infrastructure?

- ~~Regional significant infrastructure~~
- **National significant infrastructure**

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Please explain your answer here

The Port of Auckland is of national and regional significance. The project will deliver infrastructure that is necessary to support the ongoing efficient and safe operation of the Port of Auckland in response to the mayor's proposal to transfer Captain Cook Wharf and Marsden Wharf to public use, and to shipping lines' proposals to increase the size of container ships calling at the Port of Auckland:

- (a) The Bledisloe North Wharf will enable POAL to reduce its footprint (releasing 3.1ha), whilst at the same time consolidating freight operations to Bledisloe to accommodate the current and projected freight movements. The wharf will accommodate multi-cargo vessels, including the relocation of "RORO" vessels from Captain Cook Wharf. It will also accommodate cruise ships that are over 300m in length, reducing the number of large cruise ships (300m+) berthing at Princes Wharf by around 50% and freeing up Fergusson North Berth for the transfer of container cargo.
- (b) The Fergusson North Berth will enable quay cranes to access the full length of the berth to service ships capable of carrying up to 10,000 teu, removing current inefficiencies and constraints on the loading and unloading of these vessels.

Will the project:

- ~~increase the supply of housing~~
- ~~address housing needs~~
- **contribute to a well-functioning urban environment**

Please explain your answer here

The project will contribute to a well-functioning urban environment. By establishing a mixed-use wharf and optimising the use of the Fergusson North Berth, it ensures that infrastructure development is provided to match the needs of the cruise industry and the servicing requirements of national and international freight, enabling POAL to:

- (a) reduce its overall operational footprint and provide Auckland Council with the opportunity to open up Captain Cook Wharf and Marsden Wharf to the public within the mayor's two-three year timeframe, whilst handling the current and future freight movements;
- (b) establish a mixed-use wharf that will accommodate multi-cargo vessels and cruise ships that are over 300m in length, reducing the number of large cruise ships (300m+) berthing at Princes Wharf by around 50% and freeing up Fergusson North Berth for the transfer of container cargo; and
- (c) increase the efficiency of the Fergusson North Berth by enabling quay cranes to access the full length of the berth to service ships capable of carrying up to 10,000 teu, removing current inefficiencies and constraints on the loading and unloading of these vessels.

The project has considered the planned urban form of the City Centre Zone and Port Precinct, and while it is acknowledged that the changes will alter the amenity values of this part of the Waitematā Harbour, they provide long-term social and economic benefits.

The Project enables POAL the opportunity to transfer the Captain Cook and Marsden Wharves to Auckland Council for public access, improving public accessibility to the Waitemata Harbour. It also provides the opportunity for Auckland Council / Eke Panuku to develop this land in a way which will integrate with and enhance the Auckland City Centre as an attractive place for people to visit, work, live and play.

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Will the project deliver significant economic benefits?

- **Yes**
- ~~No~~

Please explain your answer here

The Project will involve significant investment into the Port which will have both short-term and long-term economic benefits. It is expected that demand for imports and exports through the Port will grow and this project will help meet this growth. This growth is despite the downturn New Zealand is facing following the impacts of Covid-19. POAL has played a key role in the economic recovery of New Zealand and will continue to do so with the assistance of this project.

The construction of the Project alone is a significant undertaking. This will provide employment opportunities for those in the construction sector.

There will also be significant economic benefits during the operation of the Project. Larger cruise ships will be able to berth in Auckland – this has many flow on effects to local businesses in the city and in Auckland generally. Larger container ships will also be able to berth at the Port. The ability to accommodate larger vessels is needed for the ongoing, economic operation of the Port. The use of larger vessels also means imports and exports will be able to be transported more efficiently contributing to more competitive import / export costs.

Will the project support primary industries, including aquaculture?

A project is considered to have significant regional or national benefits if it involves a resource consent application for an aquaculture activity within an aquaculture settlement area declared under section 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 where the applicant holds the relevant authorisation; or an area identified within an individual iwi settlement as being reserved for aquaculture activities.

- ~~Yes~~
- **No**

Please explain your answer here

Will the project support development of natural resources, including minerals and petroleum?

- ~~Yes~~
- **No**

Please explain your answer here

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

- **Yes**
- ~~No~~

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Please explain your answer here

The project will provide a purpose-built wharf that can accommodate the largest cruise ships likely to visit New Zealand. By doing so, it will:

- (a) reduce the need for cruise ships to burn excessive fuel when 'anchoring' in the harbour;
- (b) encourage larger cruise ships to call at Auckland, which are more fuel efficient on a per passenger basis;
- (c) reduce the number of vessels that are required to be berthed at Princes Wharf, which in turn will reduce delays on ferries, improving the provision of public transport to and from the City Centre and reduce ferry emissions associated with delays; and
- (d) increase operational windows (wind limits) to reduce last minute cancellations and associated wasted operational fuel burn to keep the vessel operating at sea until its schedule is restored.

The extension of the Fergusson North Berth will facilitate the consolidation of container cargo onto larger ships, which are more fuel efficient per teu. It will also reduce the need to transport containers by land (truck or rail) from the Port of Tauranga (or elsewhere) to Auckland.

Overall, this Project will result in an overall reduction in greenhouse gas emissions proportionate to the volume of passengers / cargo coming into Auckland.

Will the project support adaptation, resilience, and recovery from natural hazards?

- Yes
- ~~No~~

Please explain your answer here

By its nature being a Port, the project is located in an area susceptible to natural hazards due to its proximity to the coast. POAL is cognisant of this and will design the new wharfs to modern standards as a life-line utility. This will enable the project (and the Port generally) to serve as a vital aid wharf should the older wharves be damaged from natural hazards or Auckland to be cut off from the regions if road/rail infrastructure fails.

The role of the port sector during natural hazard events has been recently observed during the East Coast flooding in 2023. During this event, both Gisborne and Napier ports were essential for providing aid and supplies to affected communities which were otherwise affected. The ports provided resilient infrastructure and established critical core services (transporting goods through shipping). This project will enable POAL to upgrade its infrastructure to be resilient to natural hazard events and serve a similar role in the future of providing essential services (if required).

Will the project address significant environmental issues?

- ~~Yes~~
- No

Please explain your answer here

Is the project consistent with local or regional planning documents, including spatial strategies?

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• Yes

• ~~No~~

Please explain your answer here

A summary of the relevant Unitary Plan policy framework is appended to this application. The following is provided in respect of the "key" policies that are directly related to the project.

Auckland Unitary Plan (Operative in part) – Regional policy statement

B2. Tāhuhu whakaruruhau ā-taone - Urban growth and form

The project will contribute towards enabling greater productivity and economic growth, together with the better use of existing infrastructure and the efficient provision of new infrastructure in a manner that is consistent with Objective B2.2.1(1).

The port has a critical place as the main interface between the Auckland economy and all other national and regional economies across the World (together with Auckland International Airport Limited). That does not translate to substantial growth within the port site itself, however the efficient functioning of the port does influence urban growth throughout urban Auckland for the business activities engaged in international and coastal trade. Typically, growth in trade is faster than growth in the overall economy.

The project also assists with achieving a built environment that responds to the intrinsic qualities and physical characteristics of the working port environment, reinforcing the city centre as an internationally significant centre for business, and maximising existing resource and infrastructure efficiency, consistent with Objective B2.3.1(1). The project has been designed to meet the functional and operational needs of the use (Policy B2.3.2(1)(e)).

The project will provide employment and commercial and industrial opportunities to meet the current and future demands of the cruise industry and international freight (Objective B2.5.1(1)), as well as promote economic development in a manner that is considered to represent an efficient use of the land resource (Objective B2.5.1(3)).

A diverse range of activities are anticipated to occur within the city centre and the project represents an efficient use of land and infrastructure and will not compromise the ability for mixed use developments or commercial activities to operate from the surrounding environment (Policy B2.5.2(2)).

B3. Ngā pūnaha hanganga, kawekawe me ngā pūngao - Infrastructure, transport and energy

The project will contribute towards the development of resilient, efficient, and effective infrastructure (Objective B3.2.1(1)). It will also benefit the Auckland region by providing essential services for the functioning of communities, businesses, and industries within and beyond Auckland (movement of freight), as well as through enabling economic growth and contributing to the economy of Auckland and New Zealand, and enabling interaction and communication, including national and international links for trade and tourism (Objective B3.2.1(2)).

The project will enable the development, operation, maintenance, and upgrading of infrastructure in a manner that will manage the effects on the quality of the environment and the health and safety of communities and amenity values (Objective B3.2.1(3)).

The project recognises the functional and operational needs of infrastructure (Objective B3.2.1(4)) while at the same time seeks to avoid, remedy or mitigates its effects (Objective B3.2.1(8)).

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The project will enable the efficient development, operation, maintenance and upgrading of infrastructure (Policy B3.2.2(1)), while at the same time enable the co-location of infrastructure (as encouraged by Policy B3.2.2(7)) in a manner that is safe and satisfies operational and technical requirements.

By upgrading the existing port facilities, the project recognises the value of investment in the existing infrastructure at the Port of Auckland (Policy B3.2.2(2)) and makes provision for the locational requirements of the project by recognising its functional and operational needs to locate in the coastal environment (Policy B3.2.2(3)).

The project also contributes towards the development of effective, efficient and safe transport that supports the movement of people, goods and services, and enables growth, in a manner that seeks to appropriately avoid, remedy or mitigate the adverse effects on the quality of the environment and the health and safety of people and communities in a manner that is consistent with Objective B3.3.1(1).

The project will also enable the effective, efficient, and safe development, operation, maintenance and upgrading of all modes of an integrated transport (Policy B3.3.2(1)), as well as the movement of people, goods, and services (Policy B3.3.2(2)). The adverse effects associated with the construction or operation of transport infrastructure on the environment and on community health and safety will be managed to ensure that they are appropriately avoided, remedied, or mitigated (Policy B3.3.2(7)).

B6. Mana Whenua

The provisions of the RPS that directly relevant to recognising Mana Whenua values are:

- (a) Mana Whenua values, mātauranga and tikanga are properly reflected and accorded sufficient weight in resource management decision-making (Objective B6.3.1(1)).
- (b) The mauri of, and the relationship of Mana Whenua with, natural and physical resources including freshwater, geothermal resources, land, air, and coastal resources are enhanced overall (Objective B6.3.1(2)).
- (c) Enable Mana Whenua to identify their values associated with a wide range of matters, including ancestral water, biodiversity and coastal resources (Policy B6.3.2(1)).
- (d) Integrate Mana Whenua values, mātauranga and tikanga into the management of coastal resources to enhance ecosystem health and in resource management processes and decisions relating to coastal resources (Policy B6.3.2(2)).
- (e) Ensure that any assessment of environmental effects for an activity that may affect Mana Whenua values includes an appropriate assessment of adverse effects on those values (Policy B6.3.2(3)).
- (f) Provide opportunities for Mana Whenua to be involved in the integrated management of natural and physical resources in ways that recognise the holistic nature of the Mana Whenua world view, recognise any protected customary right, and restore or enhance the mauri of coastal systems (Policy B6.3.2(4)).
- (g) Require resource management decisions to have particular regard to potential impacts on a range of cultural values and interests (Policy B6.3.2(6)).

POAL will engage with all relevant Mana Whenua to gain an understanding on the above matters. It will also seek the views of the relevant applicant groups pursuant to section 62(3) of the MACAA. All discussions and responses with Mana Whenua and relevant applicant groups under the MACAA will inform the project, including in relation to the management of cultural effects.

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B8. Toitū te taiwhenua - Coastal environment

The project has been located within the Port of Auckland so as not to result in adverse effects on the values of the surrounding coastal environment (Objective B8.3.1(1)) and the marine and port facilities have been designed to avoid, remedy or mitigate the effects in this regard (Objective B8.3.1(2)).

The use and development of the coastal environment by the project will contribute to the social, economic and cultural well-being of people and communities (Policy B8.3.2(1)), and by locating within the Port of Auckland, is within an area already characterised by a working port environment, avoiding sprawling or sporadic patterns of development in the coastal environment (Policy B8.3.2(2)).

The functional and operational needs of the project are such that it requires the use of the natural and physical resources of the coastal marine area and cannot practicably be located outside the coastal marine area (Policy B8.3.2(3)).

The project has been designed to avoid, remedy, and mitigate the adverse effects above and below the mean high water springs ("**MHWS**"), including the effects on existing uses and on the coastal receiving environment (Policy B8.3.2(4)).

The effects of the activity are known and well understood with reference to existing operations within the downtown waterfront, and with reference to international examples of best practice. As such, a precautionary approach to the activity is not required with reference to Policy B8.3.2(5).

The national and regional significance of the Port of Auckland, and the need for it to be located within the coastal environment is recognised by enabling its efficient and safe operation and its connection with other transport modes, the safe navigation and berthing of vessels (Policy B8.3.2(8)).

Further, the use of the Hauraki Gulf's natural and physical resources by the project will enable the economic well-being without resulting in further degradation of environmental quality or adversely affecting the life-supporting capacity of marine ecosystems (Objective B8.5.1(3)).

Of note, the commercial activities in the Hauraki Gulf are provided for where the impacts of the use, and any future expansion of the use and development, do not result in further degradation or net loss of sensitive marine ecosystems (Policy B8.5.2(17)). The project will also promote economic development opportunities that complement the unique values of the Hauraki Gulf (both from a tourism perspective and from a commercial port perspective) (Policy B8.5.2(19)) and will promote the national significance of the Hauraki Gulf Marine Park by supporting the development of Auckland's waterfront as the gateway to the Hauraki Gulf and promoting the Hauraki Gulf as a visitor destination (Policy B8.5.2(20)).

Auckland Unitary Plan (Operative in part) – Coastal – General Coastal Marine Zone

F2.14 – Use, development and occupation of the coastal marine area

The project is proposed to be located within an area identified by the Unitary Plan as being strategically important for port infrastructure and benefits from the existing occupation rights under s.384A of the RMA (Objective F2.14.2(2)).

By locating within that part of the coastal marine area that is subject to existing occupation rights under s.384A of the RMA, the extent of the occupation of the coastal marine area has been limited to those areas which essential for the project's operations and public safety, minimising further potential loss of public access (Objective F2.14.2(3)).

The project will consolidate marine activities that are similar in nature (cruise and shipping) within the Port Precinct, ensuring the efficient use of the coastal marine area (Objective

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F2.14.2(4)). In this regard, the project enhances operational efficiency of the Port of Auckland and is located within an already modified section of the marine environment.

The project will be provided with the necessary land-based supporting infrastructure (Objective F2.14.2(7) and Policy F2.14.3(10)).

The use and occupation of the coastal marine area by the project is enabled for by Policy F2.14.3(1), which makes provision for use and development that has a functional or operational need to be located below MHWS and may require public access to be restricted.

The project is located within a customs bonded area where public access is restricted for safety and security reasons. The project therefore minimises its adverse effects on public access and recreational use of the coastal marine area (Policy F2.14.3(4)).

F2.16 – Structures

The proposed structures within the coastal marine area are limited to those which have a functional and operational need (Objective F2.16.2(1)). The nature of the activities is such that the structures cannot be practicably located outside of the coastal marine area and cannot practicably be accommodated on existing structures or facilities (Policy F2.16.3(1)).

The project has sought to limit the effects of the structures by clustering infrastructure with existing structures where feasible and ensuring that the Bledisloe North Wharf is a multi-functional wharf to maximise the space and utility efficiency (Policy F2.16.3(3)). By doing so, adverse cumulative effects will be avoided (Policy F2.16.3(2)).

With reference to the extension of the Fergusson North Berth, the additional wharf space does not adversely affect other users or values (relative to the existing dolphin structure) and will result in greater, more efficient, or multiple use of the structure (Policy F2.16.3(5)).

The project otherwise seeks to locate the wharf structures in locations where their effects on other coastal activities, including the recreational use of the coastal marine area, are minimised. The size of the structures is consistent with the other wharves located within the Port of Auckland and have been designed to avoid the need for additional dredging (Policy F2.16.3(7)).

The wharf structures have been designed to be minimum size reasonably necessary to provide for the proposed use and, in the context of Bledisloe North Wharf, multi-functional. They have also taken into account dynamic coastal processes, including the expected effects of climate change and sea level rise (Policy F2.16.3(8)).

Auckland Unitary Plan (Operative in part) – Port Precinct and Business – City Centre Zone

I208. Port Precinct

The project provides for the efficient operation, growth and intensification of marine and port activities and marine and port facilities at the Port of Auckland, including the development of the Port's capacity for shipping and its connections with other transport modes (Objective I208.2(1)). The Port Precinct is enabling of the consolidation, intensification, redevelopment, and growth for a wide range of marine and port activities and associated structures, to provide for the development of the Port's capacity for shipping, and its connections with other transport modes (Policy I208.3(1)). Provisions is also made for a wide range of berthage facilities to accommodate vessels of different types and sizes (Policy I208.3(2)). The project is consistent with these outcomes.

Specific to the construction of the Bledisloe North Wharf and the extension to the Fergusson North Berth, the Port Precinct provides for the intensification, development and maintenance of

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marine and port facilities and associated works which contribute to the efficient use, operation, and management of marine and port activities (Policy I208.3(7)).

The adverse effects arising from project, particularly noise, lighting and amenity effects and effects on the surrounding road network will be managed through the design of the wharf structures and the operation of the activity, which can be appropriately conditioned (Objective I208.2(3) and Policy I208.3(4)).

The project occurs within an area of the Port of Auckland where public access is already restricted to ensure the efficient and safe operation of marine and port activities and development of the precinct. No further restrictions are necessary (Objective I208.2(6) and Policy I208.3(6)).

H8. Business – City Centre Zone

The ‘Business – City Centre’ zone is recognised as an internationally significant centre for business (Objective H8.2(6) that is an attractive place to live, learn, work, and visit with 24-hour vibrant and vital business, education, entertainment, and retail areas (Objective H8.2(7)). It is also a hub of an integrated regional transport system (Objective H8.2(10)).

The Business – City Centre Zone Policies H8.3(1), (11), (19), (21) – (23), (25), (30), (35) and (37) apply to land within the Port Precinct. Of direct relevance to the project will:

- (a) Reinforce the function of the city centre as the primary location for commercial activity, according to its role at the top of the hierarchy of centres (Policy H8.3(1)).
- (b) Continue to provide for those activities requiring a harbour location (Policy H8.3(19)).
- (c) Enable the efficient use and development of the Port of Auckland (Policy H8.3(21)).
- (d) Improve the overall capacity and efficiency of the port, enhancing the economy generally, including through the benefits of international cruise visitor activity in the CBD, which would directly contribute to business and development opportunity there.

Auckland Unitary Plan (Operative in part) – Industrial and trade activities

E33. Industrial and trade activities

Consistent with the requirements of Policy E33.3(2), the use of the wharves will be managed in accordance with the same Standard Operating Procedures (including spill response plans, inspection and maintenance requirement protocols, and Environmental Management Plan: Stormwater) that apply to the balance of the Port of Auckland under POAL’s existing ITA consent.

This will ensure that activities on the Bledisloe North Wharf are appropriately managed to prevent or minimise the adverse effects arising from the storage, use or disposal of environmentally hazardous substances (Objective E33.2(1) and Policy E33.3(1)) and are sufficient to ensure that contaminant volumes and concentrations are reduced as far as practicable, having regard to the nature of the discharge and the sensitivity of the receiving environment (Policy E33.3(3)).

Anything else?

Please write your answer here

N/A

Does the project includes an activity which would make it ineligible?

A project must not include any of the following activities:

- an activity that:

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- would occur on land returned under a Treaty settlement or on identified Māori land; and
 - has not been agreed to in writing by the relevant landowner:
- an activity that would occur on any of the following classes of Māori land:
 - Māori customary land:
 - land set apart as Māori reservation under Part 17 of Te Ture Whenua Māori Act 1993:
- an activity that:
 - would occur in a customary marine title area under the Marine and Coastal Area (Takutai Moana) Act 2011; and
 - has not been agreed to in writing by the holder of the relevant customary marine title order issued under that Act:
- an activity that:
 - would occur in a protected customary rights area under the Marine and Coastal Area (Takutai Moana) Act 2011 and have a more than minor adverse effect on the exercise of the protected customary right; and
 - has not been agreed to in writing by the holder of a relevant protected customary rights order issued under that Act:
- an aquaculture activity or other incompatible activity that would occur within an aquaculture settlement area declared under section 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement, unless the applicant holds the relevant authorisation under that Act or the relevant Treaty settlement Act
- an activity that would require an access arrangement under section 61 or 61B of the Crown Minerals Act 1991 for an area for which a permit cannot be granted under that Act
- an activity that would be prevented under section 165J, 165M, 165Q, 165ZC, or 165ZDB of the Resource Management Act 1991
- an activity (other than an activity that would require an access arrangement under the Crown Minerals Act 1991) that would occur on land that is listed in items 1 to 11 or 14 of Schedule 4 of that Act
- an activity on a national reserve held under the Reserves Act 1977 that requires approval under that Act:
- a prohibited activity under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 or regulations made under that Act
- decommissioning-related activities within the meaning of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012
- offshore renewable energy projects (whether under the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 or the Resource Management Act 1991) that begin before separate offshore renewable energy permitting legislation comes into force.

(Required)

• ~~Yes~~

• **No**

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If yes, please explain

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Page 9 of 13 Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

(Required)

• **Yes**

• ~~No~~

If yes, please explain

The project by its nature, being part of the Port, must be located on the coast. This project will be susceptible to climate change effects and natural hazard events due to its location on the coast.

Despite this risk, the wharf structures have been designed to take into account the effects of sea level rise. The new wharfs will be designed to modern standards as to be resilient to natural hazards and the effects of climate change. This project will also provide upgrades to the Port generally – so to be more resilient than the existing infrastructure.

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Page 10 of 13 Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here (Required)

N/A

Please make sure your file is under 25MB

[Choose file]

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I acknowledge that a summary of this application will be made publicly available on the Ministry for the Environment website and that the full application will be released if requested.


Do you acknowledge your submission will be published on environment.govt.nz if required

(Required)

- Yes
- ~~No~~

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here (Required)


Roger Gray

Important notes

Information presented to the Ministry for the Environment is subject to disclosure under the Official Information Act 1982 (OIA). Certain information may be withheld in accordance with the grounds for withholding information under the OIA although the grounds for withholding must always be balanced against considerations of public interest that may justify release. Although the Ministry for the Environment does not give any guarantees as to whether information can be withheld under the OIA, it may be helpful to discuss OIA issues with the Ministry for the Environment in advance if information provided with an application is commercially sensitive or release would, for instance, disclose a trade secret or other confidential information. Further information on the OIA is available at www.ombudsman.parliament.nz.

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You are about to submit your response. By clicking 'Submit Response' you give us permission to analyse and include your response in our results. After you click Submit, you will no longer be able to go back and change any of your answers.

When you submit your response, you will be sent a receipt and a link to a PDF copy of your response.

- Please tick this box if you would like to be notified of updates about this consultation.