PORT OF AUCKLAND
TĀMAKI HERENGA WAKA

SUBSTANTIVE APPLICATION

FOR THE

BLEDISLOE NORTH WHARF AND FERGUSSON NORTH BERTH EXTENSION

AT

THE LAND AND COASTAL MARINE AREA THE PORT OF AUCKLAND 1-19 QUAY STREET AUCKLAND

PREPARED BY

BENTLEY&Co
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MARCH 2025

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SUBSTANTIVE APPLICATION FOR AN APPROVAL UNDER THE FAST-TRACK APPROVALS ACT 2024

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I understand that the EPA will recover all its actual and reasonable costs associated with processing this application.

[redacted]

Date: 3 March 2025

Types of approvals covered in this application:

- resource consents under the Resource Management Act 1991
- an authority under the Wildlife Act 1953

1 SUMMARY

1.1 Port of Auckland Limited (**POAL**) is seeking resource consent and a wildlife approval to authorise the construction and operation of a new 330m long and 27.5m wide wharf to the northern end of the existing Bledisloe Terminal and a 45m x 34 wide extension to the length of the existing Fergusson North Berth to accommodate larger container ships (**the Project**).

1.2 The Project will enable POAL to reconfigure its operational footprint to create efficiencies in operations at the Bledisloe and Fergusson Terminal areas, and enable the transfer of Captain Cook and Marsden Wharves to Auckland Council for public use in due course.

1.3 The new wharf at the Bledisloe Terminal (**Bledisloe North Wharf**) will accommodate multi-cargo vessels, including the relocation of roll on roll off (**RORO**) and large cruise ships vessels from Captain Cook Wharf. The new wharf will accommodate cruise ships that are over 300m in length thereby enabling a reduction in the size of cruise ships currently berthing at Princess Wharf (<300m). It will also free up the Fergusson Terminal for container cargo (which is currently used to berth large cruise ships over 300m in length at times).

1.4 The extension to the existing Fergusson Terminal (**Fergusson North Berth Extension**) will 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 existing Fergusson Terminal can technically accommodate up to 10,000 twenty foot equivalent unit (**teu**) ships, the quay cranes cannot access the full length of this size ship, meaning that the ships need to be either repositioned mid-call (losing 2-3 hours for the loading / unloading) or be subject to loading restrictions (which are often unworkable in the context of international shipping). For this reason, 10,000 teu container ships do not currently berth at Fergusson North.

1.5 As part of this Project, POAL is also proposing to establish a new cruise passenger terminal within the ground floor of the existing vehicle handling facility that is located on the Bledisloe Terminal, together with associated public drop-off and pick-up areas for taxis and coaches as a permitted activity (both maritime passenger facilities and alterations to buildings on land outside of 'Area A' shown on Precinct plan 2 are provided for as a permitted activity within the Port Precinct).

1.6 The Project will deliver significant economic, operational, and environmental benefits. The construction of the Bledisloe North Wharf and the Fergusson North Berth Extension will enhance the operational efficiency of the Port of Auckland, allowing for improved berth utilisation, reduced congestion, and the facilitation of larger multi-cargo and cruise vessels.

1.7 By accommodating larger cruise ships at Bledisloe North Wharf, the Project will reduce the need for these vessels to anchor in the harbour, thereby minimising unnecessary fuel consumption and emissions. It will also enable the reduction of large cruise ship berthing at Princes Wharf, mitigating associated ferry delays and improving the efficiency of public transport to and from the city centre.

1.8 The Fergusson North Berth Extension will enable the more efficient handling of larger container ships, which are more fuel-efficient per teu, improving the overall efficiency of the Port of Auckland to the benefit of the regional and national economy.

1.9 The Project is located within a highly modified, operational port environment. While some adverse effects on the coastal environment are anticipated, these will be appropriately managed through design measures, best practice construction methodologies, and the proposed conditions of consent.

1.10 The proposed conditions of consent have been developed following detailed technical assessments which have identified the key potential adverse effects of the Project requiring mitigation and the form of mitigation considered necessary. The proposed conditions of consent seek to implement the recommended mitigation and associated monitoring and include the implementation of construction management measures, erosion and sediment control measures, construction traffic management, underwater construction noise management, water quality and coastal processes monitoring, little penguin management measures, and ecological enhancement.

1.11 The design and placement of the new wharf structures will ensure that significant adverse effects on natural character and outstanding natural landscapes are avoided. Conditions of consent will provide for mitigation where necessary, including measures to minimise underwater noise impacts on marine mammals and ecological monitoring throughout construction.

1.12 Stormwater management will be addressed through the implementation of standard operating procedures, spill response plans, and environmental management protocols consistent with existing Port of Auckland practices. These measures will ensure that any

discharges into the coastal marine area are minimised and comply with relevant water quality standards.

1.13 The Project is consistent with the objectives and policies of the Auckland Unitary Plan (**Unitary Plan**), which recognises the strategic importance of the Port of Auckland and provides for its ongoing operation, development, and efficient use. The Unitary Plan supports the continued functioning of port infrastructure within the coastal marine area and ensures that new development aligns with the economic and transport needs of the city.

1.14 The Project is also consistent with the National Policy Statement on Urban Development 2020, which seeks to enable well-functioning urban environments. By facilitating efficient freight movement and improving cruise ship operations, the Project contributes to this objective.

1.15 The New Zealand Coastal Policy Statement 2010 recognises the functional need for port operations to be located within the coastal marine area. The Project will ensure the continued viability of the Port while avoiding and mitigating adverse effects on the coastal environment and indigenous biodiversity.

1.16 The Project has been assessed to be consistent with the purpose of the FTAA, given the significant regional and national benefits that will be enabled and is also considered consistent with the purpose of the Resource Management Act 1991 (**RMA**) and Wildlife Act 1953 (**Wildlife Act**).

2 USE OF THE FAST-TRACK APPROVALS ACT 2024

2.1 The Project is a Listed Project under Schedule 2 of the Fast-track Approvals Act 2024 (**FTAA**) for referral to an Expert Panel. POAL is seeking through this application all necessary approvals to authorise the construction and operation of the Project. This includes:

(a) All necessary resource consents; and

(b) A wildlife approval to authorise the capture, handling and relocation of Little Penguin/kororā during construction if required.

2.2 This substantive application and Assessment of Environmental Effects (**AEE**) is provided in accordance with the requirements of the FTAA, including ss 42, 43 and 44 and Schedules 5 and 7 of the Act.

Authorised person may lodge substantive application for approvals (s 42)

2.3 Pursuant to s 42(1), POAL is the 'authorised person' seeking all necessary approvals for the Project under s 42(4) of the FTAA, including:

(a) resource consents that would otherwise be applied for under the Resource Management Act 1991 (**RMA**).

(b) a wildlife approval as defined in clause 1 of Schedule 7.

2.4 The substantive application does not seek approval for an activity deemed to be ineligible under the FTAA.

Information requirements (ss 43 and 44)

2.5 A checklist is included at **Attachment 1** to this substantive application, to demonstrate where the information required under ss 43 and 44 of the FTAA is provided in this document. In accordance with s 44, the information provided in this application is considered to be in sufficient detail to satisfy the purpose for which it is required.

Pre-lodgement requirement for listed project (s 29)

2.6 With respect to the pre-lodgement requirements, s 29 of the FTAA requires the authorised person for the Project (POAL) to consult with the following persons and groups:

(a) the relevant local authorities; and

(b) any relevant iwi authorities, hapū, and Treaty settlement entities, including:

(i) iwi authorities and groups that represent hapū that are parties to relevant Mana Whakahono ā Rohe or joint management agreements; and

(ii) the tangata whenua of any area within the project area that is a taiāpure-local fishery, a mātaitai reserve, or an area that is subject to bylaws under Part 9 of the Fisheries Act 1996; and

(c) any relevant applicant groups with applications for customary marine title under the Marine and Coastal Area (Takutai Moana Act) 2011 (**MACAA**); and

(d) ngā hapū o Ngāti Porou, if the project area is within or adjacent to, or the project would directly affect, ngā rohe moana o ngā hapū o Ngāti Porou; and

(e) the relevant administering agencies; and

(f) if the proposed approvals for the project are to include an approval described in s 42(4)(f) (land exchange), the holder of an interest in the land that is to be exchanged by the Crown.

2.7 A list of all persons and groups required to be consulted pursuant to s 29 (and s 11) of the FTAA is appended to this application as **Attachment 2**. All these persons and groups have been consulted with, and a summary of that consultation is appended as **Attachment 3**.

2.8 The Project is not located within or adjacent to, and will not directly affect, ngā rohe moana o ngā hapū o Ngāti Porou.

2.9 The Project does not include a land exchange.

Identification of existing resource consent for same activity (s 30)

2.10 In accordance with the requirements of s 30 of the FTAA, the consent authority (Auckland Council) provided written notice on 4 February 2025 that there are no existing resource consents within the Project area to which ss 124C(1)(c) or 165ZI of the RMA would apply (refer to **Attachment 4**). In accordance with the requirements of s 30(6) of the FTAA, the substantive application has been lodged within 3 months of the date of this notice.

Payment of any fee, charge or levy (s 43(1)(j))

2.11 POAL has paid the fee and levy for a substantive application prescribed under the Fast-track Approvals (Cost Recovery) Regulations 2025 prior to lodging this application.

3 STRUCTURE OF THIS SUBSTANTIVE APPLICATION

3.1 This substantive application is structured in two parts:

(a) Part 1 deals with the resource consents that would otherwise be applied for under the RMA.

(b) Part 2 deals with the wildlife approval that would otherwise be applied for under the Wildlife Act.

PART 1 – SUBSTANTIVE APPLICATION FOR RESOURCE CONSENT

4 INTRODUCTION

4.1 As set out in section 2 above, POAL is seeking all necessary resource consents under the FTAA to authorise the construction and operation of a new 330m long and 27.5m wide wharf to the northern end of the existing Bledisloe Terminal and a 45m x 34 wide extension to the length of the existing Fergusson North Berth to accommodate larger container ships (**the Project**).

4.2 The FTAA sets out the framework under which a resource consent application is to be assessed by the panel, together with the information that is required to be provided in a substantive application.

4.3 In accordance with the requirements of the FTAA, Part 1 of this substantive application is structured as follows:

(a) A description of the Project, including:

(i) An overview of the Project.

(ii) The works proposed for the new Bledisloe North Wharf and Fergusson North Berth Extension.

(iii) The construction methodology and associated measures that are proposed to be put in place to manage the construction-related effects of the Project.

(iv) The stormwater management measures that are proposed to be implemented for the proposed Bledisloe North Wharf and Fergusson North Berth Extension.

(v) The conditions that are proposed for the resource consent.

(b) A description and map of the site at which the Project is to occur.

(c) A description of the resource consents and approvals that are held by POAL for its existing operations at the Port of Auckland.

(d) A description of the consents required under the Auckland Unitary Plan and National Environmental Standards.

(e) A description of the activities that are permitted by the Unitary Plan.

(f) An assessment of the Project against the statutory framework of the FTAA.

(g) An assessment of the actual and potential effects of the Project on the environment.

(h) An assessment against the relevant statutory RMA documents.

(i) An assessment against Part 2 of the RMA.

(j) Consideration of Treaty Settlements and recognised customary rights.

(k) An overview of the consultation and engagement undertaken.

(l) Conclusion.

5 THE PROPOSAL

5.1 This section provides a description of the Project in accordance with Schedule 5, clause 5(1)(a) of the FTAA. It also sets out various reasons why POAL needs the various improvements proposed to the existing port infrastructure at the Port of Auckland.

The proposal – An overview

5.2 POAL is proposing to construct:

(a) a new 330m long and 27.5m wide wharf to the northern end of the Bledisloe Terminal for RORO and large cruise ships (**Bledisloe North Wharf**); and

(b) a 45m long x 34 wide extension to the length of the existing Fergusson North Berth to accommodate and improve efficiencies for larger container ships (**Fergusson North Berth Extension**);

(together referred to as the **Project**).

Reasons for the Project

5.3 The cruise industry and international shipping lines need certainty that the Port of Auckland can accommodate large cruise and container ships efficiently. POAL will be able to provide this certainty through delivery of the new wharf infrastructure proposed through this Project.

5.4 In addition, and as part of its 2024-2034 Long Term Plan, Auckland Council has committed to transferring Captain Cook and Marsden Wharves to public use within the next 2-3 years. To achieve the Council's vision, POAL must first reconfigure its operational footprint to create efficiencies at the Bledisloe and Fergusson terminals. This will include the construction of a replacement mixed-use wharf (RORO and cruise) at the Bledisloe Terminal to accommodate the RORO vessels that will no longer be able to berth at Captain Cook and Marsden Wharves. This new wharf will also accommodate large (300m+long) cruise ships and provide greater certainty for the cruise industry and passengers.

5.5 A letter from the Mayor of Auckland supporting the Project is appended as **Attachment 5**.

<u>Certainty for the cruise industry</u>

5.6 Auckland is New Zealand's premier cruise port, offering international air connections, extensive hotel and hospitality options, and well-established transport links, including bus, taxi, and ride-sharing services.

5.7 POAL handles over 300,000 cruise passengers annually, a number that is expected to grow as the trend for international cruise companies to use larger cruise ships (over 300m in length) continues. The existing infrastructure at the Port of Auckland does not currently have fit for purpose infrastructure to accommodate these large ships. Large cruise ships (over 300m in length) are either berthed under very tight wind limits (which can lead 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 can conflict with passenger ferries in the Princes / Queens basin leading to ferry delays. These constraints create uncertainty for cruise operators and limit Auckland's ability to accommodate the growing demand for larger vessels.

5.8 The Port of Auckland's existing infrastructure is facing challenges in servicing cruise visits, particularly for the latest generation of large cruise ships, which bring higher passenger volumes but require larger berths and increased shoreside capacity. Without the proposed Bledisloe North Wharf, Auckland would be unable to accommodate the trend towards larger cruise ships, potentially resulting in cruise lines bypassing the city or even withdrawing from New Zealand itineraries. Such a shift would have widespread consequences, not only for Auckland but for other cruise destinations across the country, as fewer ships visiting New Zealand would mean a significant reduction in passenger spending at regional ports.

5.9 The Project is therefore necessary to improve berth capacity, shore facilities, and the speed of passenger handling. It will provide certainty to the cruise industry by ensuring that Auckland can consistently accommodate large cruise vessels without the operational constraints that currently exist. The new Bledisloe North Wharf will offer a dedicated berth for large cruise ships, reducing reliance on ad hoc arrangements at container terminals or in the harbour. This will also remove the risks associated with last-minute cancellations due to wind limits, berth unavailability, or conflicts with other port users. With a purpose-built facility, cruise lines will have confidence in their ability to include Auckland in their itineraries well into the future, strengthening New Zealand's position as a key cruise destination. The improved passenger experience, including more efficient embarkation and disembarkation processes, will further enhance Auckland's attractiveness to cruise operators and their customers.

Certainty for international shipping lines

5.10 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, and '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.

5.11 While the existing Fergusson Terminal can currently accommodate up to 10,000 teu ships, it is operationally inefficient to do so as 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 the loading / unloading) or be subject to loading restrictions (which are often unworkable in the context of international shipping). For these reasons, 10,000 teu container ships currently do not call at Fergusson North Berth.

5.12 The proposal is therefore necessary to enable the quay cranes to access the full length of the 10,000 teu ships, maximising loading and unloading efficiency and eliminating the need for repositioning vessels mid-call. This enhancement will provide international shipping lines with the confidence that Auckland can handle their largest ships efficiently and reliably, within their operational requirements and schedules. The Fergusson North Berth Extension will safeguard Auckland's position as a critical hub in global shipping routes, increasing the Port of Auckland's capacity to meet future shipping demands, and improve New Zealand's supply chain resilience.

Consultation and engagement

5.13 POAL has consulted widely on the Project. A summary of that engagement is appended to this substantive application as **Attachment 3**. In addition to the statutory obligation to consult with relevant iwi authorities, Treaty settlement entities, and protected customary rights groups and customary marine title groups, POAL engaged with:

(a) Auckland Chamber of Commerce.

(b) Auckland City Centre Residents Group.

(c) Coastguard.

(d) Auckland Council.

(e) Auckland Transport.

(f) Various ferry and commercial operators from the Auckland downtown area.

(g) Bus and Coach Association.

(h) Container Transporters.

(i) Cruise Industry.

(j) Department of Conservation.

(k) Devonport and Takapuna Local Board, Ōrākei Local Board, and Waitematā Local Board.

(l) Environmental Defence Society.

(m) Shipping lines.

(n) Harbourmaster.

(o) Hauraki Gulf Forum.

(p) Hauraki Māori Trust Board.

(q) Heart of the City.

(r) Independent Māori Statutory Board.

(s) Local yacht and cruising clubs and squadrons, including the Royal New Zealand Yacht Squadron.

(t) New Zealand Defence Force.

(u) New Zealand Shipping Federation.

(v) Urban Auckland.

5.14 The above engagement has provided POAL with an understanding of the issues of multiple parties within this part of the Waitematā Harbour and has informed the design of the Project.

Proposed new Bledisloe North Wharf

5.15 The new Bledisloe North Wharf will accommodate multi-cargo vessels, including the relocation of RORO vessels from Captain Cook Wharf. The new wharf will also accommodate cruise ships that are over 300m in length thereby enabling a reduction in the size of cruise ships berthing at Princes Wharf (<300m). It will also free up the Fergusson Terminal for container cargo by removing the need for the Fergusson North Berth to be utilised for the berthing of large cruise ships. *Figure 2* below illustrates the proposed location of the Bledisloe North Wharf in the context of the wider Port environment.

Figure 1: Location of proposed Bledisloe North Wharf within the Port of Auckland

5.16 The plans appended to this Application as **Attachment 6** set out the detail of the proposed new Bledisloe North Wharf. As illustrated in *Figure 3* below, the new wharf will have an area of approximately 9,075m^2 with overall dimensions of approximately 330m (length) by 27.5m (width), incorporating:

(a) Reinforced concrete bored piles supporting a cast in-situ concrete wharf deck; and

(b) Fendering (and other ancillary structures such as bollards, ladders, water hydrants, and provision for future shore power cables, as required) provided around the wharf structure, in a similar manner to that which exists for the balance of the wharves within the Port of Auckland.

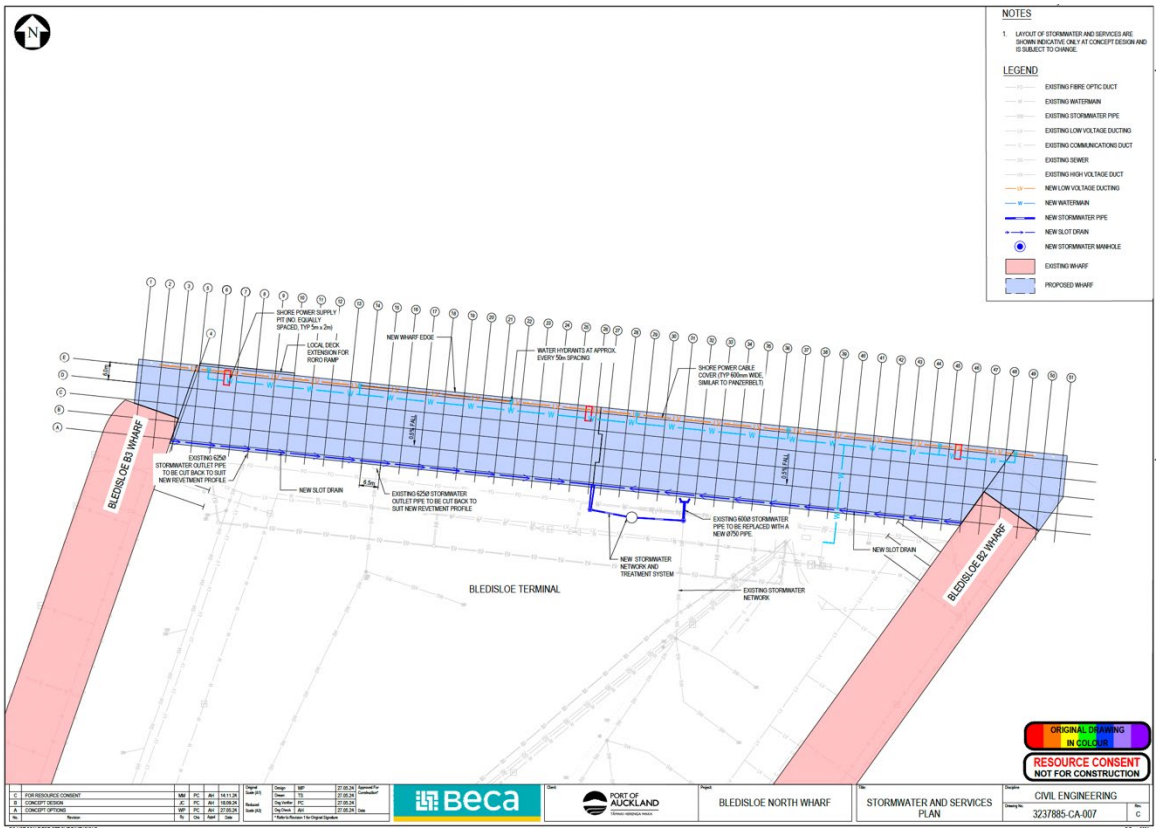

Figure 2: Proposed Bledisloe North Wharf layout

5.17 The new Bledisloe North Wharf will be accessible to light commercial vehicles, cargo handling plant, provedoring trucks, cruise passenger transfer vehicles, and trucks accessing the berth to deliver provisions to ships, such as food supplies and RORO freight (vehicles, machinery, equipment etc).

5.18 The wharf will be utilised in a manner that reflects the typical nature of wider port operations and may on occasion be utilised for the storage of dangerous goods or environmentally hazardous substances as cargo. The Port of Auckland is highly regulated under the HSNO regime and is subject to, and fully compliant with, a range of regulations, including Part 4 of the Hazardous Substances (Emergency Management) Regulations as well as the IMDG Code (administered by Maritime New Zealand). It also has its own comprehensive codes of practice in place around the management of hazardous substances. These methods are sufficient to appropriately manage the risk of hazardous cargo, such that there is no need for additional management measures to be put in place.

5.19 As illustrated in Drawing 3237885-CA-004 appended as **Attachment 6**, the seabed at the location of the Bledisloe North Wharf is approximately -13m chart datum (**CD**). The proposed wharf has been designed and located such that vessels can be accommodated without requiring further capital works dredging activities to occur to facilitate its use.

5.20 Beneath the new wharf, a replacement rock revetment is proposed to protect the northern edge of the Bledisloe Terminal. Where practicable, the existing rock armouring will be reused and incorporated to the replacement rock revetment.

5.21 The existing rock revetment is required to be stripped, graded, replaced and supplemented with new rocks. At both ends of the wharf, a new concrete mattress is required to withstand bow thrusters and azipods propulsion from large cruise ships.

Proposed cruise passenger terminal

5.22 A new cruise passenger terminal is also proposed to be established within the ground floor of the existing vehicle handling facility that is located on the Bledisloe Terminal, together with an associated public drop-off and pick-up area for taxis and coaches. This can be established as a permitted activity under the provisions of the Unitary Plan and will be accessed via the existing vehicle crossing to Tinley Street.

5.23 The precise details of the modifications to the vehicle handling facility will be confirmed at the detailed design stage. At this stage, it is intended that the ground floor will be modified to include drop down screens and/or walls to create areas for luggage handling and shuttle bus transfer. Permanent amenities will be constructed including toilets, a Customs and MPI processing area and a passenger waiting area. These areas will remain within the port Customs Controlled Area (**CCA**).

5.24 A public area will be created on the southern side of the existing building, on the existing pavement, for taxi and coach drop-off and pick-up along. This will be accessed from Tinley Street. Pedestrian access will also be created on the existing paved area to Quay Street. The layout of this area is appended to the Assessment of Transport Effects and reproduced as *Figure 4* below.

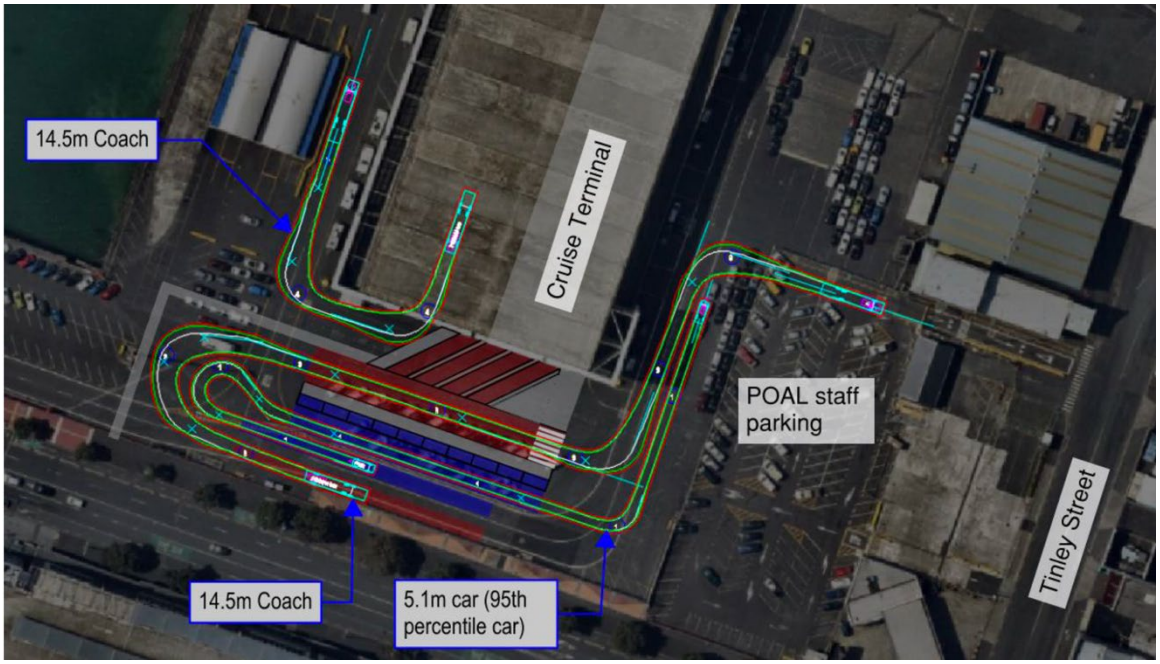

Figure 3: Proposed public area layout

5.25 Final details of the layout of the public drop-off and pick-up area will be confirmed as part of the detailed design process and can be established as a permitted activity.

Cruise facility transport management

5.26 The precise operation of the cruise facility has yet to be determined. To support the efficient and safe operation of the Bledisloe North Wharf cruise terminal, a Transport Management Plan (**TMP**) will be developed and maintained as a live document, with ongoing monitoring and updates to:

(a) Ensure that the transport effects of large numbers of cruise passengers associated with cruise ships utilising the Bledisloe North Berth are adequately managed.

(b) Ensure the safe and efficient operation of marine and port activities at the Port of Auckland at all times.

(c) Provide for a safe and secure environment at the Port of Auckland.

(d) Ensure public access is provided between the cruise terminal building and Quay Street.

5.27 The transfer of passengers between the cruise ships and the cruise terminal, and the operation of the vehicle handling facility will be managed by the Port of Auckland as part of its ongoing port operations and are not required to be controlled by the TMP.

Proposed Fergusson North Berth Extension

5.28 The proposed extension to the existing Fergusson Terminal will enable quay cranes to access the full length of the berth, removing current inefficiencies and constraints on the loading and unloading of large vessels (discussed at 6.10 above). *Figure 5* below illustrates the location of the proposed Fergusson North Berth Extension.

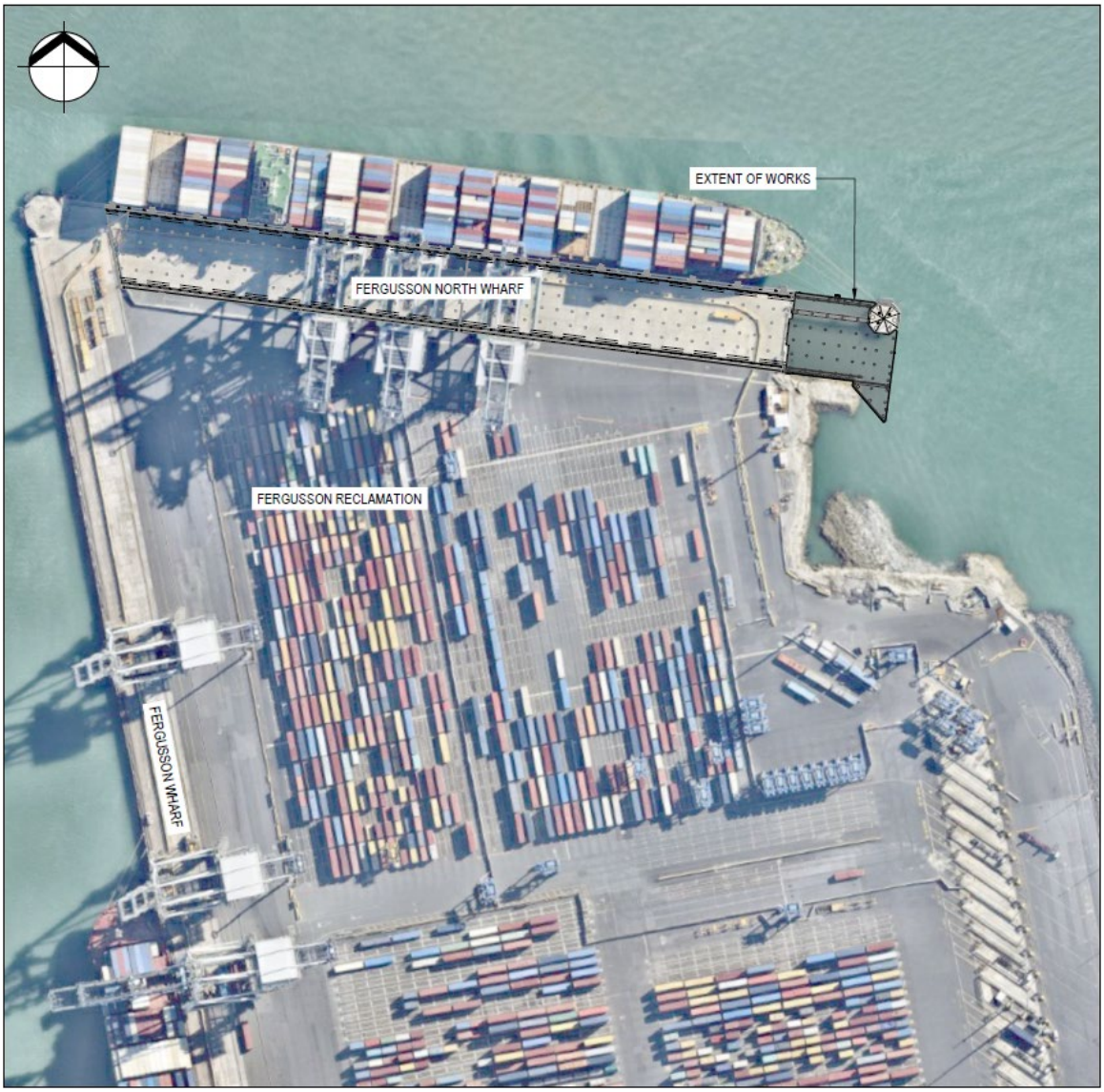

Figure 4: Location of the Fergusson North Berth Extension

5.29 As illustrated in *Figure 6* below, the extended wharf structure will be connected to the existing Fergusson North Berth. The Fergusson North Berth Extension will have an area of approximately 1,530m^2 with overall dimensions of approximately 45m (length) by 34m (width), and it will consist of:

(a) Reinforced concrete bored piles supporting a cast in-situ concrete wharf deck; and

(b) Fendering (and other ancillary structures such as bollards, ladders, water hydrants, and provision for future shore power cables, as required) provided around the wharf

structure, in a similar manner to that which exists for the balance of the Fergusson North Berth.

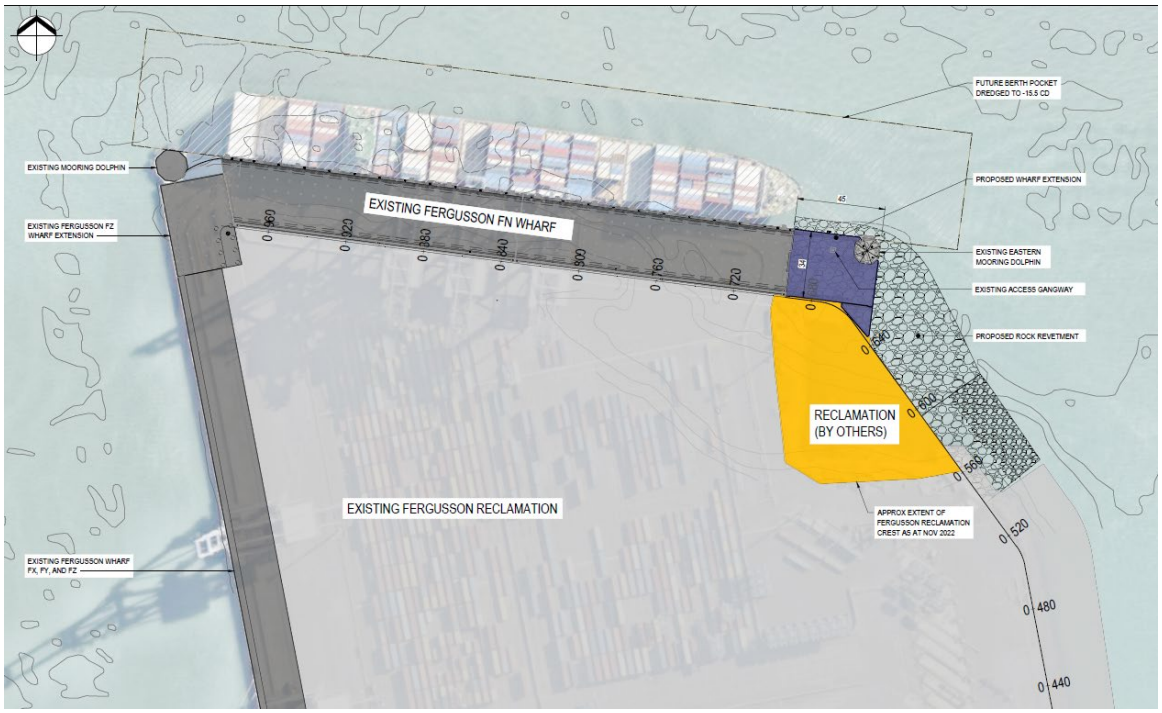

Figure 5: Proposed Fergusson North Berth Extension layout

5.30 The finished level of the wharf extension will be +5.23m CD to match the level of the existing wharf. The seabed at the location of Fergusson North Berth is approximately -13m CD. As discussed at paragraph 7.22 below, POAL is the holder of a consent to undertake capital works dredging at this location to a depth of -15.5m CD.

5.31 Both the completion of the reclamation and the construction of the associated rock revetment are authorised under the resource consent that is held by POAL for the Fergusson reclamation (refer to paragraph 7.17 below).

Construction methodology for the Bledisloe North Berth and Fergusson North Extension

5.32 Section 2 of the Indicative Construction Methodology prepared by Beca (refer to **Attachment 7**) sets out the construction methodology for the proposed new Bledisloe North Wharf and Fergusson North Berth Extension.

5.33 POAL estimates that the new Bledisloe North Wharf will take approximately 18 months to complete, and the Fergusson North Berth Extension 9 months. A decision has yet to be made as to whether the construction activities associated with the new Bledisloe North Wharf and Fergusson North Berth Extension will run concurrently or consecutively. If

undertaken consecutively, Bledisloe North Wharf will be constructed first, followed by the Fergusson North Berth Extension.

5.34 The total construction period is anticipated to run between 18 to 36 months.

Bledisloe North Wharf

5.35 In summary, the indicative construction methodology for the new Bledisloe North Wharf involves:

(a) Rock wall removal:

a. Approximately 2–3m depth by 6.5–13m width (one to two pile bents) of existing rocks will be removed to achieve the design slope profile.

b. Removal will be undertaken from the landside using a long-reach excavator as far down the slope as practicable.

c. Existing rocks will be sorted for reuse in the new rock revetment. Unsuitable materials will either be used as filter material or disposed of offsite.

(b) Revetment wall slope preparation:

a. Low areas will be filled and tidied up to form the design slope profile.

b. If exposed slopes contain smaller rocks and fine materials, temporary slope protection will be used to mitigate erosion and material loss.

(c) Pile construction:

a. Two to three rows (one to two pile bents) of new piles will be constructed at a time from the landside, progressing seaward using temporary staging fixed to permanent piles.

b. For piles over the existing rock bund, temporary outer 2m casings will be installed before permanent casings, allowing removal of rocks using a clamshell bucket to ensure piles can be driven to design depth.

c. The pile will be bored in to the Waitemata sandstone, then filled with reinforced concrete.

(d) Toe trench excavation and armour placement:

a. The design slope profile, including the toe trench, will be excavated one to two pile bents at a time from a barge mounted excavator or from a excavator using the temporary staging platform.

b. Geotextile, underlayer, and rock armour will be placed between the piles. Existing sorted rocks will be reused where possible.

(e) Wharf deck construction:

a. One to two bents of the wharf deck will be constructed using precast shell beams, deck planks, and cast in-situ topping.

(f) Wharf furniture installation:

a. Wharf furniture, such as fenders, bollards, and ladders, will be installed upon completion of the deck.

(g) Concrete mattress (wharf ends):

a. At the ends of the wharf, a concrete mattress will be installed instead of rock revetment to prevent erosion or scouring caused by water movement or vessel activity. The process involves:

i. Positioning formwork panels underwater by divers.

ii. Restraining the mattress at the retaining wall on the landside and fixing it around piles.

iii. Connecting adjacent panels using a zipper system.

iv. Pump-filling the mattress with concrete from above the wharf or the landside. The formwork will prevent washout during curing.

Fergusson North Berth Extension

5.36 The construction methodology for the 45m Fergusson North Berth Extension includes the following key activities:

(a) Pile construction:

a. Two to three rows (one to two pile bents spaced at 6.5m centres) of new piles will be constructed at a time progressively seaward using temporary staging.

b. The pile will be bored in to the Waitemata sandstone, then filled with reinforced concrete.

(b) Mudcrete bund and rock revetment works:

a. Approximately 1m of overbuilt mudcrete bund will be trimmed to the design slope profile for one to two pile bents (6.5m – 13m).

b. Geotextile, underlayer, and rock armour will be placed between the piles. Existing sorted rocks from Bledisloe North will be reused where available.

(c) Wharf deck construction:

a. The reinforced in-situ concrete wharf deck will be constructed using formwork supported by permanent piles.

(d) Wharf furniture installation:

a. Wharf furniture, including crane rails, cable slots, fenders, bollards, and ladders, will be installed after deck construction.

Earthworks

5.37 Earthworks are required to the landward side of the existing Bledisloe Terminal (above the mean high water spring (**MHWS**)) to facilitate the construction of the new Bledisloe North Wharf and will involve the establishment of piles and the revetment wall reconstruction. Final earthworks areas and volumes are to be confirmed, however, will be limited to the northernmost 6m of the Bledisloe Wharf (for an area of approximately 1,400m^2) to a maximum depth of approximately 6m.

5.38 Earthworks are required to the landward side of the mudcrete bund of the Fergusson Terminal (above MHWS) to facilitate the construction of the Fergusson North Berth Extension and will involve earthworks for the establishment of piles and mudcrete bund reconstruction. Final earthworks areas and volumes are to be confirmed, however, will be limited to the northernmost 6m of the mudcrete bund located at Fergusson Wharf (forming an area of approximately 200m^2).

Contaminated soils management

5.39 The Preliminary Site Investigation and Detailed Site Investigation prepared by Beca (refer to **Attachment 8**) confirms that:

(a) While concentrations of heavy metal exceed adopted background levels, no recorded concentrations exceeded the adopted human health criteria.

(b) No recorded concentrations of Polycyclic Aromatic Hydrocarbons exceeded the adopted human health or environmental risk criteria.

(c) No recorded concentrations of Total Petroleum Hydrocarbons exceeded the adopted human health or environmental risk criteria.

(d) Asbestos was detected at one location at Bledisloe North (BH01) at a level below the adopted human health criteria for asbestos in soil.

(e) Groundwater samples returned results for heavy metals, PHAs and TPHs that were below the laboratory detection limit.

5.40 Beca has advised that a substation building and marine maintenance yard area is operational to the eastern extent of the Bledisloe North area and that soil sampling to assess any potential for contamination within these areas was therefore not possible. Similarly, given the operational nature of Fergusson North area and given that drilling for sampling was not a viable option for the mudcrete bund, only one sampling location was identified.

5.41 A draft Contaminated Soils Management Plan (**CSMP**) has been prepared by Beca (refer to **Attachment 9**) to detail the recommended procedures for soil disturbance in relation to contaminated land and required actions in the event of unexpected soil contamination discovery.

5.42 Should earthworks be undertaken within the current operational area of the substation building at the Bledisloe Terminal and the associated marine maintenance yard area, soil sampling will be undertaken. Based on the findings of this soil sampling, the CSMP will be updated as necessary and submitted to the Council for certification.

5.43 Following the completion of the soil disturbance works, the site contractor or nominated SQEP will prepare a Site Closure Report (**SCR**) summarising the works completed (including records of soil removed from the site, the results of any additional investigations, accidental soil contamination discoveries, and other complaints or incidents). The SCR will be submitted to Auckland Council as required to satisfy any conditions of the resource consent.

Construction noise management

Terrestrial construction noise management

5.44 All construction work will be undertaken in a manner that achieves compliance with the construction noise standards of the Auckland Unitary Plan. As detailed within the Bledisloe and Fergusson Wharves Construction Noise Assessment prepared by Marshall Day (**Attachment 10**), no specific mitigation measures are required to achieve compliance with the construction noise standards of the Unitary Plan.

Underwater noise management

5.45 Marshall Day has predicted potential auditory injury and behavioural response zones for the marine fauna that has been identified as being potentially affected by the construction works:

(a) The underwater temporary threshold shift (TTS) zones are < 200m for vibro pile driving (proposed driving method) and up to 2,350m for impact pile driving

(contingency driving method). If impact pile driving is required, use of a bubble curtain would reduce the largest zone to 825m.

(b) The underwater behavioural response zones for impact pile driving encompass most of the eastern Waitematā Harbour. Vibro pile driving underwater behavioural response zones are considerably smaller.

(c) The airborne behavioural response zones are all < 150m.

5.46 In order to manage the underwater noise effects of construction activities on marine mammals and confirm the predicted TTS based on the selected piling methodology, a draft Underwater Construction Noise Management Plan (**UCNMP**) has been prepared by Marshall Day and is appended as **Attachment 11**.

5.47 The draft UCNMP details the management measures, including:

(a) Methods to reduce the underwater noise at source by selecting pile driving equipment and methodologies that generate lower noise emissions.

(b) The approach to scheduling of high noise works based on the ecologist's recommendations to manage pile driving during sensitive seasonal periods.

(c) Methods to mitigate noise from piling works, including where necessary the use of bubble curtains, or other systems to reduce noise propagating into and through the water column.

(d) Validation of the underwater noise levels and mitigation, including underwater noise measurements to validate the size of the predicted zones and review of the effectiveness of mitigation and management measures.

(e) Marine mammal observation processes to identify marine mammal presence within the predicted TTS during piling, comprising visual monitoring from a static land-based observation point(s) 30 minutes prior to commencing all impact piling operations.

(f) Shut down procedures in the event that a marine mammal is detected within or approaching the TTS zones.

5.48 A finalised UCNMP will be submitted to Auckland Council for certification through the proposed conditions of resource consent.

Construction traffic management

5.49 The Assessment of Transport Effects prepared by Beca (**Attachment 12**) confirms that construction traffic will not materially impact the safety, efficiency and operation of the

surrounding road network when compared with current day-to-day variability in vehicle movements associated with the operation of the Port of Auckland and therefore does not require specific management.

5.50 Construction vehicles will access Bledisloe North Wharf via the Ports Tinley Gate House on Tinley Street and Fergusson North Berth via the Ports entrance to the Fergusson Container Terminal on Solent Street, via clearly marked routes to minimise disruption. Both of these access points handle large volumes of heavy vehicles 24/7. Temporary parking within the construction site will be designated to avoid impacting existing port parking facilities.

5.51 POAL will manage the effects of construction traffic on its activities by ensuring:

(a) All access routes and points for all construction vehicles, laydown areas, and parking areas for plant, construction vehicles and the vehicles of workers and visitors are contained within the Port of Auckland

(b) There are practices and procedures in place to protect the safety of workers and users of the Port of Auckland at all times.

(c) Access is maintained at all times for all modes of transport to / from the Project area.

(d) Disruption from construction traffic on the Port of Auckland is minimised as far as is practicable.

(e) There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from construction works. In the event that such deposition does occur, it shall immediately be removed.

5.52 No further construction traffic management measures are considered necessary in relation to the Project.

Stormwater discharge

Existing stormwater management practices at the Port of Auckland

5.53 The Industrial Trade Activity (**ITA**) area at the Port of Auckland covers a range of activities, including customs, security, biosecurity, freight handling, container cleaning, workshops, and a head office. Due to the range of activities that need to be accommodated there is limited availability of land to treat stormwater discharges prior to discharge. This, combined with the location of the Port of Auckland downstream of the stormwater catchments of Auckland City Centre, meant that POAL developed site-specific ITA solutions for the Port of Auckland in consultation with the (then) Auckland Regional Council, based around the BPO.

5.54 The BPO incorporates treatment devices, equipment, operational procedures, management systems, documentation, auditing and reporting. For example, the treatment devices include a twin-chamber stormwater interceptor tank and oil-water separators to treat stormwater runoff from specific higher risk areas within the port, such as the workshop. A suite of Standard Operating Procedures (**SOPs**) addresses port operations such as cargo handling, sweeping, waste management and refuelling of cargo-handling vehicles.

5.55 The BPO also includes a spill response plan. The SOPs and spill response plan set out the actions to be followed to reduce the risk of contaminants being discharged from activities or events. Equipment, including moveable bunds and catchpit inserts, is provided to support the implementation of the SOPs. A series of Inspection and Maintenance Requirement protocols contain the steps required to keep the treatment devices and equipment in sound working order.

5.56 An existing Environmental Management Plan: Stormwater (**EMP:S**) sets out the BPO management system including areas of responsibility, auditing and record-keeping, as well as identifying activities and potential contaminants, the measures listed above and a training programme. Compliance with the SOPs is monitored internally. Compliance with the EMP:S is audited annually, together with annual review of the EMP:S. A copy of the reviewed EMP:S and a report based on the audit and review are submitted annually to Auckland Council.

5.57 The location of the Port of Auckland at the downstream limit of the Auckland City Centre stormwater catchment, and the hard protection (e.g. seawalls, revetments) means that stormwater discharge and quantity effects (e.g. scouring, erosion, flooding) are not relevant. There are no properties downstream of the Port of Auckland and stormwater from the Port flows into the CMA so that nuisance or damage to other properties is similarly not relevant.

<u>Proposed stormwater management practices for Bledisloe North Wharf</u>

5.58 The Assessment of Effects Associated with ITA and Stormwater Discharges prepared by Beca (refer to **Attachment 13**) sets out the approach to the management of stormwater to be discharged from the new Bledisloe North Wharf.

5.59 Consistent with the approach taken for the balance of the wharves located at the Bledisloe Terminal, stormwater falling on the new main wharf deck area will be collected and treated. The treatment device for the wharf areas will use a proprietary Jellyfish Filter by

Stormwater360 (or similar), located in a concrete manhole on the landside reclamation, before being discharged into the Waitematā Harbour.

5.60 To manage the quality of the stormwater discharge, the same Best Practicable Option management regime that applies to the balance of the Port of Auckland under POAL's ITA consent will be implemented for new Bledisloe North Wharf, including:

(a) A suite of Standard Operating Procedures which address port operations such as waste disposal, for source control of contaminants deposited on the wharf structure.

(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) 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.

5.61 A suite of conditions of consent is proposed as part of this application to ensure alignment with the ITA consent that is held by POAL (refer to paragraph 7.19 below). The conditions are intended to facilitate the preparation of documents that will be read alongside the existing ITA consent.

Proposed stormwater management practices for Fergusson North Berth Extension

5.62 The existing Fergusson North berth is fitted with a Stormwater360 Jellyfish chamber which has been sized with sufficient capacity to treat stormwater discharges from the extension. As such, no additional stormwater treatment is proposed for the Fergusson North Berth Extension, and the proposed conditions of consent will ensure alignment with the ITA consent that is held by POAL.

Proposed conditions of ITA consent

5.63 To ensure that stormwater discharges are managed utilising the same Best Practicable Option management regime that applies to the balance of the Port of Auckland, the proposed ITA conditions are essentially the same as the ITA consent held by POAL and include:

(a) A design guideline of 75% TSS removal from the Bledisloe North Berth and Fergusson North Berth Extension.

(b) Certification of the "As-Built" plans for the stormwater management works by a Chartered Professional Engineer.

(c) The preparation of an updated Operation and Maintenance Plan.

(d) The preparation of an updated Environmental Management Plan: Stormwater.

(e) Annual reporting requirements on the performance of the Environmental Management Plan: Stormwater.

(f) A review condition.

5.64 The proposed ITA conditions will ensure the efficient and effective management of stormwater discharges from the Project.

Coastal processes monitoring

5.65 The Coastal Effects Assessment Report (refer to **Attachment 14**) proposes to monitor the potential environmental effects of the Project through the continuation of Acoustic Doppler Current Profiler (**ADCP**) measurements to provide ongoing data on current conditions. These measurements will be conducted before construction and then every two years for a period of six years. Bathymetric surveys will also be undertaken on the same schedule to monitor seabed changes. The results of these monitoring activities will be reported to Auckland Council.

5.66 In the long-term, sea-level rise may necessitate further adaptations, such as raising deck levels. Any such long-term measures would likely align with broader citywide strategies to manage sea level rise.

6 PROPOSED CONSENT CONDITIONS

6.1 Schedule 5, clause 5(1)(k) of the FTAA requires that an application provides conditions for the resource consent.

6.2 Section 83 requires conditions to be no more onerous than necessary:

> **83 Conditions must be no more onerous than necessary**
>
> When exercising a discretion to set a condition under this Act, the panel must not set a condition that is more onerous than necessary to address the reason for which it is set in accordance with the provision of this Act that confers the discretion.

6.3 POAL has proposed conditions of consent which will ensure potential adverse effects are appropriately avoided, remedied or mitigated, but which are no more onerous than is considered necessary.

6.4 The substantive application does not seek to impose conditions of consent on those elements of the Project that are provided for as permitted activities (such as the modifications to the vehicle handling facility or the layout of the associated layout of the public drop-off and pick-up area), or those effects that are internalised within the Port of Auckland (such as construction noise or construction traffic management within the customs bonded port areas).

6.5 Similarly, where the technical assessments have identified an adverse effect on the environment as being less than minor and/or not requiring any specific mitigation measures, no conditions are proposed to manage those particular effects.

6.6 The imposition of conditions to manage these matters would be inconsistent with the purpose of the FTAA.

6.7 The proposed conditions of consent have been developed following detailed technical assessments which have identified the key potential adverse effects of the Project requiring mitigation and the form of mitigation necessary. The proposed conditions of consent seek to implement that mitigation and associated monitoring and are provided as **Attachment 15** to this Application.

7 SITE CONTEXT

7.1 This section of the report is provided in accordance with Schedule 5, clause 5(1)(b) to (d) of the FTAA and provides a description and map of the site at which the Project is to occur, including the name and address of owners and occupiers.

7.2 The Project site is the land and coastal marine area at the Port of Auckland, described as 1-19 Quay Street, Auckland. A map of the Project site is appended as **Attachment 16** to this substantive application.

7.3 The site is not located within or adjacent to:

(a) a statutory area (as defined in the relevant Treaty Settlement Act); or

(b) ngā rohe moana o ngā hapū o Ngāti Porou; or

(c) a protected customary rights area under the MACAA.

7.4 The name address of the owner and occupier of the Project site and land adjacent to the Project site is the Port of Auckland Limited, 1 Sunderland Street, Mechanics Bay, Auckland 1010.

Bledisloe and Central Wharves

7.5 The existing Bledisloe Terminal and Central Wharves (Captain Cook and Marsden Wharves) comprises an area of approximately 16ha of land that handles much of POAL's multi-cargo and are identified in *Figure 6* below.

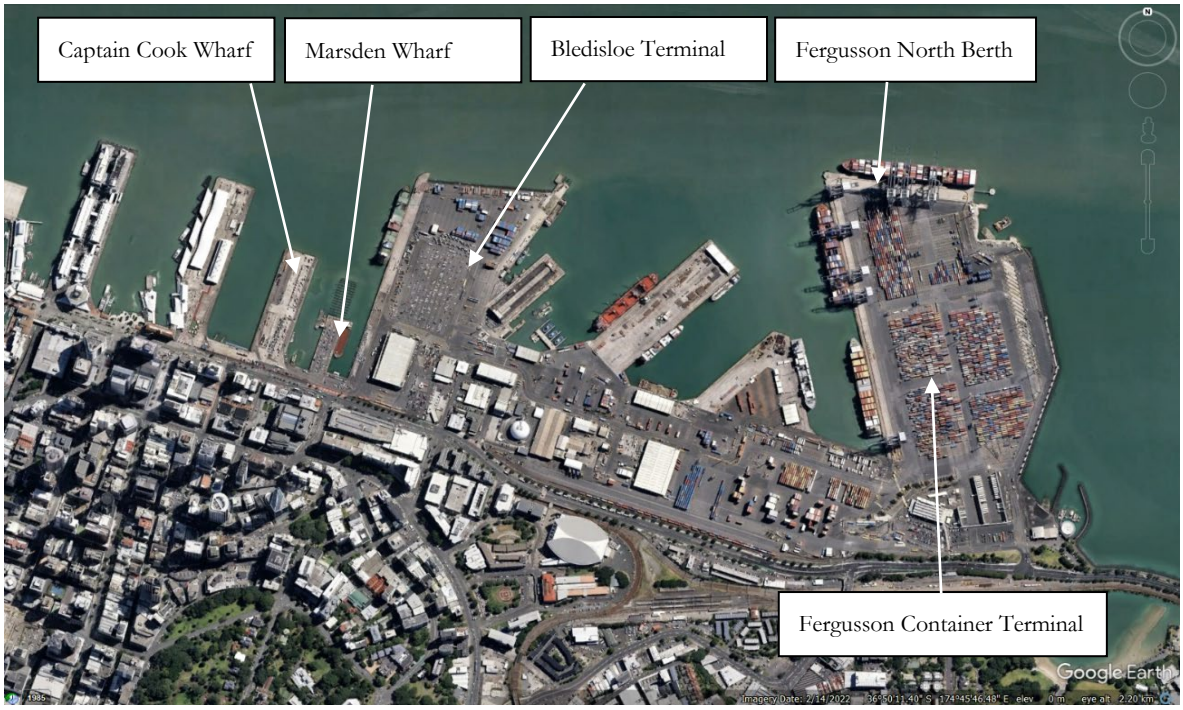

Figure 6: Location of the existing Bledisloe and Fergusson Container Terminals, Captain Cook Wharf, Marsden Wharf, and Fergusson North Wharf

7.6 The existing Bledisloe Terminal handles POAL's considerable 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.

7.7 Captain Cook and Marsden Wharves 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.

7.8 Occupying the southern portion of the Bledisloe Terminal is a five-level car handling facility. The facility has capacity for approximately 1,100 to 1,700 vehicles (depending on the type of the vehicles) and provides additional storage capacity of the existing at-grade facility. The facility is located approximately 50m from Quay Street and 50m from the western wharf edge of the Bledisloe Terminal.

Fergusson Container Terminal

7.9 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.

7.10 While Fergusson North Berth can accommodate ships up to a size of 10,000 teu (length of up to 360m) by using the existing mooring dolphins that are located to the west and east of the wharf, it is operationally inefficient to do so as the quay cranes cannot access the full length of the ship. This means that 10,000 teu container ships currently do not call at the berth.

7.11 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.

7.12 POAL has invested in three quay cranes that can service 10,000 teu ships from the northern end of the Fergusson Terminal. With a height of 117.3m above wharf deck level, they can lift up to four containers at once, future proofing the Port of Auckland against future increases in vessel size.

Approved resource consents

7.13 POAL holds a suite of resource consents and approvals for its existing operations at the Port of Auckland. These are summarised below.

Occupation permits

7.14 POAL is the holder of the following coastal permits:

(a) In relation to Bledisloe North Wharf, granted under s 384A of the 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 (refer to **Attachment 17**).

(b) In relation to Fergusson North Berth under s 12(2) of the RMA, until August 2052 (refer to **Attachment 18**).

7.15 No other persons own or have a right to occupy the land or CMA that is the subject of this substantive application.

7.16 Clause 47 of the Resource Management (Consenting and Other System Changes) Amendment Bill proposes to insert a new subpart 5 of Part 7A of the RMA, which would have the effect of extending the duration of s 384A coastal permits to 30 September 2046. This will enable POAL to continue to occupy the CMA and continue to undertake its port-related commercial activities beyond September 2026.

Fergusson reclamation consent

7.17 POAL is the holder of a combination of coastal permits and land use consents to authorise the upgrade of the capacity of the Fergusson Container Terminal by means of an expansion, including:

(a) the reclamation of approximately 9.4 hectares of harbour bed to the north and east of the existing Terminal (measured at the top of the reclamation, excluding the sloping seawalls);

(b) the construction of a new, 320m long berth adjacent to the northern edge of the proposed reclamation (with a 295m range for the quay cranes);

(c) the construction of a new piled mooring dolphin to the east of the proposed new berth;

(d) the demolition and construction of a replacement mooring dolphin and connecting link (wharf extension) to the north of the existing Fergusson wharf;

(e) the discharge of stormwater from the expanded Terminal;

(f) the use of the reclamation for the loading and unloading of vessels and cargo, storage of cargo, truck exchanges, and servicing of vessels and equipment, and to construct and use of refer towers for power and refrigeration; and

(g) the use of the berthage for loading and unloading of vessels and cargo, storage of cargo, servicing of vessels and equipment, and providing and bunkering of vessel.

7.18 A copy of the reclamation consent is appended as **Attachment 19**.

Industrial or Trade Activity discharge permit

7.19 POAL is also the holder of an ITA discharge permit (ref. 25179), which provides for the discharge of stormwater and contaminants from the entire (existing) commercial port area of the Port of Auckland (as a "High Risk" "Activity Area"). The ITA discharge permit expires on 28 February 2045.

7.20 In processing this permit, Auckland Council determined that it is not appropriate to separate the individual elements of the commercial port operations (such that different areas of the Port would be considered to be "Low", "Moderate" or "High" Risk ITAs). Council assessed the "Activity Area" of the "commercial port" activity to correspond to all of the existing land and wharves that form the Port of Auckland, regardless of whether environmentally hazardous substances are stored or discharged within a particular area. As a result, the whole of the Port of Auckland is considered a "High Risk" Activity Area.

7.21 A copy of this discharge permit is appended as **Attachment 20**.

Capital and maintenance dredging permits

7.22 POAL is the holder of a permit to remove a combined volume of 2,500,000m3 of capital works dredging from the Waitematā Navigation Channel and the Fergusson Terminal approaches over two stages to provide a dredged depth of between -13.5m CD to 15.2m CD.

7.23 To maintain the depth of the seabed achieved under the capital works dredging, POAL is also the holder of a permit to remove the equivalent accumulated amount of up to 75,000m^3 of material over any five-year period from the Waitematā Navigation Channel and the Port Precinct.

7.24 Copies of the dredging permits are appended as **Attachment 21**.

8 REASONS FOR CONSENT

8.1 This section is provided in accordance with Schedule 5, clause 5(1)(f) of the FTAA and provides a description of the resource consents required for the Project.

8.2 A review of the Project has also been undertaken against the provisions of the Auckland Unitary Plan and is appended as **Attachment 22**. A schedule of the relevant permitted activities is included at **Attachment 23** to this Application in accordance with Schedule 5, clause 5(5).

8.3 All necessary consents are sought in relation to the Project. Without limitation, resource consent has been assessed to be required for the following reasons:

Auckland Unitary Plan – Operative in Part

New Bledisloe North Wharf

(a) New wharves in the Port Precinct require resource consent as a **restricted discretionary activity** (I208.4.1(A24)).

(b) Hard protection structures (reconstruction of Bledisloe North revetment) require resource consent as a **restricted discretionary activity** (I208.4.1(A35)).

(c) Earthworks exceeding a volume of 2,500m^3 (approximately 8,400m^3) require resource consent as a **restricted discretionary activity** (E12.4.1(A10)).

(d) Temporary construction activities in the coastal marine area outside of the City Centre not otherwise provided for require resource consent as a **restricted discretionary** activity (E40.4.1(A10)).

(e) Impact and vibratory piling activities require resource consent as a **restricted discretionary activity** (F2.19.8(A114)).

(f) Temporary structures or buildings within the coastal marine area (associated with construction activities) that exceed 40 working days and therefore do not comply with Standard F2.21.10.4 require resource consent as a **discretionary** activity (F2.19.10(A121)).

(g) The discharge of stormwater from a wharf structure that exceeds 5,000m^2 (8,773m^2 proposed) to the coastal marine area requires resource consent as a **discretionary activity** (F2.8.4.1(A10)).

(h) 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)).

(i) 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)).

Fergusson North Berth Extension

(j) New wharves in the Port Precinct require resource consent as a **restricted discretionary activity** (I208.4.1(A24)).

(k) Temporary construction activities in the coastal marine area outside of the City Centre not otherwise provided for require resource consent as a **restricted discretionary** activity (E40.4.1(A10)).

(l) Temporary activities on land associated with building or construction that exceeds 24 months requires resource consent as a **restricted discretionary** activity (E30.4.1(A24)).

(m) Impact and vibratory piling activities require resource consent as a **restricted discretionary activity** (F2.19.8(A114)).

(n) Temporary structures or buildings within the coastal marine area (associated with construction activities) that exceed 40 working days and therefore do not comply with Standard F2.21.10.4 require resource consent as a **discretionary** activity (F2.19.10(A121)).

(o) 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)).

(p) 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)).

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health

(q) The disturbance and removal soil from a piece of land that is subject to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health that does not meet the requirements of regulation 8(3) requires resource consent as a **controlled activity** (regulation 9(1)).[1]

8.4 Overall, resource consent is required as a **discretionary activity.**

[1] Should the sampling undertaken be assessed to be insufficient for a DSI, the activity status under the NES:CS would be discretionary (Regulation 11).

Lapse period

8.5 A lapse period of five years is sought in relation to the resource consents that are required in relation to the Project.

Proposed duration of permits

8.6 The Bledisloe North Wharf represents a significant financial investment and has a design life of more than 50 years. The maximum consent duration of 35 years is therefore sought in relation to the coastal permits that are required for the proposed new Bledisloe North Wharf.

8.7 A consent duration until 4 August 2052 is sought in relation to the coastal permits that are required in relation to the Fergusson North Berth Extension to align with the consents held by POAL for Fergusson North Berth.

8.8 A consent duration until 28 February 2045 is sought in relation to the industrial and trade activity discharge permits that are required in relation to the Project to align with the consent held by POAL.

Permitted activities

8.9 Schedule 5, clause 5(5)(a) requires that if a permitted activity is part of the proposal to which the consent application relates, a description that demonstrates that the activity complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under s 87A(1) of the RMA).

8.10 **Attachment 23** includes a description of the activities that are permitted by the Auckland Unitary Plan. The permitted activities relied on for this Project include:

(a) The use of Bledisloe North Wharf for the following activities:

   a. The navigation, anchoring, mooring berthing, manoeuvring, refuelling, storage, servicing, maintenance of vessels (I208.4.1(A21)).

   b. The embarking and disembarking of passengers (I208.4.1(A21)).

   c. The loading, unloading and storage of cargo and containers (I208.4.1(A21)).

(b) The use of the ground floor of the vehicle handling facility associated with the embarking and disembarking of passengers (I208.4.1(A21)).

(c) The use of the land to the south of the Bledisloe Terminal for public drop-off and pick-up accessory to the embarking and disembarking of passengers (I208.4.1(A21)).

(d) Alterations to the vehicle handling facility (associated with the creation of the cruise terminal) are provided for as a permitted activity (I208.4.1(A32)).

Any other approvals

8.11 Schedule 5, clause 5(1)(f) requires that an application include a description of any other resource consents, notices of requirement for designations, or alterations to designations required for the Project to which the consent application relates.

8.12 There are no other resource consents, notices of requirements or alterations to designations required for the Project to which this substantive application relates.

9 STATUTORY FRAMEWORK

9.1 This section sets out the applicable statutory framework for determining the application for resource consent.

9.2 Schedule 5, clause 17 of the FTAA provides that, for the purposes of section 81, when considering a consent application and setting conditions, the Panel must take into account, giving the greatest weight to paragraph (a):

(a) The purpose of the FTAA;

(b) The provisions of Parts 2, 6, and 8 to 10 of the RMA that direct decision making on an application for a resource consent (but excluding section 104D); and

(c) The relevant provisions of other legislation that directs decision making under the RMA.

Purpose of the FTAA

9.3 The purpose of the FTAA is set out in s 3 as follows:

> **3 Purpose**
>
> The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

9.4 The Project is consistent with the purpose of the FTAA for the reasons set out below. As demonstrated, the Project has very clear significant regional and national benefits.

9.5 The Fergusson North Berth Extension will deliver substantial direct economic benefits by enhancing the Port's ability to more efficiently accommodate larger container vessels and increase overall container-handling capacity. This improvement will directly contribute to reducing shipping delays, increasing operational efficiency, and maintaining Auckland's position as a key trade hub for New Zealand. It will also provide certainty to international shipping companies that the Port of Auckland has the capacity to efficiently handle large container vessels up to 10,000 teu. This certainty is essential for maintaining the ongoing vitality of the shipping industry in New Zealand.

9.6 The Bledisloe North Wharf is critical to supporting the cruise industry and facilitating its growth. The ability to berth larger cruise vessels at the Bledisloe North Wharf will eliminate the reliance on anchoring and shuttle transfers, enhancing passenger experiences and increasing time spent onshore. By enabling Auckland to accommodate larger cruise vessels, the Project will strengthen its position as New Zealand's most visited port, ensuring the economic benefits of the cruise industry continue to grow in line with demand.

9.7 The expanded cruise infrastructure will also enhance operational efficiency, ensuring faster turnaround times for vessels and greater throughput of passengers, which will facilitate increased economic activity in surrounding sectors.

9.8 The Port of Auckland facilitates trade that is critical to regional and national economies. In 2023, it handled import value in excess of $30bn, accounting for 38% of New Zealand's total imports.[2] It also handles 7% ($5bn) of exports annually,[3] providing access to global markets for New Zealand businesses.

9.9 Cruise tourism in New Zealand contributes an estimated $224m in passenger spending per year, at an average expenditure of NZ$380 per passenger per day. Climbing to $208m in 2019, cruise ship and passenger spending was equivalent to 0.5% of net household expenditure in Auckland, representing a significant share of expenditure. This spending stimulates local economies through accommodation, transportation and other tourist activities. Accordingly, the cruise industry supports local businesses, output and employment beyond the tourism and service sectors.[4]

9.10 The Port of Auckland is the most visited port in each year, demonstrating its appeal as a destination for incoming tourism. Some of the smaller regional ports are constrained by their existing infrastructure, which limits the number or size of ships that moor there. As discussed, the Port of Auckland's infrastructure is facing more challenges in servicing cruise visits, especially for the latest generation of large cruise ships, which bring more passengers per visit, but require larger berth space and put heavier demands on shoreside facilities and services.[5]

9.11 Market Economics has advised that in respect of the Port of Auckland's existing total contribution to the Auckland regional economy, the combined effect of trade and the cruise sector, and the Port as a business entity, puts its overall contribution at $14.4bn, and projected to increase to $19.5bn by 2053 on a 'business as usual' scenario. This represents 9.7% of the regional economy in value added terms, increasing to 10.1% in the long term.[6]

9.12 The existing total contribution to Auckland's regional employment has been assessed by Market Economics to be similar. 101,400 MECs (modified employment count) are

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2 Pg.10; Section 3.5; Economic Impact Assessment; Market Economics; 29 January 2025.
3 Ibid.
4 Pg.11; Ibid.
5 Ibid.
6 Pg 19; Ibid.

currently enabled and facilitated by the Port of Auckland (10.4% of total), increasing to 139,300 by 2053 on a 'business as usual' scenario, to represent 11.1% of regional employment.[7]

9.13 The existing total contribution of the Port to the Auckland and other regional economies has been assessed by Market Economics to be $16.5bn, increasing to $22.1bn by 2053 on a 'business as usual' scenario. The contribution to employment is estimated by Market Economics to be 118,300 MECs currently enabled and facilitated by the Port of Auckland role, increasing to 160,600 by 2053 on a 'business as usual' scenario.[8]

9.14 In terms of the combined effect of the Project for the Auckland economy, the total value-added contribution is estimated by Market Economics to be between $4.5bn (Low) and $12.7 bn (High). In present value (**PV**) terms, the contribution of the project to the Auckland economy is estimated at between $1.8bn (Low) and $5.4bn (High).[9]

9.15 With reference to the combined effect of the Project for the New Zealand economy, the total value-added contribution to the economy of the Project has been estimated by Market Economics to be between $5.5bn (Low) and $14.6 bn (High). In PV terms, this is estimated at between $2.5bn (Low) and $6.6bn (High).[10]

9.16 The contribution to employment of the Fergusson North Berth Extension is estimated by Market Economics to be between 30,000 (Low) and 92,000 (High) MECs by 2053, while the Bledisloe North Berth is estimated to be 20,000 MECs.[11] These are significant effects.

9.17 The transfer of Captain Cook and Marsden Wharves to Auckland Council is also an important benefit from the Project. As discussed by Market Economics, the transfer will increase the extent of the publicly accessible waterfront, enabling greater levels of people activity for the central city workforce and resident population, and the population of the region as a whole. Those benefits represent a positive contribution to the economy and are additional to the trade- and cruise-related benefits discussed above. However, they have not been quantified by Market Economics, and are recognised though not counted as part of the total economic contribution.[12]

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7 Ibid.
8 Pg 20; Ibid
9 Pg.26; Ibid.
10 Ibid.
11 Pg.25; Table 11; Ibid.
12 Pg.27; Ibid.

Part 2 of the RMA

9.18 Clause 17(2)(a) provides that for the purpose of applying any provisions in clause 17(1), a reference to the RMA to Part 2 of that Act must be read as a reference to ss 5, 6 and 7 of that Act.

9.19 The relevant provisions of Part of the RMA are set out below:

> 5 Purpose
>
> (1) The purpose of this Act is to promote the sustainable management of natural and physical resources.
>
> (2) In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
>
> (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
>
> (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
>
> (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.
>
> 6 Matters of national importance
>
> In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:
>
> (a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:
>
> (b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:
>
> (c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:
>
> (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
>
> (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
>
> (f) the protection of historic heritage from inappropriate subdivision, use, and development:
>
> (g) the protection of protected customary rights:

(h) the management of significant risks from natural hazards.

7 Other matters

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

(a) kaitiakitanga:

(aa) the ethic of stewardship:

(b) the efficient use and development of natural and physical resources:

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) [Repealed]

(f) maintenance and enhancement of the quality of the environment:

(g) any finite characteristics of natural and physical resources:

(h) the protection of the habitat of trout and salmon:

(i) the effects of climate change:

(j) the benefits to be derived from the use and development of renewable energy.

Section 5, RMA

9.20 Section 5 in Part 2 of the RMA identifies the purpose as being the sustainable management of natural and physical resources. The substantive application is considered to be consistent with this purpose for the reasons set out below. At the same time, the Project seeks to address the matters listed in (a) to (c) of section 5 of the RMA. In particular, the Project seeks to enable the wellbeing (social and economic) of the population in Auckland and New Zealand, through improving the port infrastructure for large cruise and container vessels. The Project will also enable the transfer of Captain Cook and Marsden Wharves for public use in due course.

9.21 The imperatives of the RMA require the taking of affirmative action; that is the only way the sustainable management of natural and physical resources can be "promoted" in a way that will appropriately avoid, remedy or mitigate the adverse effects on the environment.

9.22 The preceding analysis has established that the Project has very clear regional and national benefits. The Project is also necessary to achieve Auckland Council's plans to transfer Captain Cook Wharf and Marsden Wharf to public use in the next 2-3 years. There is existing and future demand for suitable berthing facilities for both large cruise ships

(300m+long) and 10,000 teu ships and the Project responds to these demands, matching the needs of the cruise industry and the servicing requirements of national and international freight to the long-term social and economic benefit of the community.

9.23 The Project not only addresses the immediate requirements for infrastructure but ensures that Auckland's transport network remains resilient to future demands. This includes adapting to projected increases in trade and tourism, which are expected to place additional pressure on berthing facilities and freight handling capacity. By delivering these improvements, the Project safeguards the Port's ability to continue enabling the economic and social well-being of the region and nation.

9.24 As discussed within paragraphs 9.14 to 9.16 above, over the 2024-2053 period, the Project will make a significant contribution to the Auckland ($1.8bn - $5.4bn) and New Zealand ($2.5bn - $6.6bn) economies, as well as to regional and national employment (some 50,000 – 112,000 MECs, combined).

9.25 In managing the natural and physical resources in a sustainable manner, it is necessary to demonstrate that the proposed location is suitable for the nature of the Project. The Project is located within the Port Precinct, the purpose of which is *"to provide for a nationally and regionally significant component of Auckland and New Zealand's transport infrastructure and trade network"*.

9.26 The Project is not a new activity in terms of its location but will be new in terms of the nature and extent of facilities to be provided. It is considered inherently consistent with the stated purpose of the Port Precinct, with key elements provided for as a permitted activity by the provisions of the Port Precinct, including the embarking and disembarking of passengers, the establishment of the cruise terminal within the ground floor vehicle handling building and the associated public drop-off and pick-up area, and the loading and unloading of cargo.

9.27 The Project will also significantly increase Auckland's capacity to meet the demand for cruise tourism, projected to grow 10% globally between 2024 and 2028. It ensures the Port of Auckland remains competitive as a leading regional hub for both trade and tourism.

9.28 The Port of Auckland is therefore considered to be a sustainable location to provide ongoing access to key services and infrastructure to support the cruise industry and freight. The Project area is specifically zoned for the proposed activities and is available to be developed, representing a sustainable option for delivering the required specialist berthing facilities that will meet both the current and future demands of Auckland.

9.29 Furthermore, by integrating the upgrades within the existing port infrastructure, the Project represents an efficient and effective use of an existing resource that meets the foreseeable needs of future generation, delivering substantial long term social and economic benefits and avoiding unnecessary duplication of facilities elsewhere.

9.30 Overall, the purpose of s 5 of the RMA is achieved and the Project will provide for economic and social wellbeing and will avoid, remedy or mitigate the adverse effects on the environment.

Section 6, RMA

9.31 With reference to the matters of national importance, and the assessment undertaken in section 10, the following comments are made:

(a) the proposal will not adversely affect the natural character of the subject site or surrounding environment (section 6(a));

(b) the subject site is not identified as containing any "outstanding" natural features or landscapes (section 6(b));

(c) the subject site is not identified as containing any "significant" indigenous vegetation and significant habitats of indigenous fauna (section 6(c));

(d) the proposal does not seek to alter the extent to which the public can access the coastal marine area at the Port of Auckland, which is necessarily restricted for safety and security reasons (section 6(d));

(e) the proposal will not adversely affect any identified ancestral lands, water, sites, waahi tapu, and other taonga (section 6(e)); and

(f) the proposal will protect identified historic heritage from inappropriate subdivision, use, and development on the basis that there are no historic heritage items within the vicinity of the proposal that may be affected by it (section 6(f))

Section 7, RMA

9.32 The Project has had particular regard to the matters in s 7 of the RMA. With reference to ss 7(a) and (aa), the Project is considered to have regard to kaitiakitanga and the ethic of stewardship, particularly through POAL's engagement and consultation.

9.33 The Project is considered to represent the efficient use, development and management of natural and physical resources, given it will facilitate the ongoing operation of the cruise industry and the transportation of goods to and from international markets and Auckland and New Zealand (s 7(b)).

9.34 The ability to accommodate larger container vessels will reduce per-unit shipping costs and emissions, contributing to the efficient operation of the Port of Auckland. Similarly, the Project ensures that the land resource is used for freight handling and tourism in an efficient manner, while minimising the need for additional locations to service these activities.

9.35 Regarding ss 7(c) and (f), the analysis contained in section 10 sets out the reasons how the Project maintains and enhances amenity values and the quality of the environment.

9.36 The effects of the Project on the intrinsic values of ecosystems have been undertaken (s 7(d)) have been assessed in section 10 to be minor and localised.

9.37 In regard to s 7(g), the land and CMA within the subject area of the Project is a finite resource. For the reasons discussed, the Project is an efficient use and development of the physical land and CMA resource which has the capacity to accommodate the proposed development in a sustainable manner.

Part 2 conclusion

9.38 Overall, and for the reasons stated above, the Project is considered to be in accordance with the purpose and principles of the RMA, as stated in ss 5 to 7.

Part 6, RMA

9.39 Because clause 17(1) refers to Part 6 of the RMA, the Panel is required to assess the Project under ss 104 and 104B of the RMA (for discretionary activities). Sections 108 and 108AA of the RMA also apply when setting conditions of resource consent for this Project. Clause 17(6) provides that for the purposes of clause 17(1), these RMA provisions must be read with all necessary modifications, including that a reference to a consent authority must be read as a reference to a Panel.

9.40 For discretionary activities, s 104B of the RMA provides that consent may be granted or refused. If consent is granted, conditions may be imposed under s 108 of the RMA. As a discretionary activity, an assessment under s104 is required.

Section 104(1) RMA

9.41 Section 104(1) of the RMA sets out the matters the Panel must, subject to Part 2 and section 77M, have regard to. It provides that when considering an application for resource consent, the consent authority must, subject to Part 2 and section 77M, have regard to:

(a) any actual and potential effects on the environment of allowing the activity; and

(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and

(b) any relevant provision of –

(i) a national environmental standard:

(ii) other regulations:

(iii) a national policy statement:

(iv) a New Zealand coastal policy statement:

(v) a regional policy statement or proposed regional policy statement:

(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

9.42 When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits the activity with that effect.[13] The alterations to the vehicle handling building to establish the cruise passenger terminal and the associated layout of the public area/taxi and coach drop-off and pick up is provided for as a permitted activity under the provisions of the Auckland Unitary Plan.

9.43 It is not considered necessary to assess the effects of these elements of the Project further as the effects are internalised to the Port of Auckland and not controlled by the Auckland Unitary Plan. That said, the traffic effects associated with the operation of the cruise facility have been assessed as these are not internalised and extend beyond the boundary of the Port of Auckland.

9.44 The actual and potential effects of the Project on the environment are assessed in section 10 of this Application. The adverse effects are assessed to be no more than minor, and the Project has been assessed to result in positive economic effects to Auckland and New Zealand. It will also facilitate the transfer of Captain Cook and Marsden Wharves to Auckland Council for public use in due course.

9.45 An assessment of the Project against the matters contained in s 104(1)(b) undertaken within section 11, where it is concluded that the proposal is consistent with (and not contrary to) the documents referred to in clause 2(1)(h) of Schedule 4 of the FTAA.

9.46 With reference to s 104(1)(c) of the RMA, consideration has been given to any other matter the Panel may consider relevant and reasonably necessary to determine the

[13] Section 104(2) of the RMA.

application. The following non-statutory planning documents have been identified as being of particular relevance to the consideration of the Project:

(a) Future Connect.

(b) City Centre Masterplan.

(c) City Centre Bus Plan.

(d) Freight Network Plan.

9.47 The Project is consistent with the outcomes that all these non-statutory planning documents are concerned with. In particular:

(a) The establishment of the cruise facility aligns with several priorities and focus areas identified in the Future Connect plan,[14] particularly in relation to supporting Auckland's role as New Zealand's primary gateway for international tourism and trade. The plan identifies the Auckland city centre as a "critical transport and economic hub". It notes the need to "enhance access and connectivity between key waterfront locations and the central city", which is supported by the movement of cruise passengers to and from the terminal and the wider city centre. Further, dedicated measures are proposed to separate pedestrian movements from freight and general vehicle flows.

(b) The Project will enable POAL to reconfigure its operational footprint to create efficiencies in operations at the Bledisloe and Fergusson Terminal areas and enable the transfer of Captain Cook and Marsden Wharves to Auckland Council for public use in due course. This will enable Council to develop and implement its plans for the public use of these wharves.

(c) The Project will contribute towards a number of "transformational moves" that are proposed by Auckland Council within its City Centre Masterplan. In particular, it will contribute to the growth of Queen Street and the wider Waihorotiu/Queen Street Valley to a more attractive and prosperous area. It also facilitates the regeneration of the harbour edge and will enable Council to undertake its planned public realm proposals for Captain Cook and Marsden Wharves.

[14] Future Connect Auckland Transport's long-term network plan for Auckland's transport system. It identifies the most important parts of the transport network and identifies the most critical issues and opportunities. It informs Auckland Transport's 10-year investment programme under the Regional Land Transport Plan ('RLTP').

(d) As the Project is located on land located within the Port of Auckland (remote from public transport routes) it will not implicate the City Centre Bus Plan. The public transport effects have been assessed to be minimal due to the terminal's proximity to Britomart Station, the Lower Albert Street bus interchange, and the Downtown ferry terminal, which provide excellent access for both passengers and staff, reducing reliance on private vehicle use. Similarly, the traffic effects associated with the Project have been assessed to be minor, therefore ensuring that it will not implicate the safe and efficient movement of public transport.

(e) The strategic outcomes of the Auckland Freight Plan include balancing freight task with other uses of the city, including the needs of the cruise industry and urban amenity improvements. The Project is consistent with this strategic outcome and has the needs of both the cruise industry and freight task as one of its key considerations.

Section 104(2B) RMA

9.48 When considering a resource consent application for an activity in an area within the scope of a planning document prepared by a customary marine title group under s 85 of the MACAA, regard must be had to any resource management matters set out in that planning document.[15] There are no planning documents prepared by a customary marine title group under s 85 of the MACAA that are relevant to the consideration of the Project.

Section 104(3)(c) RMA

9.49 Section 104(3)(c) of the RMA provides that resource consent must not be granted contrary to:[16]

(a) ss 107, 107A, or 217;

(b) an Order in Council in force under s 152;

(c) any regulations;

(d) wāhi tapu conditions included in a customary marine title order or agreement;

(e) s 55(2) of the MACAA.

9.50 Section 107 of the RMA is discussed separately below. The Project is not subject to any of the other matters that s 104(3)(c) of the RMA is concerned with.

[15] Section 104(2A) of the RMA.

[16] Section 104(3)(c) of the RMA.

Section 104B RMA

9.51 As a discretionary activity, after considering the application s 104B of the RMA enables the consent authority to grant or refuse the application, and if it grants the application, to impose conditions under s 108 of the RMA. The conditions proposed as part of this application (included at **Attachment 15**) are considered appropriate to avoid, remedy, or mitigate the adverse effects of the Project on the environment.

Section 105 RMA

9.52 Section 105 of the RMA states that if an application is for a discharge permit or coastal permit to do something that would contravene s 15 of the RMA, in addition to the matters in s 104(1), regard is required to be had to:

(a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and

(b) the applicant's reasons for the proposed choice; and

(c) any possible alternative methods of discharge, including discharge into any other receiving environment.

9.53 The analysis contained in section 10 confirms that the effects of the discharge that will occur as a result of the Project will be less than minor in nature, and a necessary consequence of the Project. The receiving environment, which is characterised by commercial port operations, is not sensitive to the nature of the discharges that are proposed.

9.54 Relative to the issue of alternatives, the preceding analysis confirms that one option that is available to POAL is to collect the stormwater from the wharf deck areas and discharge it to the existing reticulated system (located on the adjacent land). This option has been discounted on the basis that the stormwater will ultimately be discharged to the CMA (without further treatment).

9.55 Consistent with s 105 of the RMA, the proposed method of discharge is considered to represent the BPO and is the most appropriate in the circumstances of the receiving environment.

Section 107 RMA

9.56 Section 107(1) of the RMA provides that a discharge permit shall not be granted if, after reasonable mixing, the contaminant or water discharged is likely to give rise to one or more of the following effects in receiving waters:[17]

(a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:

(b) any conspicuous change in the colour or visual clarity:

(c) any emission of objectionable odour:

(d) the rendering of fresh water unsuitable for consumption by farm animals:

(e) any significant adverse effects on aquatic life.

9.57 Such discharges are permissible under s 107(2) of the RMA, however, if there are exceptional circumstances that justify the granting of the permit; or if the discharge is of a temporary nature; or is associated with necessary maintenance work; and is consistent with the purpose of the RMA to grant consent.

9.58 For the reasons set out within the section 10 of this Assessment, it is considered that the Project will not result in any of the effects on the environment that ss 107(1)(c)-(g) of the RMA is concerned with.

Parts 8 – 10 of the RMA

9.59 Parts 8 to 10 of the RMA are not relevant to the consideration of the Project.

The relevant provisions of any other legislation that directs decision making under the RMA

9.60 There is no other legislation relevant to the consideration of the Project under the RMA.

Consent conditions

9.61 When setting conditions on a consent, the provisions of Parts 9 and 10 of the RMA relevant to setting conditions on a resource consent apply. The proposed conditions of consent are considered to be sufficient to prevent or reduce the actual or potential effects of the activity.

[17] Sections 107(1)(c) to (g) of the RMA.

10 ASSESSMENT OF EFFECTS ON THE ENVIRONMENT

10.1 This section provides an assessment of the actual and potential effects of the Project in accordance with Schedule 5, clauses 5, 6 and 7 of the FTAA. The Project has sought to avoid adverse effects as far as practicable. Where adverse effects cannot be avoided, measures are proposed to remedy or mitigate these effects.

Environment against which effects have been assessed

10.2 For the purposes of the Panel's assessment, the environment against which effects are to be assessed has been heavily modified for port infrastructure for many decades with reclamation, wharfs, and rock armouring along the coastline. This environment is summarised in section 7 above of this substantive application.

10.3 POAL also holds a suite of resource consents and approvals for its existing operations at the Port. These are summarised at paragraphs 7.13 to 7.24 above of the substantive application.

10.4 The approach to assessing effects for this Project is set out in the legal considerations at section 5 (refer **Attachment 36**).

Summary assessment of effects on the environment

10.5 An assessment of the effects needs to encompass the positive effects of the Project.

10.6 The Fergusson North Berth Extension will deliver significant economic benefits by increasing the Port's capacity to accommodate larger container vessels and enhance overall operational efficiency. These improvements will directly contribute to reducing shipping delays and strengthening Auckland's position as a critical trade hub for New Zealand.

10.7 The Bledisloe North Wharf will support the growth of the cruise industry by allowing larger vessels to berth directly, eliminating the need for anchoring and shuttle transfers, and provide certainty to the cruise industry that larger ships can be accommodated.

10.8 As discussed within paragraphs 9.14 to 9.16 above, over the 2024-2053 period, the Project will make a significant contribution to the Auckland ($1.8bn - $5.4bn) and New Zealand ($2.5bn - $6.6bn) economies, as well as to regional and national employment (some 50,000 – 112,000 MECs, combined).

10.9 The environmental assessment confirms that the Project will not adversely affect the natural character of the coastal environment or areas of ecological significance. Stormwater discharges will be managed through established best practicable options, including treatment systems and operational procedures, ensuring the quality of the

coastal marine area is maintained. Monitoring and mitigation measures will be implemented to address potential effects on water quality and marine ecosystems.

10.10 Construction-related effects will be managed through a Construction Management Plan to ensure that construction works are undertaken within the limits and standards approved under the consent and set out the management procedures and construction methods to be undertaken to avoid, remedy or mitigate potential adverse effects arising from construction activities.

10.11 The underwater construction noise effects on marine mammals will be managed through the implementation of UCNMP, which will also confirm the predicted TTS based on the selected piling methodology.

10.12 A Contaminated Soils Management Plan will be implemented to address the handling and disposal of contaminated materials, minimising risks to the environment and human health.

10.13 The assessment of coastal processes confirms that the Project will have minimal long-term effects on the coastal marine area. Monitoring of bathymetric changes and current conditions will be conducted regularly, and results will be reported to Auckland Council. The design accommodates potential future impacts of climate change, including sea-level rise, ensuring the infrastructure remains resilient in the long term.

10.14 Engagement with mana whenua has been undertaken. No adverse effects on cultural heritage, wāhi tapu, or other taonga have been identified.

10.15 The proposed TMP will ensure that the transport effects of large numbers of cruise passengers associated with cruise ships utilising the Bledisloe North Berth are adequately managed, and the safe and efficient operation of marine and port activities at the Port of Auckland at all times. It will also provide for a safe and secure environment at the Port of Auckland, and ensure public access is provided between the cruise terminal building and Quay Street.

Any effect on the people in the neighbourhood and, if relevant, the wider community, including any social, economic, or cultural effects (clause 7(a) of Schedule 5)

Economic effects

10.16 An Economic Impact Assessment (**EIA**) of the Project has been undertaken by Market Economics (refer to **Attachment 24**). The EIA considers the economic significance of

the Port of Auckland and its operations, and then assesses the economic benefits associated with the proposed Project works. The EIA findings are summarised below.

Economic significance of the Port of Auckland

10.17 With reference to the economic significance of the Port of Auckland, the EIA confirms that:

(a) The combined effect of trade and the Port of Auckland as a business entity, puts the contribution to value added at $14.1bn currently and projected to increase to $19.1bn by 2053. That represents 9.5% of the Auckland regional economy in value added terms, increasing to 9.9% in the long term.[18]

(b) The combined contribution to employment of trade and the Port of Auckland as a business entity is 92,250 MECs and projected to increase to 133,570 MECs by 2053. That represents 9.4% of the Auckland regional economy rising to 10.6% in the long term.[19]

10.18 The largest share of trade by value handled by the Port is import trades. In 2023, the total value of imports exceeded $30bn, or 38% of the New Zealand total. In combination with Auckland International Airport (**AIAL**), 59% of all imports enter the country through Auckland.[20]

10.19 The EIA goes on to identify that the major share of imports through the Port of Auckland are for the Auckland market, and that there are other significant flows of imported goods through Auckland, especially to Northland and the Waikato region. For example, for Northland (80%) and Auckland (82%), the majority of imports are through the Port of Auckland. The Waikato (17%), Taranaki (10%), and Manawatu-Wanganui (11%) also rely on the Port of Auckland for imports, though to a lesser extent.[21]

Economic significance of the cruise industry

10.20 The EIA confirms that the cruise industry contributes to the New Zealand economy as a major economic driver for the broader tourism and service sectors, and as a source of revenue for ports serving the cruises. Ports hold strategic importance within this system, providing passengers access to tourism destinations including but limited to port cities,

18 Table 7; Economic Impact Assessment; Market Economics; 29 January 2025.
19 Ibid.
20 Pg.10; Section 3.5; Ibid.
21 Pg.15; Section 4.2; Ibid.

and an essential role in enhancing passenger experiences. They also help to maintain the balance between the interests of residents, visitors, and the cruise ship industry.[22]

10.21 Market Economics advises that cruise tourism in New Zealand contributes an estimated $224m in passenger spending per year, at an average expenditure of $380 per passenger per day. In 2019, cruise ship and passenger spending was equivalent to 0.5% of net household expenditure in Auckland, representing a significant share of expenditure. This spending stimulates local economies through accommodation, transportation and other tourist activities. Accordingly, they support local businesses, output and employment beyond the tourism and service sectors.[23]

10.22 Auckland is an attractive destination as well as a key turn-around port with an international airport and sufficient hotel stock. The Port of Auckland is the most visited port in each year, demonstrating its appeal as a destination for incoming tourism. [24]

10.23 Cruise activity benefits Auckland's retail, hospitality, and tourism sectors directly, while also contributing indirectly to regional economic growth through supply chains and service demands. The EIA estimates that in 2023, the contribution of the cruise sector to the Auckland economy is $0.25bn in value added and employment at 3,100 MECs.[25]

10.24 The EIA goes on to advise that the total contribution to the New Zealand economy is $680m, with 9,720 jobs sustained by cruise sector activity. Of this, the total value-added contribution in the Auckland Region is estimated at $303m or 44% of the "national effect". Total employment is estimated at 4,170 persons (43% of the "national effect"). On that basis, the cruise sector contributes an estimated 0.2% of Auckland's regional GDP, and 0.43% of regional employment in 2023.[26]

10.25 Further expansion of the cruise sector is anticipated, with Cruise Lines International Association forecasting a 10% increase in cruise ship berths globally from 2024 to 2028. The cruise sector in Auckland is projected by Market Economics to grow in line with the regional economy, contributing $1.2bn and 16,000 person-years of employment by 2053 on a 'business as usual' basis.[27] Failure to invest in infrastructure to better accommodate larger ships will risk New Zealand losing out on the burgeoning cruise tourism market.

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22 Pg.11; Section 3.6; Ibid.
23 Ibid.
24 Ibid.
25 Pg.25; Section 5.3; Ibid.
26 Pg.18; Section 4.4; Ibid.
27 Pg.25; Section 5.3; Ibid.

Economic effects of the Project

10.26 As discussed at paragraphs 9.13 to 9.17 above, the existing total contribution (trade, cruise, and business entity) of the Port to the Auckland and other regional economies has been assessed by Market Economics to be $16.5bn, increasing to $22.1bn by 2053 on a 'business as usual' scenario. The contribution to employment is estimated by Market Economics to be 118,300 MECs currently enabled and facilitated by the Port of Auckland role, increasing to 160,600 by 2053 on a 'business as usual' scenario.[28]

10.27 In terms of the combined effect of the Project for the Auckland economy, the total value-added contribution is estimated by Market Economics to be between $4.5bn (Low) and $12.7 bn (High). In present value (**PV**) terms, the contribution of the project to the Auckland economy is estimated at between $1.8bn (Low) and $5.4bn (High).[29]

10.28 With reference to the combined effect of the Project for the New Zealand economy, the total value-added contribution to the economy of the project has been estimated by Market Economics to be between $5.5bn (Low) and $14.6 bn (High). In PV terms, this is estimated at between $2.5bn (Low) and $6.6bn (High).[30]

10.29 The contribution to employment of the Fergusson North Berth Extension is estimated by Market Economics to be between 30,000 (Low) and 92,000 (High) MECs by 2053, while the Bledisloe North Berth is estimated to be 20,000 MECs.[31] These are significant effects.

10.30 The transfer of Captain Cook and Marsden Wharves to Auckland Council is also an important benefit from the project. As discussed by Market Economics, the transfer will increase the extent of the publicly accessible waterfront, enabling greater levels of people activity for the central city workforce and resident population, and the population of the region as a whole. Those benefits represent a positive contribution to the economy and are additional to the trade- and cruise-related benefits discussed above. However, they have not been quantified by Market Economics and are recognised though not counted as part of the total economic contribution.[32]

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28 Pg 20; Ibid

29 Pg.26; Ibid.

30 Ibid.

31 Pg.25; Table 11; Ibid.

32 Pg.27; Ibid.

Economics conclusion

10.31 Having regard to the EIA prepared by Market Economics, the Project will deliver significant economic benefits at both regional and national levels. The Project will enhance the Port's capacity, improve efficiency, and provide long-term economic benefits, with value-added contributions estimated between $4.5bn and $12.7bn for Auckland, and between $5.5bn and $14.6bn for New Zealand.

10.32 The employment benefits are also substantial, with projected increases of up to 92,000 MECs for the Fergusson North Berth Extension and 20,000 MECs for Bledisloe North Berth.

10.33 Additionally, the transfer of Captain Cook and Marsden Wharves to Auckland Council will provide further economic and social benefits, reinforcing the positive impact of the Project beyond trade and tourism. Overall, the EIA concludes that the Project will deliver significant economic benefits at both regional and national levels.

Transport effects

10.34 An assessment of the transport effects of the Project has been undertaken by Beca (refer to **Attachment 12**).

Transport environment

10.35 The Bledisloe and Fergusson Terminals are described by Beca as being well connected via arterial and strategic routes. Tangihua Street, classified as a Secondary Arterial, provides access to the Bledisloe Terminal through the Quay Street/Tinley Street/Tangihua Street intersection. Tamaki Drive, a Strategic Arterial, connects to the Fergusson Terminal via Solent Street. Quay Street acts as a key east-west multi-lane road linking Mechanics Bay and Viaduct Harbour. Between Lower Albert Street and Commerce Street, Quay Street operates as a two-way, single-lane road in each direction, with a posted speed limit of 30 km/h through the central section and 50 km/h east of Tapora Street.[33]

10.36 Beca describes Quay Street as supporting active modes with footpaths, pedestrian crossings, and a bi-directional cycleway on the northern side of the road, which accommodates cyclists and e-scooters. These facilities provide critical connections between Wynyard Quarter and the Tamaki Drive cycleway, forming part of Auckland's

[33] Pg.3; Section 2.2; Assessment of Transport Effects; Beca; 3 February 2025.

regional cycling network. Pedestrian activity along Quay Street is supported by its classification as a Secondary walking network by Auckland Transport.[34]

10.37 Quay Street plays an important role in connecting pedestrians and cyclists along the waterfront. During May 2024, approximately 30,426 cycle trips were recorded at 107 Quay Street, equating to an average of around 850 cyclists per day.[35]

10.38 Beca identifies Quay Street and Tamaki Drive as part of Auckland's Frequent Transit Network, which provides public transport links. Britomart Station, located within walking distance of the Bledisloe North Wharf, provides access to Auckland's western, eastern, and southern train lines. The Downtown ferry terminal and the Lower Albert Street bus interchange further enhance connectivity, offering access to ferry and bus services across the city and wider region.[36]

10.39 The Bledisloe Terminal freight route extends from the Quay Street/Tinley Street/Tangihua Street intersection along Beach Road to State Highway 16 (**SH16**). The Fergusson Terminal route connects via Tamaki Drive and The Strand to SH16. Auckland Transport's Future Connect classifies these routes as "Level 1A" and "Level 1B" freight routes, reflecting their strategic importance. Additionally, designated over-dimension and overweight routes are located near the Terminals, facilitating the movement of oversized and heavy vehicles.[37]

10.40 Beca advises that traffic volumes on Quay Street have significantly decreased in recent years, with the Average Annual Daily Traffic (**AADT**) reducing from approximately 30,000 vehicles in 2007 to 13,000 vehicles in 2023.[38] Similarly, Tamaki Drive experiences daily traffic volumes of approximately 12,000 vehicles in the eastbound direction and 11,100 vehicles westbound.[39] Safety analysis using NZTA's Crash Analysis System identifies a total of 15 reported crashes between 2019 and 2023 at the Quay Street/Tinley Street/Tangihua Street intersection and its vicinity, with no crashes reported in 2024. The majority of incidents involved crossing/turning or rear-end movements, typical of urban environments, and were attributed to user inattention rather than environmental factors.[40]

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34 Ibid.
35 Pg.3; Section 2.3; Ibid.
36 Pg3; Section 2.4; Ibid.
37 Pg.5; Section 2.5; Ibid.
38 Pg.7; Section 2.6.2; Ibid.
39 Pg.11; Section 2.7.2; Ibid.
40 Pg.9; Section 2.6.4; Ibid.

Construction transport effects

10.41 Having regard to the Assessment of Transport Effects prepared by Beca, construction traffic associated with the Project is expected to negligible traffic effects on the transport assessment when compared to current day-to-day variability in vehicle movements from the operation of the Port of Auckland and do not require specific mitigation.

10.42 Specifically, the construction of the Bledisloe North Wharf is anticipated to generate approximately six trucks per day and up to 40 light vehicles for personnel, resulting in an additional 92 vehicle movements per day. This represents an approximate 2% increase in vehicle movements at the Tinley Street/Tangihua Street/Quay Street intersection, a level assessed by Beca to be less than the daily variability of traffic volumes.[41]

10.43 Similarly, the Fergusson North Berth extension is expected to generate around three trucks and up to 45 light vehicles daily, equating to 96 vehicle movements. The additional demand has been assessed by Beca to have little discernible effect compared to current day-to-day truck movement variability at the Solent Street/Tamaki Drive intersection.[42]

10.44 On-site construction traffic effects have been assessed by Beca to require specific management to maintain the effective and efficient operation of Port operations. Such effects will be managed by POAL as part of its ongoing operations and does not require any specific management measures beyond those proposed the conditions of consent, which require:

(a) All access routes and points for all construction vehicles, laydown areas, and parking areas for plant, construction vehicles and the vehicles of workers and visitors to be contained within the Port of Auckland.

(b) There are practices and procedures in place to protect the safety of workers and users of the Port of Auckland at all times.

(c) Access is maintained at all times for all modes of transport to / from the Project area.

(d) Disruption from construction traffic on the Port of Auckland is minimised as far as is practicable.

(e) There shall be no deposition of earth, mud, dirt or other debris on any public road or footpath resulting from construction works. In the event that such deposition does occur, it shall immediately be removed.

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41 Pg.19; Section 4.1.2.1; Ibid.

42 Pg.20; Section 4.1.3.1; Ibid.

10.45 The above management measures are considered to be sufficient to ensure the ongoing effective and efficient operation of the Port of Auckland during the construction period.

Operational transport effects

10.46 Having regard to the Assessment of Transport Effects prepared by Beca, the operational transport effects of the Project is considered to be minor, with the transport effects associated with the Bledisloe North Berth readily able to be proactively managed through a comprehensive Transport Management Plan (**TMP**).

10.47 At the Bledisloe North Wharf, Beca advises that the management of on-site operational effects will focus on the interfaces between cruise ship operations, other POAL activities, and the adjacent transport network. The proposed cruise terminal will include dedicated areas for coach and taxi/rideshare pick-up and drop-off. Transfers between cruise ships and coaches will be undertaken by POAL internally within the port and managed to align with New Zealand Customs and MPI processing times, ensuring efficient passenger flows. Marshals will oversee passenger and vehicle movements to maintain safe and orderly operations.[43]

10.48 Beca is satisfied that as the pedestrian volumes from the cruise facility are expected to disperse along Quay Street to the multiple signalised crossing locations, the effect on the functionality of Quay Street and pedestrian safety on the corridor will not be adversely impacted. Similarly, sufficient capacity is provided within the Port of Auckland to accommodate coaches and taxi/rideshare vehicles, and that specific routing will be provided to separate these vehicles from pedestrian routes and port operations.[44]

10.49 Having regard to the Assessment of Transport Effects, the public transport effects are considered to be minimal due to the terminal's proximity to Britomart Station, the Lower Albert Street bus interchange, and the Downtown ferry terminal. These facilities provide excellent access for both passengers and staff, reducing reliance on private vehicle use.[45]

10.50 Feedback received from Auckland Transport (refer to **Attachment 25**) at the pre-application stage requested the following information:

(a) A traffic modelling assessment, including SIDRA analysis.

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43 Pg.21; Section 4.2.1.1; Ibid.

44 Pg.22; Ibid.

45 Pg.24; Section 4.2.1.3; Ibid.

(b) Details of current coach activity at Princes Wharf and Queens Wharf during cruise activity, including an explanation of where coaches will go (city centre trips have the potential to add significant pressure on city centre bus capacity at peak times).

(c) An assessment of the interaction with freight traffic entering/exiting Tinley Street for normal port operations, including how the potential effects on user safety and operations will be avoided or mitigated.

(d) An assessment of the potential effects on the signal operation at Quay Street/Tangihua Street, including the effects on the bi-directional cycleway on the northern side of Quay Street and pedestrian activity at the interface.

(e) Intersection modelling of the Quay Street/Britomart Place intersection in relation to increased pedestrian demand.

(f) Plans illustrating the layout of the drop-off/pick-up and pedestrian route connection. Any pedestrian path should be permanent.

(g) Whether the coach waiting area will be sufficient and more conservative assumptions should be made with respect to coach and taxi occupancy to give greater comfort that the effects will be internalised to the site.

(h) Consideration to a dedicated pick-up and drop-off area for members of the public not arriving by taxi.

(i) Plans illustrating where the coach shuttles between cruise ships and the processing centre will park.

10.51 Similar issues were raised by Auckland Council's City Centre Programmes team, whose primary concern relates to Tangihua Street, including its intersection with Quay Street and Tinley Street and Beach Road, and the movement of pedestrians through this intersection. Further, the City Centre Programmes team considers that providing a pedestrian exit to Quay Street is important and should be considered as part of the proposal.

10.52 The assessment of the transport effects of the Project undertaken by Beca responds to these matters. In particular:

(a) A traffic modelling assessment has been undertaken using SIDRA in the AM and PM peak periods for the Tinley Street/Quay Street intersection and in the AM and PM peak for the Solent Street/Tamaki Drive intersection. Overall, the traffic modelling assessment confirms that both intersections are predicted to continue to perform

satisfactorily in the weekday AM and PM peak periods.[46] No pedestrian safety issues have been identified.

(b) Details of the typical passenger and traffic movements for two of the largest cruise ships, the Majestic Princess and the Celebrity Edge that call at Princes Wharf have been provided and a proportional increase of 36% has been applied to accommodate the Ovation of the Seas cruise ship. It is expected that the proposed cruise terminal would maintain similar demand as the existing cruise terminal at Queens Wharf as it remains within a 10-minute walking distance from the existing cruise terminal to Britomart, the Lower Albert Street bus interchange and Downtown ferry terminal.[47]

(c) The cruise season is only anticipated to be 30 to 40 days per year and the associated increase in traffic is similar to daily fluctuations in traffic from the Port of Auckland.[48]

(d) The traffic modelling confirms that the Tinley Street/Quay Street intersection will continue to perform satisfactorily in the weekday AM and PM peak periods.[49]

(e) The proposed cruise terminal will maintain similar demand as the existing cruise terminal at Queens Wharf. Given the proximity of the existing cruise terminal to the Quay Street/Britomart Place intersection, further pedestrian modelling is not required.

(f) Indicative plans illustrating the layout of the drop-off/pick-up and pedestrian route connection are included at Figure 3.3 of the Transport Assessment. The layout of this area can be established as a permitted activity, and the precise details will be confirmed as part of the detailed design.

(g) The Assessment of Transport Effects has incorporated conservative assumptions in relation to the coach and taxi movements, as well as queuing within the site and the preceding analysis confirms that the area available is sufficient to accommodate peaks in demand or higher than anticipated passenger demand.

(h) A dedicated pick-up and drop-off area for members of the public not arriving by taxi is not proposed. Operational procedures can be put in place to direct those vehicles immediately to the egress onto Tinley Street, without permitting access to the transfer area.

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46 Sections 4.2.1.4 and 4.2.2.1; Ibid.

47 Pg.15; Section 3.1.3; Ibid.

48 Ibid.

49 Pg.25; Section 4.2.1.4; Ibid.

(i) It is anticipated that there will be 2-3 internal shuttle coaches operating throughout the cruise passenger transfer process. These coaches are to be stored on the ground floor of the existing multi-storey vehicle handling facility when the cruise operations are not in operation.[50]

10.53 Having regard to the Assessment of Transport Effects, the traffic associated with the cruise terminal are considered to be less than minor. During peak operations, such as passenger exchanges for a 4,905-passenger cruise ship, the terminal is expected to generate an additional 104 vehicles (208 movements) per hour. This level of demand equates to fewer than two vehicles per minute entering or exiting the facility and is well within the capacity of the Tinley Street/Tangihua Street/Quay Street intersection, which has accommodated significantly higher traffic volumes in the past.[51]

10.54 At the Fergusson Terminal, Beca anticipates the proposed Fergusson North Berth extension to generate up to 106 additional truck movements per day in a 2050 scenario. This represents a 7-11% increase in vehicles at the Solent Street/Tamaki Drive intersection, a level assessed to be negligible within the context of daily traffic variability.[52]

Navigation and safety effects

10.55 The following analysis is provided in respect of the effects of the Project on the recreational values of other users of the Waitematā Harbour.

Commercial and recreational values of the Waitematā Harbour

10.56 Navigatus Consulting has undertaken an assessment of the navigation and safety effects of the Project (refer to **Attachment 26**). The assessment identifies the critical role that the Waitematā Harbour plays in Auckland's transportation network, serving as a hub for a range of commercial and recreational maritime activities. The southern side of the harbour accommodates the Port of Auckland, the largest import port in New Zealand, facilitating the handling of a diverse range of imports and exports.[53]

10.57 Navigatus notes that the environmental conditions in the harbour substantially influence maritime operations. Winds are generally predictable, with calm to moderate speeds prevailing during summer and stronger south-westerly winds dominating in winter and spring. Gale-force winds occur infrequently, less than 2% of the time.[54] Tidal streams in

50 Pg.16; Section 3.1.4; Ibid.
51 Pg.24; Section 4.2.1.4; Ibid.
52 Pg.25; Section 4.2.2.1; Ibid.
53 Pg.12; Section 3.1; Navigational Safety Assessment; Navigatus; 4 December 2024.
54 Pg.14; Section 3.4.1; Ibid.

the harbour vary based on location and tide stage, with currents in the mid-channel peaks exceeding 1.7 knots during spring tides.[55] Visibility is typically good, with reduced visibility caused by heavy rain or fog recorded on approximately 13 days per year.[56]

10.58 The Waitematā Harbour is also well-supported by a robust system of aids to navigation (**AtoN**), including leads, prominent marks, and fixed lights, all complying with national and international standards. The primary AtoN in the commercial port area is a fixed sectored light at the end of Fergusson Wharf.[57]

10.59 Restricted areas within the harbour include a port security and customs zone, limiting access to authorised vessels. Additional restricted zones, such as the race exclusion zone near the commercial waterfront, are used to manage interactions between recreational and commercial traffic. This exclusion zone, while effective, is not currently formalised on official navigation charts, and so does not appear on all charts.[58]

10.60 As explained by Navigatus, the coastal marine environment operates under a comprehensive regulatory framework, including the Maritime Rules and the Auckland Navigation Bylaw 2021.[59] These regulations, alongside international standards such as the World Association for Waterborne Transport Infrastructure (PIANC) guidelines, ensure safe and efficient operations within the harbour. POAL's 24-hour Harbour Control implements the services to assist the safe and efficient movement of shipping, including traffic monitoring, planning, and coordination, further supporting the integration of commercial, ferry, and recreational activities within the harbour.[60]

Navigation safety assessment

10.61 Section 6.1 of Navigatus' safety assessment evaluates the proposed expansions to the Bledisloe North Wharf and Fergusson North Wharf against established industry standards, including the PIANC Harbour Approach Channels Design Guidelines.

10.62 The turning areas for both proposed wharves have been assessed as exceeding the minimum requirements under the PIANC guidelines. For the Bledisloe North Wharf, designed for vessels up to 348m in length overall (**LOA**), the required turning area of 696m is comfortably accommodated by the harbour's 1100m width at this location.

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55 Pg.15; Section 3.4.3; Ibid.
56 Pg.16; Section 3.4.4; Ibid.
57 Pg.16; Section 3.5; Ibid.
58 Pg.17; Section 3.7; Ibid.
59 Pg.10; Section 2.6; Ibid.
60 Pg.32; Section 5.2.5; Ibid.

Similarly, for the Fergusson North Wharf extension, intended for vessels with an LOA of 360m, the minimum required turning area of 720m is exceeded by the 840m channel width available at this location.[61]

10.63 Navigatus has assessed the effects of large passing vessels on moored ships. PIANC guidelines recommend specific speed and separation distances to mitigate disturbance. The existing Fergusson North Wharf experiences routine traffic, with no significant disturbances caused by current operations. The proposed extensions do not alter the passing distance or clearance from moored vessels, and no additional assessments are required. Similarly, the proposed Bledisloe North Wharf, situated farther from the fairway than Fergusson North Wharf, is not expected to experience significant disturbance from passing vessels. Current practices have been assessed as being sufficient to mitigate potential risks.[62]

10.64 Regarding changes to the navigational risk profile, tidal forces on mooring bollards at Fergusson North Wharf due to the positioning of larger vessels farther east have been assessed to be able to be managed through appropriate mooring designs. For the Bledisloe North Wharf, the alignment with natural tidal currents simplifies the design considerations and minimises risks to navigational risk.[63]

10.65 For commercial shipping, the proposed extensions at both wharves have been assessed by Navigatus to present no material changes to navigational challenges or risks. The Bledisloe North Wharf's construction and subsequent operations do not extend beyond existing structures, ensuring sufficient water space is retained for large vessels passing to or from the upper harbour. Similarly, the Fergusson North Wharf extension does not affect navigable water, and construction activities will primarily be shore-based, limiting effects on vessel movements.[64]

10.66 Navigatus also advises that ferry traffic within the Waitematā Harbour will see minimal impacts by the Project. Ferries generally follow prescribed routes, passing the northern end of the Bledisloe Terminal at distances of 100-200m. The proposed wharf sits almost entirely within the bounds of existing structures, and visibility from ferries transiting near berthed ships will be maintained. Furthermore, the proposed relocation of large cruise ships from Princes Wharf to Bledisloe North Wharf has been assessed to reduce

61 Pg.33; Section 6.1.1; Ibid.
62 Pg.33; Section 6.1.2; Ibid.
63 Pg.34; Section 6.2.1; Ibid.
64 Pg.35; Section 6.2.2; Ibid.

congestion and interaction risks within the Downtown Ferry Basin, enhancing safety for both ferries and cruise vessels.[65]

10.67 The new Bledisloe North Wharf will also improve safety and efficiency for cruise ships. Navigatus has identified that its alignment with tidal flow eliminates complex manoeuvres, such as turning or stern-boarding, required at Princes Wharf. Additionally, it allows the largest forecasted vessels, such as the 348m LOA Ovation-class cruise ships, to berth directly, eliminating the need for inner-harbour anchoring. This reduces congestion and eliminates tendering risks for passengers.[66]

10.68 The proposed works have been assessed by Navigatus to have no material impact on recreational traffic, as the navigable water to the north of both wharves remains sufficient for all vessel types.[67] Construction activities actively undertaken from the seaward side of the Port of Auckland can be managed to ensure that any risk to passing vessels will be appropriately mitigated through operational planning, such as scheduling large vessel movements to avoid the construction sites, travel at slow speeds, or conducting risk assessments for berthing during construction. With these measures, risks to workers have been assessed by Navigatus to be low.[68]

10.69 Overall, the navigation safety assessment concludes that the proposed expansions to Bledisloe North Wharf and Fergusson North Wharf are beneficial in terms of navigational safety within the Waitematā Harbour. The works have been assessed to be consistent with international standards, reduce risks to all maritime activities, and ensure compliance with best practices. Residual risks have been assessed to be mitigated to "as low as reasonably practicable" (**ALARP**).[69]

Effects on winds in the harbour

10.70 Navigatus advises that the Waitematā Harbour experiences predictable seasonal wind patterns influenced by global meteorological phenomena such as El Niño and La Niña. Gale-force winds (Beaufort Force 8 or >34 knots) are rare, occurring approximately 2% of the time. Summer winds are variable, with calm to moderate speeds (Beaufort Force 1-4, <16 knots) coming from all directions with roughly equal probability. As autumn progresses, south-west winds become more prevalent, with moderate to fresh speeds

65 Pg.36; Section 6.2.3; Ibid.
66 Pg.37; Section 6.2.4; Ibid.
67 Pg.37; Section 6.2.6; Ibid.
68 Pg.38; Section 6.2.7; Ibid.
69 Pg.50; Section 9; Ibid.

(Beaufort Force 4-6, 11-27 knots). Winter winds are the most predictable, predominantly from the south-west or west, with similar speeds to those observed in autumn. In spring, winds predominantly come from the western quadrant, with near-equal chances of north-west, west, or south-west winds. Alongside winter, spring is the least likely season to experience gale-force winds.[70]

10.71 The assessment by Navigatus confirms that local wind conditions within the harbour are strongly influenced by natural landforms and the built environment, including nearby city buildings. Westerly and easterly winds are only slightly affected by the terrain and generally flow undisturbed. However, winds from the south-west to south-east and north-west to north-east quadrants are significantly influenced by local features, resulting in turbulent and disturbed wind patterns.[71]

10.72 Navigatus has assessed the construction and operation of the proposed extensions at Bledisloe North Wharf and Fergusson North Wharf to introduce localised wind shadow effects caused by large, berthed vessels under certain conditions.[72] These effects are most noticeable under strong south-west and south-east wind conditions.[73]

10.73 Overall, Navigatus concludes that when taking both the extent of the wind shadows and probability into account, in the rare, highest-impact situation that a large cruise ship and container ship are alongside at the new Bledisloe North Wharf and/or Fergusson North Berth with a steady south-easterly to south-westerly wind blowing, there will still be at least 510 metres of clear-air in the fairway for a sailing vessel to continue to make passage along the Waitematā Harbour fairway. The analysis of Navigatus indicates that the impact on sail boats due to wind shadowing from the proposed wharf developments will be limited.[74]

Effects on coastal processes

10.74 An assessment of the effects of the Project on coastal processes has been undertaken by Beca (refer to **Attachment 13**).

Coastal environment

10.75 The tidal regime in the Waitematā Harbour is described by Beca as being semi-diurnal, with two high and two low tides occurring each day. This cycle is a key driver of

70 Pg.14; Section 3.4.1; Ibid.
71 Pg.15; Section 3.4.2; Ibid.
72 Pg.43; Section 7.1; Ibid.
73 Pg.43; Section 7.2; Ibid.
74 Pg.48; Section 7.6; Ibid.

hydrodynamics, influencing currents, sediment transport, and coastal processes. The typical tidal range varies between 2.83m during spring tides and 1.73m during neap tides, directly affecting local hydrodynamic conditions at the Project location.[75]

10.76 Beca advises that the wind climate in the harbour is shaped by regional patterns across the lower Hauraki Gulf, Shoal Bay, Motukorea, and Rangitoto Channels. Predominant winds blow from the north to east and west to south. Average wind speeds are below 10m/s (approximately 20 knots), although gusts can exceed 20m/s (approximately 40 knots).[76]

10.77 Tidal currents are primarily influenced by the harbour's entrance configuration, channel dimensions, and man-made structures, resulting in a dominant flood-ebb current pattern. Beca's assessment confirms that the strongest velocities occur in the main harbour channel, reaching up to 1.04m/s (~2 knots) during ebb tides and 0.9m/s (~1.75 knots) during flood tides. Sheltered areas near wharves and structures experience lower velocities and complex eddy-driven flows.[77]

10.78 Beca describes the wave climate as shaped by a combination of diffracted waves from the Hauraki Gulf and locally generated wind waves. For waves diffracted into the harbour from the Hauraki Gulf, the 50th percentile significant wave height are approximately 0.1m under average conditions, while infrequent events can produce wave heights of up to 0.46m (99th percentile).[78] Local wind-generated waves can develop moderate heights due to the harbour's limited fetch, with larger waves typically originating from the east-northeast direction.[79]

10.79 Sediment dynamics in the harbour are primarily driven by tidal forces, with marine mud accumulating in low-energy zones near shorelines. While wave action has limited influence within the inner harbour, Beca advises that storm events can cause localised sediment resuspension along exposed shorelines.[80] Historical and recent sedimentation data reveal a trend of seabed lowering in high-traffic areas and accretion in less active zones. These patterns reflect a combination of natural processes, port development, and vessel activity.[81]

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75 Pg.5; Section 2.2; Coastal Assessment Report; Beca; 21 November 2024.
76 Pg.5; Section 2.3; Ibid.
77 Pg.6; Section 2.4; Ibid.
78 Pg.8; Section 2.5.1; Ibid.
79 Pg.8; Section 2.5.2; Ibid.
80 Pg.12; Section 2.8.3; Ibid.
81 Pg.12; Section 2.8.4; Ibid.

Effects on coastal processes

10.80 The assessment of environmental effects advises that the proposed developments will result in localised but minor changes to tidal flows and currents. Hydrodynamic modelling illustrates that tidal currents near the wharves may increase by up to 5%; however, these variations will not affect the overall hydrodynamic regime of the harbour.[82] A localised velocity reduction of around 15% is anticipated west of the Bledisloe North Wharf due to the blockage effect of berthed vessels.[83] Nevertheless, Beca confirms that the primary tidal regime remains largely unaffected, and the overall impact on tidal currents is assessed as negligible.[84]

10.81 The assessment of effects on waves and wakes concludes that the proposed developments will have limited influence on the overall wave climate. The Bledisloe North Wharf, designed as a piled structure over an existing revetment, has been assessed by Beca as not increasing reflective wave characteristics for waves up to MHWS and having a negligible long-term impact on the overall wave climate. Similarly, for the Fergusson North Berth Extension, the impact on waves and wakes has been assessed by Beca to be negligible.[85]

10.82 While vessel wakes from passing ships against berthed ships are expected to reflect approximately 90% of incident waves, resulting in a localised increase in wave height of approximately 0.20m, Beca advises that the long-term impact on wave conditions is expected to be no more than minor. Similarly, the 45m extension of the Fergusson North Berth, aligned with the existing structure, has been assessed by Beca to have negligible effects on waves and wakes.[86]

10.83 Beca does not consider the Project to increase the overall erosion rate in other areas of the harbour or introduce new sedimentation patterns. The Fergusson North Berth Extension, situated in an area already influenced by existing wharf geometry, will result in minimal disruption to sediment dynamics, with only minor localised erosion anticipated near the extension. The Bledisloe North Wharf, located over an existing revetment and outside the main flow areas of the harbour, has been assessed by Beca as having limited influence on sediment transport, with effects confined to localised areas of accretion and erosion. Beca anticipates the broader impact on sedimentation patterns to be negligible.[87]

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82 Pg.26; Section 4.3.1; Ibid.
83 Pg.26; Section 4.3.2; Ibid.
84 Pg.27; Section 4.3.3; Ibid.
85 Pg.28; Section 4.4.1; Ibid.
86 Pg.28; Section 4.4.2; Ibid.
87 Pg.29; Section 4.5; Ibid.

10.84 The assessment of coastal hazards concludes that the proposed developments will not increase wave overtopping risks, as the deck levels of both wharves are elevated above storm tide levels. However, Beca has advised that the structural design must account for dynamic forces from wave action during extreme conditions and notes that future sea level rise may lead to increased exposure to coastal hazards, necessitating potential adaptive measures for the wharves over the long term.[88]

10.85 Cumulatively, the effects of the proposed developments, when considered alongside past and existing activities within the harbour, are assessed by Beca to be no more than minor.[89]

Cultural effects

10.86 The applicant has engaged with all relevant Mana Whenua and customary marine title groups. These include:

(a) Ngāti Whātua Ōrākei.

(b) Ngai Tai ki Tamaki Trust.

(c) Ngāti Tamaoho.

(d) Ngāti Te Ata.

(e) Ngāti Whanaunga.

(f) Te Kawerau a Maki.

(g) Ngāti Maru.

(h) Ngāti Paoa Iwi Trust.

(i) Ngāti Paoa Trust Board.

(j) Ngāti Tamaterā.

(k) Ngāti Whātua o Kaipara.

(l) Te Ahiwaru Waiohua.

(m) Te Ākitai Waiohua.

(n) Te Runanga o Ngāti Whātua.

Ngāti Whātua Ōrākei

10.87 POAL has engaged with Ngāti Whātua Ōrākei. A copy of the correspondence between Ngāti Whātua Ōrākei and POAL is appended as **Attachment 27**. As detailed in this

88 Pg.30; Section 4.6; Ibid.

89 Pg.31; Section 4.7; Ibid.

correspondence, POAL is committed to continuing ongoing discussions to ensure that Ngāti Whātua Ōrākei in relation to the Project.

[redacted]

[redacted]

[redacted]

[redacted]

90 Pg.54; Section 6.5.4.4; Effects on Ecological Environment; Kennedy Environmental Limited; February 2025.

91 Pg.56; Section 6.6.1; Ibid.

[redacted]

[92] Pg.46; Section 6.4.5; Ibid.

[redacted]

Any physical effect on the locality, including landscape and visual effects (clause 7(b) of Schedule 5)

Landscape effects

10.106 An assessment of the landscape effects of the Project has been undertaken by Boffa Miskell (refer to **Attachment 30**). The existing environment is described by Boffa

93 Pg.57; Section 6.6.2; Ibid.
94 Pg.43; Section 6.4.3; Ibid.
95 Pg.57; Section 6.6.4; Ibid.

Miskell as being a heavily modified waterfront that has been shaped by reclamation and development of transport and marine infrastructure over the past 170 years. The waterfront area however remains influenced by the Waitematā Harbour both physically and visually, while the bulk of the working port is defined by the Bledisloe and Fergusson Terminals which contribute to a distinctive waterfront port environment that service large-scale container and other ships.

Effects on Natural Character

10.107 In relation to the effects of the Project on natural character, the assessment of Boffa concludes that:[96]

> ...the Project, given its design and the characteristics of the surrounding area, will have minimal negative effects on the harbour's natural features, both physical and perceived. It is considered that the Project will have a very low adverse impact on the actual (abiotic and biotic) naturalness of the harbour. While the inclusion of vessels, particularly at Bledisloe North Wharf, may slightly increase the level of perceived modification within the harbour, the effects will be minimal and any adverse effects associated with the wharf expansion will be very low, with up to low adverse effects on perceived attributes with the periodic presence of vessels on Bledisloe North Wharf.

Effects on Landscape Characteristics, Attributes and Values

10.108 In terms of the landscape effects of the Project, the assessment of Boffa Miskell concludes that:[97]

> ...the Project generally aligns with the existing character of the surrounding port area, making the associated activity capable of being integrated without diminishing the landscape quality of the local setting. Additionally, the Waitematā Harbour's expansive scale, coupled with the limited size of the proposed extensions, will ensure that the Project represents only a slight intrusion into the harbour environment. Overall, the assessment concludes that the adverse landscape effects resulting from the Project will be low.

Visual Effects

10.109 Boffa Miskell has undertaken an assessment of the visual effects of the Project from a range of locations on land and across the Waitematā Harbour. The assessment concludes that:[98]

> ...The most notable impacts will be on visitors to Queens Wharf, where the extension of Bledisloe Wharf may partially obscure views of the harbour, especially toward the Gulf Islands. Effects on these viewing audiences are considered to be low-moderate. These visual disruptions of the harbour will be more noticeable when vessels are docked, and are anticipated to bring moderate adverse effects, though such occurrences will be periodic rather than permanent.

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96 Pg.i; Executive Summary; Landscape Effects Assessment; Boffa Miskell; 23 January 2025.

97 Ibid.

98 Ibid.

> From other viewpoints across the isthmus, the proposed extensions will have minimal visual consequences and subsequently adverse visual effects, will be very low. The proposed extensions are relatively modest in scale, low in height, and will blend into the existing wharf layout and geometry. Further, the proposed expansion of crane activity along Fergusson North Wharf will be minimal and seen in the immediate context of the existing crane movements. Additionally, from many perspectives, the extensions will either be out of sight or difficult to discern. When vessels are docked at Bledisloe Wharf, there will be a noticeable change to some views, especially from the north and some locations to the west. However, these ships will be present intermittently and are likely to either partially merge with the city skyline in the background or align to the typical view of marine activity within the Port area. With the above considered, these periodic effects will be up to low adverse.

10.110 It is further noted that the Project will have the positive effect of removing RORO vessels from Captain Cook Wharf, which will further mitigate its potential visual effects.

10.111 Having regard to the assessment of Boffa Miskell, it is considered that significant adverse effects on the natural character values, natural landscapes and natural features of the coastal environment have been avoided. Other adverse effects are considered to be appropriately avoided, remedied or mitigated through the design and layout of the wharf structures, which have been kept to the minimum size required to achieve their intended function and sited such that they appear as a logical extension to the existing land and wharf-based port infrastructure at the Port of Auckland.

Any effect on ecosystems, including effects on plants or animals and physical disturbance of habitats in the vicinity (clause 7(c) of Schedule 5)

Ecological effects

10.112 An assessment of the effects of the Project on the ecological environment has been undertaken by KEL (refer to **Attachment 31**).

Physical environment of the Waitematā Harbour

10.113 The assessment describes the physical environment of the Waitematā Harbour in the vicinity of the Bledisloe and Fergusson Terminals as being characterised by water depths of 12m or more, with the berth pocket at the Fergusson North Berth having been previously dredged.[99]

10.114 At the proposed Bledisloe North Wharf, the water is sufficiently deep so as to avoid the need to undertake further dredging activities.[100]

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99 Pg.9; Section 4.1; Effects on Ecological Environment; Kennedy Environmental Limited; February 2025.

100 Ibid.

10.115 Seabed physical characteristics have been examined in sediment cores and from observations of the seabed in remotely operated underwater vehicle (**ROV**), which confirms that the seabed in the vicinity of Bledisloe North Wharf is typically flat with some bare areas and ripples, with patches of fine gravel evident from stormwater discharge on the revetment.[101]

10.116 In contrast, the seabed at the Fergusson North Berth is covered with residual harder dredged fragments, with occasional patches of shell and muddier sediments.[102]

10.117 Water quality with the harbour reflects water quality in the ebb and flood tidal streams. Water quality in the basins between the wharves at the Port of Auckland is influenced by the local effects of city centre stormwater discharges at multiple locations along the waterfront. Shipping and tug movements within the Port also intermittently suspends sediment. TSS concentrations in harbour water are typically low, are seasonal and influenced by phytoplankton growth.[103]

10.118 Sediment sampling has been undertaken. In summary:[104]

(a) Within the footprint of the toe trench at the foot of the Bledisloe North revetment, maximum contaminant concentrations within the sediment were below ANZG (2018) Default Guideline Values (**DGV**), except for Tributyl Tin (**TBT**) in surface sediment where some samples had concentrations above the DGV.

(b) Within the Fergusson North Berth pocket, concentrations of all contaminants in sediment were below the ANZG (2018) DGVs.

Ecological environment

10.119 There are a range of reptile species that are known to be present within the coastal environment of the Auckland region. There are nine marine reptile species that have been sighted in the region. All have been assessed by KEL to be uncommon and unlikely to be encountered. The species that would have been present historically on the natural Waitematā shoreline would likely have included the copper skink (*Oligosoma aeneum*), the shore skink (*O. smithi*) and ornate skink (*O. ornatum*). No ink tracks of any kind were found on the track cards. Bait stations (for mice/rats) are maintained throughout the Port and are maintained along the revetment. Overall, KEL has advised that there is no

101 Ibid.
102 Ibid.
103 Pg.11; Section 4.2; Ibid.
104 Pg.14; Section 4.3.4; Ibid.

indication that indigenous lizards are present within the rock revetment at the proposed Bledisloe North Wharf location.[105]

10.120 In relation to avifauna, KEL advises that the land side of the Port does not contain any natural terrestrial habitat or planted areas due to the biosecurity controls within the port. The only bird species commonly seen within the port around wharf edges and on the Bledisloe North revetment are rock pigeons (*Columba livia*). A wide range of coastal bird species are seen in the lower Waitematā Harbour, including a number of intertidal waders. The intertidal feeders include pied stilt (*Haematopus leucocephalus*), wrybill (*Anarhynchus frontalis*), variable oystercatcher (*Haematopus unicolor*), white-faced heron (*Ardea novaehollandiae*) and the New Zealand dotterel (*Charadrius obscurus aquilonius*).[106]

10.121 To determine the presence of little penguin, a walkover survey of the BN revetment in July 2024 found no signs of activity. This was followed by penguin detector dog searches in August and November 2024, both confirming no presence at BN. Searches along the Fergusson Container Terminal revetment, however, detected penguin odour and guano at three locations, but no direct sightings. Further surveys near the Marine Rescue Centre (**MRC**) in Judges Bay confirmed active burrows with audible penguins and photo evidence at one location.[107]

10.122 Little penguins spend most of their time at sea, coming ashore at dusk and leaving at dawn. They breed between July and mid-November, with some laying a second clutch later in the season. Chicks fledge after 7-8 weeks, and after breeding, adults remain ashore for moulting between January and March. Penguins typically return to the same burrow locations each season.[108]

10.123 Two bird species with a very high conservation significance (red-billed gull and white-fronted tern) nest within the Port within 300m of the Bledisloe North Wharf works and also within 500m of the Fergusson North Berth Extension works. There have been no sightings or 'detection' of little penguin sign within the Port. No little penguin were detected along the Bledisloe North rock revetment.[109]

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105 Pg.15; Section 5.2.
106 Pg.16; Section 5.3.1; Ibid.
107 Pg.21; Section 5.3.5; Ibid.
108 Ibid.
109 Pg.21; Section 5.3.6; Ibid.

10.124 Turning to marine mammals, KEL has confirmed that at least 27 cetacean and two pinniped species have been sighted (or identified from shoreline strandings) along the northeastern coastline of the North Island. More than 22 species of whales and dolphins have been recorded in the Hauraki Gulf and there are five species that are seen in the Waitematā Harbour as visitors and residents. No marine mammals have been assessed by KEL to be permanent residents (in the Waitematā Harbour), but some species such as New Zealand fur seal (*Arctocephalus forsteri*) and leopard seal (*Hydrurga leptonyx*) spend extended periods of time in the harbour. Other marine mammal species documented in the lower harbour include bottlenose dolphin (*Tursiops truncatus*), common dolphin (*Delphinus delphis*), and orca (*Orcinus orca*).[110]

10.125 The fish fauna in the harbour has been assessed by KEL to be diverse but does not include species of conservation significance. The areas adjacent to Bledisloe and Fergusson Terminals are not considered significant nursery areas or high-quality recreational fishing grounds.[111]

10.126 Intertidal ecology varies between the two locations. The Bledisloe Terminal revetment supports a diverse community dominated by kelp and other intertidal species, including oysters, limpets, and chitons, which have developed over the past 40 years.[112] In contrast, the Fergusson North Berth's shaded environment limits ecological diversity, with encrusting species such as oysters and mussels present on piles but minimal growth on the revetment.[113]

Ecological effects of the demolition of the deck structure at the western end of Bledisloe North

10.127 The demolition of the deck structure at the northeastern end of the Bledisloe Terminal involves the removal of the reinforced concrete deck and 8–9 concrete-filled steel-cased piles to seabed level and then craned onto the Bledisloe Terminal.

10.128 The assessment of KEL confirms that in relation to the effects of these works:[114]

(a) Pile removal may generate minor underwater turbidity and noise. These effects have been assessed to be short-term and negligible compared to those anticipated during subsequent construction activities such as the toe trench excavation and piling (discussed further below).

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110 Pg.24; Section 5.4.2; Ibid.
111 Pg.26; Section 5.5; Ibid.
112 Pg.26; Section 5.6.1; Ibid.
113 Pg.28; Section 5.6.2; Ibid.
114 Pg.39; Section 6.2; Ibid.

(b) Some minor loss of marine growth on the piles is anticipated during removal. The piles will be managed in accordance with biosecurity regulations to prevent the spread of Mediterranean fan worm (*Sabella spallanzanii*), a notifiable pest species under the Biosecurity Act 1993.

10.129 None of these potential effects have been assessed by KEL to be adverse. They are localised and temporary in nature, and while the ecological value has been assessed by KEL to be moderate, the magnitude of the effect, and the overall level of effect, has been assessed to be low.[115]

Ecological effects of the construction of the Bledisloe North and Fergusson North revetment

10.130 The analysis of KEL advises that the works to the Bledisloe North revetment will have no effect on coastal bird species nesting within the Port of Auckland. No little penguin have been detected in the revetment to date (ongoing surveys will be undertaken) and the overall effect on bird species is negligible.[116]

10.131 Existing intertidal and subtidal habitat will be lost as a result of the Bledisloe North Wharf. The overall effect of the revetment upgrading work on existing habitat (particularly intertidal habitat) has been assessed by KEL to be moderate to high. Mitigation is proposed to provide ecological benefit for this habitat loss.[117]

10.132 Specific to the effects on little penguin, the Fergusson North Berth Extension will create some disturbance in the form of noise, which will be of a short-term duration. The assessment of KEL confirms that the Fergusson North revetment is not a noise free environment due to the proximity of truck movements to the revetment. Trucks queuing to pick up containers pass directly above the first little penguin burrow. Disturbance-related effects on little penguin have been assessed by KEL to be minor and restricted to periods during the day. Overall, KEL has assessed the potential effects to be low in this regard.[118]

10.133 KEL has also confirmed that following reasonable mixing, discharges arising from the proposed revetment works are expected to achieve compliance with the water quality standards set out in Section F2.21.8.1 for the General Coastal Marine Zone (within the Waitematā Harbour).[119]

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115 Pg.40; Section 6.2; Ibid.
116 Pg.41; Section 6.3.2; Ibid.
117 Ibid.
118 Pg.42; Section 6.3.3; Ibid.
119 Pg.42; Section 6.3.4; Ibid.

Ecological effects of the excavation of the Bledisloe North Berth toe trench

10.134 The Bledisloe North toe trench excavation involves the removal of seabed sediment to create a stable footing for the new rock revetment. This will be carried out using backhoe dredging, a method widely used in Auckland waterfront projects over the past 25 years.[120]

10.135 The excavation will result in the loss of soft-bottom habitat within the toe trench footprint. Biological surveys indicate that the existing habitat supports sparse infauna and no epifaunal communities of ecological significance. The new rock habitat established during revetment construction will support a similar biological community to the surrounding area. Disturbed seabed adjacent to the trench will stabilise naturally, and biological communities in these areas are expected to recover over time through natural processes. The overall effect on local habitat has been assessed by KEL to be negligible to low.[121]

10.136 In terms of biosecurity, KEL confirms that construction barges will be sourced locally (currently working within the Waitematā Harbour) minimising biosecurity risks associated with importing non-indigenous species (**NIS**). The most common NIS seen within the trench footprint is the secondary target species, the Mediterranean fan worm. Excavation may result in loss of some NIS species to seabed adjacent to excavation. Although this species is able to regrow from fragments, its presence on the seabed both up and down harbour would indicate that any loss of fan-worm pieces would be unlikely to adversely increase the harbour fan-worm population. The biosecurity effects relating to the proposed Bledisloe North toe trench excavation have therefore been assessed by KEL to be negligible.[122]

10.137 In terms of water quality, KEL has advised that monitoring from previous projects suggests that elevated turbidity levels will be localised to the immediate vicinity of the excavation activity and will return to background levels within approximately 200m. While significant off-site changes in water quality are not expected during the toe trench excavation, monitoring conditions are proposed to enable observation-based changes to excavation management to deal with significant visual plumes or elevated TSS concentrations, should they occur.[123]

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120 Pg.42; Section 6.4.1; Ibid.

121 Pg.43; Section 6.4.2; Ibid.

122 Pg.43; Section 6.4.3; Ibid.

123 Pg.45; Section 6.4.4.1; Ibid.

10.138 Other contaminants released during excavation, including ammoniacal nitrogen from pore water, have been assessed by KEL to remain below guideline values (ANZG 2018) following reasonable mixing. Following dilution, the ammonia contributes little to toxicity potential and acts as a nutrient. Concentrations of contaminants are expected to be low ANZG (2018) 95% protection DGVs close to the dredging location and have no waterborne toxicity. Overall, waterborne toxicity or significant changes in water quality are not anticipated by KEL.[124]

10.139 Localised sedimentation of larger sediment aggregates will occur near the excavation area. The strong tidal currents off Bledisloe North will result in any sediment in suspension from excavation quickly becoming part of the mass of sediment in the harbour tidal stream. Some short-term localised effects (construction period and temporary for a period after construction) on sediment-dwelling biota very close to the proposed Bledisloe North toe trench excavation will occur, but effects have been assessed by KEL to be short-term and negligible to no-more than minor.[125]

10.140 Underwater noise generated by excavation activities is expected to be similar to that from previous dredging projects in the Auckland waterfront. KEL does not anticipate noise levels to pose a risk of auditory injury to fish or marine mammals.[126]

Ecological effects of piling works associated with the Bledisloe North Wharf and Fergusson North Berth Extension

10.141 As discussed within the assessment of KEL, piling is one of the key elements of the construction of the Project. The key effects of the proposed piling works are:[127]

(a) The potential for suspension of marine sediment during piling.

(b) Changes in water quality during piling.

(c) Effects on underwater noise from piling.

10.142 The assessment of KEL advises that suspension of sediment at the seabed surface would normally occur when the pile casing contacts the seabed or revetment. Once the casing has been driven into the seabed, KEL expects the driving activity to result in little disturbance and only temporary generation of suspended settlement (with sediment disturbance during pile installation being very minor when compared to sediment excavation). Where piles are drilled (within steel casing) prior to inserting reinforcing and

124 Pg.45; Section 6.4.4.2; Ibid.
125 Pg.46; Section 6.4.5; Ibid.
126 Pg.47; Section 6.4.6; Ibid.
127 Pg.47; Section 6.5.1; Ibid.

cement, KEL has confirmed that the sediment removed from the casing would be taken off-site for disposal, with no sediment physically removed during piling being deposited within the harbour. KEL has also advised that pile driving has been carried out within the waterfront area for several major projects over the last decade and that no visible sediment plumes are expected during piling. The effects of piling on the generation of suspended sediment have been assessed by KEL to be negligible.[128]

10.143 In relation to contaminants, seabed disturbance has the potential to result in release of contaminants from sediment and transport of contaminants with particles. Sediment disturbance during pile installation has been assessed by KEL to be very minor compared to sediment excavation, noting that prior to concrete pouring, the pile casings will be dewatered with the water pumped ashore for disposal with no discharge to the harbour environment. KEL has also advised that during pouring of concrete into pile casings, concrete will have no direct contact with seawater such that no water quality issues are anticipated to arise during this phase of works. The effects of piling on the release of contaminants associated with seabed sediment disturbance have been assessed by KEL to be negligible.[129]

10.144 For marine mammals, KEL confirms that the overall level of potential effects associated with vibro piling are very low for seals and low for high frequency cetaceans (without mitigation). The overall level of potential effects associated with impact piling (with noise mitigation) has been assessed by KEL to be low to moderate given the two species have Very High ecological value and may be negligible to moderate in the context of the temporary nature of the works and the very low likelihood of cetaceans being within the predicted TTS zones. Further mitigation through the use of marine mammal observers (**MMOs**) is recommended in the draft UCNMP prepared by Marshall Day, which has been assessed by KEL to reduce the potential risk of effects further.[130]

10.145 No adverse physiological effects to fish are expected unless they are in immediate proximity of the piling (using either method). Behavioural effects are expected around the site of piling (for both types of piling). KEL has assessed these effects to be localised, temporary and occurring during daylight hours, and to be very low to low level.[131]

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128 Pg.49; Section 6.5.3.1; Ibid.
129 Pg.49; Section 6.5.3.2; Ibid.
130 Pg.53; Section 6.5.4.2; Ibid.
131 Pg.53; Section 6.5.4.3; Ibid.

10.146 Physiological effects on little penguins have been assessed by KEL to be very unlikely and assisted by the dawn and dusk departure movements of penguins from burrow sites within Judges Bay. For potential behavioural effects, the modelled zone for effects (vibro piling) on penguin is assessed by KEL to be moderate and extends several hundred metres from the site of works. KEL has advised that adjacent to the Bledisloe North Berth works, penguins transiting the harbour may respond to piling noise by moving out of the disturbance area. At the Fergusson North Berth Extension, where a burrow was identified towards the northern end of the container terminal revetment, KEL has advised that there may be occasions when penguins transiting the harbour near the container terminal reclamation may be temporarily affected (behaviourally but not physiologically) by the piling-related noise.[132]

Other ecological effects

10.147 KEL has advised that the construction of the Bledisloe North Wharf will prevent black-backed gulls from nesting at the top of the existing revetment. However, as black-backed gulls are not a protected species under the Wildlife Act, KEL does not consider any mitigation to be necessary for the loss of nesting space and notes that the reduction in nesting space may be a benefit for the nearby Marsden Wharf nesting colony of red-billed gull and white-fronted tern. Regarding food sources, KEL confirms that the excavation will only occur for a short duration and will not directly affect food supply due to the limited area of seabed affected, the minimal suspended solids generated, and the wider feeding areas of key bird species.[133]

10.148 The assessment KEL identifies that the key physical change arising from the proposed works is the introduction of piles into an environment at Bledisloe North where there are no piles along the northern face of Bledisloe Terminal. At Fergusson North, there will be an increase in the number of piles along the face of the Fergusson North. The predicted changes in wave environment in the vicinity of Bledisloe North Wharf has been assessed to have no impact on any shoreline habitat, noting that the seabed adjacent to both new wharf structures is already influenced by strong tidal currents, and the increases in the absence of a vessel will not alter the physical environment such that seabed physical characteristics will change significantly, and consequently, habitat/ecology would not be expected to change.[134]

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132 Pg.54; Section 6.5.4.4; Ibid.

133 Pg.56; Section 6.6.1; Ibid.

134 Pg.56; Section 6.6.2; Ibid.

10.149 The Project will not result in changes to the physical nature of the seabed. The assessment of KEL confirms that at Bledisloe North Berth, all of the piles do not intrude directly into exposed seabed. The first four of five rows do not have any direct influence on seabed character or ecology, while the final row (50 piles) are embedded into the seabed and will result in the loss of 32 m^2 of muddy sand seabed with an increase in hard vertical habitat.[135] Similarly, at Fergusson North Berth Extension, the additional piles are proposed to be located within the revetment and will not affect the seabed.

Any effect on natural and physical resources that have aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations (clause 7(d) of Schedule 5)

10.150 The effects of the Project on the aesthetic, recreational scientific, spiritual, and cultural values of the Waitematā Harbour have been assessed within the preceding analysis.

Any discharge of contaminants into the environment and options for the treatment and disposal of contaminants (clause 74(e) of Schedule 5)

Discharge of stormwater

10.151 The quantity of the discharge of stormwater from the Bledisloe North Wharf and Fergusson North Berth extension will comprise rainwater that would otherwise fall into the CMA if the Project was not constructed. As discussed within the Assessment of Effects Associated with ITA and Stormwater Discharges prepared by Beca (refer to **Attachment 12**), no additional stormwater will be discharged into the Harbour as a result of the Project as stormwater currently discharges to the Harbour naturally from these areas.[136]

10.152 The analysis of Beca confirms that the Project will not cause scour and erosion at the stormwater discharge point as the discharge occurs directly to the water, and the Port shoreline adjacent to the discharge locations are protected by a designed rock revetments, noting that the current discharge from the Bledisloe Terminal occurs with no noticeable scour visible around the outlet structure.[137]

10.153 In terms of the management of the discharge of stormwater (flow) from the Project, and having regard to the assessment prepared by Beca, it is concluded that the proposal will not lead to any adverse flooding, erosion, or stability effects on the environment.

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135 Pg.57; Section 6.6.3; Ibid.

136 Pg.5; Section 3.1; Assessment of Effects Associated with ITA and Stormwater Discharges; Beca; February 2025.

137 Pg.6; Section 3.3; Ibid.

Furthermore, the stormwater discharge device for the Bledisloe North Wharf and Fergusson North Berth extension will be maintained in accordance with the manufacturer's instructions to ensure that it is kept in good working order.

10.154 In terms of the proposal to use the Bledisloe North Wharf and Fergusson North Berth extension as an ITA, it is proposed to update the existing EMP:S to ensure that the same management measures that apply to the balance of the commercial port area. The analysis prepared by Beca identifies the Standard Operating Procedures and Spill Procedures that will be applied to the Project to manage the effects on the quality of stormwater.

10.155 The Standard Operating Procedures and Spill Procedures are the same as those that are applied to the balance of the commercial port, and are adequate, relative to the nature of the operations that will occur from the proposed Bledisloe North Wharf and Fergusson North Berth extension.

10.156 The updated EMP:S that is to be prepared for the Project will explain the management practices that are to be implemented, including: the provision of source control of contaminants; spill response procedures; and the treatment of stormwater from the structure.

10.157 The measures that are to be implemented for the management of stormwater quality have been assessed by Beca to represent the Best Practicable Option (**BPO**) and are considered to be sufficient to ensure that any adverse effects on the receiving environment will be less than minor in this regard.

10.158 The maintenance of the treatment device for the Project will be undertaken in accordance with the manufacturer's instructions to ensure that it is kept in good working order.

Air quality

10.159 An air quality assessment has been undertaken by Tonkin & Taylor (refer to **Attachment 32**).

Existing air quality and influence of shipping emissions

10.160 The assessment of Tonkin & Taylor identifies that "shipping emissions are expected to be the main sources of SO_2 in the vicinity of the Port. There will be a small contribution from diesel combustion in road and rail transport, however the sulphur content of land transport fuel is orders of magnitude lower than in the marine fuel used by ocean-going

vessels".[138] Monitoring data from Gladstone Park confirms that SO_2 concentrations are "well below the relevant NESAQ/AAQG and WHO 2021 guidelines".[139]

10.161 Tonkin & Taylor also advises that in relation to SO_2 concentrations, the monitoring data does not span the 2019/2020 period when marine sulphur content was reduced. Monitoring in the vicinity of the Port of Tauranga indicates that SO_2 concentrations have reduced by approximately 75% since the changes to marine sulphur content, which is consistent with the magnitude of the reduction in sulphur content of marine fuel. Tonkin & Taylor expects similar trends in relation to SO_2 concentrations around the Port of Auckland.

10.162 In relation to particulate matter (PM_{10} and $PM_{2.5}$) in the vicinity of the Port of Auckland, Tonkin & Taylor advises that there a wide range of anthropogenic and natural sources, including shipping. Although reductions in sulphur content in marine fuel have likely reduced particulate emissions associated with shipping, the air quality assessment advises that *"this improvement is likely to be modest and unlikely to be discernible in the monitoring data because of the large number of different sources of PM_{10} and $PM_{2.5}$"* in the urban environment.[140]

10.163 PM_{10} concentrations (24-hour and annual average) have been assessed by Tonkin & Taylor to be lower than the NESAQ and AAQG, and the 24-hour concentrations are lower than the WHO 2021 guidelines (annual average concentrations are likely close to, or exceed the WHO 2021 guidelines).[141] The largest source of contributions to $PM_{2.5}$ have been assessed by Tonkin & Taylor to be diesel vehicles and sea salt. Shipping emissions contribute to a similar proportion of identifiable $PM_{2.5}$ suggesting that they are not having a strong influence on localised pollutant concentrations and are well-mixed and contributing to background concentrations of pollutants.[142]

10.164 Nitrogen dioxide (NO_2) concentrations in the area are assessed to be primarily influenced by motor vehicle emissions. Monitoring data indicates that concentrations recorded when winds blow from the Port are *"not materially different to concentrations under other wind directions"*, indicating that shipping emissions are a less significant contributor to NO_2 levels.

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138 Section 6.2; New Bledisloe North Wharf and Fergusson North Wharf extension – Air quality assessment; Tonkin & Taylor Ltd; December 2024.

139 Ibid.

140 Section 6.3.1; Ibid.

141 Section 6.3.2; Ibid.

142 Section 5.5; Ibid.

10.165 Overall, the air quality assessment concludes that:[143]

(a) The effects of shipping emissions on PM_{10}, $PM_{2.5}$ and NO_2 air quality around the Port is small compared to background air quality from other sources.

(b) Existing levels of NO_2 around the Port and elsewhere in the CBD are likely to exceed the WHO 2021 guidelines, principally due to the influence of road transport emissions.

(c) PM_{10} and $PM_{2.5}$ air quality around the waterfront is influenced by a range of sources, including marine aerosols.

(d) Shipping emissions are likely to be the main source of SO_2 emissions in the vicinity of the Port. Nonetheless, following "a significant reduction in the marine fuel sulphur limit in January 2020, which is expected to have reduced SO_2 emissions in the order of 75%... demonstrates that air quality is well below the WHO 2021 guidelines".

Assessment of air quality impacts

10.166 The air quality effects of the proposed Fergusson North Berth extension and the Bledisloe North Wharf have been assessed in detail by the air quality assessment. For the Fergusson North Berth extension, the assessment of Tonkin & Taylor explains that *"The FN project will facilitate the international trend of increasing size of container ships. This means that the same amount of cargo can be transported with fewer ship visits (although it is likely that there will be modest growth in container volumes over time)"*.[144] Larger container ships offer operational efficiencies, which *"contribute to a lower at-berth fuel consumption per teu for larger ships compared to smaller ships"*.[145] Consequently, *"by providing the facilities for larger ships to berth at the Port, emissions to air (which are directly related to fuel consumption) are likely to reduce over time for the same volume of cargo handled"*.[146]

10.167 The Bledisloe North Berth involves redistributing the berth locations of existing ships, with minimal additional shipping or emissions expected. The air quality assessment states, *"The ability of very large cruise ships to berth at BN will avoid the situation that has occurred in the past where ships need to hold position in the harbour closer to Devonport and Stanley Point. Avoiding this will reduce emissions from these ships, which need to operate their main engines to hold position. The positive effects of this change will be relatively small*

143 Section 6.5; Ibid.

144 Section 8.1.1; Ibid.

145 Ibid.

146 Section 8.1.3; Ibid.

as very large cruise ship visits are relatively infrequent (but could increase over time)".[147] The air quality effects primarily stem from related *"changes in separation distance between ships at berth and sensitive receptors, which will have different impacts (positive and negative) at different receptors. A reduction in the size of ships berthing at Princes wharf, relatively close to sensitive receptors, will have a positive air quality effect".*[148]

10.168 The Bledisloe North Berth will provide notable improvements in air quality for certain receptors. As discussed within the air quality assessment, *"The BN project will materially improve air quality at the Princes Wharf apartments/hotel by relocating large cruise ships (which currently make up 50 to 60% of the cruise ships berthing at Princes Wharf) further away".*[149] Furthermore, *"the BN project will increase the separation distance between the closest receptors (within 500m) of existing ship berths, particularly for the relocation of RORO from Captain Cook. There is likely to be a material improvement in air quality (particularly for SO_2) at the Princes Wharf apartments/hotel from the relocation of large cruise ships".*[150]

10.169 For other receptors, however, the air quality assessment explains that there will be minimal changes to air quality. "For all other receptors, there will be no material change in PM_{10}, $PM_{2.5}$ and NO_2 air quality as the effects (positive or negative) of changes in separation distance are very small compared to background concentrations".[151] While reduced separation distances may lead to "a small increase in SO_2 concentrations at these locations, concentrations are expected to remain well below the WHO 2021 air quality guidelines".[152]

Contamination

Site contamination summary

10.170 The PSI/DSI undertaken by Beca (refer to **Attachment 7**) identifies that the northern portion of the Bledisloe Terminal area includes land reclaimed between the late 1970s and early 1980s. Historically, it was used for shipping container handling, supported by infrastructure such as a substation building constructed in the 1970s, two concrete structures for managing heavy containers, and a smaller building constructed between

147 Section 8.2.1; Ibid.
148 Ibid.
149 Section 8.2.3; Ibid.
150 Section 8.2.2; Ibid.
151 Section 8.2.3; Ibid.
152 Ibid.

1996 and 2001 (subsequently removed by 2012). Currently, the northern portion of the Bledisloe Terminal is utilised for miscellaneous storage and car storage, portable buildings, a marine maintenance yard (including storage facilities for hazardous substances).[153]

10.171 The northeastern portion of the Fergusson Terminal comprises recently reclaimed land, around 2017, and includes a mudcrete bund and part of a crane maintenance yard. This part of the Fergusson Terminal is operational and supports crane maintenance activities.[154]

10.172 Soil sampling was undertaken across both areas, with five machine boreholes advanced within and surrounding the Bledisloe North Wharf site and one borehole adjacent to the Fergusson North Berth extension area. Samples were collected to a maximum depth of 7.6m bgl. All analyte concentrations were below the adopted human health protection criteria. However, seven soil samples reported concentrations of nickel above the Auckland Unitary Plan (Operative in Part) environmental criteria, though these were below background concentrations typical of volcanic soils. Detections of total petroleum hydrocarbons (TPH) and polycyclic aromatic hydrocarbons (PAHs) were found in five and six soil samples, respectively. Additionally, a single sample collected from the northern Bledisloe Terminal area contained Chrysolite (white asbestos), but concentrations of combined Fibrous Asbestos and Asbestos Fines (FA/AF) were below the adopted human health criteria.[155]

10.173 Groundwater sampling was conducted at two locations within the Bledisloe and Fergusson Terminal areas. Four samples, including one duplicate and one trip blank for quality control, were analysed for the identified contaminants of concern, which included heavy metals, TPH, and PAHs. All contaminants were below laboratory detection limits.[156]

10.174 The PSI/DSI identified additional operational areas in the northern Bledisloe Terminal area that may present a contaminated soil risk, including a substation building and former heavy container structures. These areas could not be sampled during the PSI/DSI, and will require further soil sampling to confirm potential risks. Additional sampling is also

153 Pg.21; Section 5.1; Preliminary Site Investigation / Detailed Site Investigation – Contamination; Beca; February 2025.

154 Ibid.

155 Pg.33; Section 8.2; Ibid.

156 Pg.34; Section 8.3; Ibid.

recommended by Beca to characterise soils for off-site disposal, particularly given the potential for asbestos presence in the Bledisloe North Wharf area.[157]

Management procedures

10.175 A draft Contaminated Soils Management Plan (**CSMP**) has been prepared by Beca (refer to **Attachment 8**) to detail the recommended procedures for soil disturbance in relation to contaminated land and required actions in the event of unexpected soil contamination discovery.

10.176 The implementation of the CSMP will be a contractual requirement of the Project, with overall responsibility for implementing the CSMP resting with POAL and specific site requirements managed by the lead contractor. All personnel will be familiar with the CSMP, and a copy will remain available on-site.

10.177 Access to earthwork areas will be restricted to authorised personnel, with signage detailing health and safety requirements. Dust control systems, stormwater management, and health and safety facilities will be established.

10.178 Contractors and subcontractors will undergo induction training covering the CSMP, contamination indicators, and asbestos awareness. PPE will be available, with restrictions on eating, drinking, and smoking outside designated areas. Dust and stormwater controls will be implemented, and groundwater managed via containment and testing.

10.179 Soil excavation and disposal will be managed carefully, with records maintained. Stockpiles will be limited in height, placed on impermeable surfaces, and covered. Surplus material will require disposal at licensed facilities, with trucks covered during transport.

10.180 For areas with asbestos, unlicensed asbestos work procedures will apply. Dust suppression and minimal stockpiling will be prioritised. Off-site disposal will follow strict protocols, including approval from licensed facilities.

10.181 Unexpected contamination will be managed by stopping work within a 20m radius, notifying the site supervisor and Suitably Qualified Experienced Practitioner (**SQEP**), and implementing appropriate remediation or disposal measures. Regulatory authorities will be informed if necessary.

Site closure reporting

10.182 Following the completion of the soil disturbance works, the site contractor or nominated SQEP will prepare a Site Closure Report (**SCR**) summarising the works completed

[157] Pg.35; Section 8.5; Ibid.

(including records of soil removed from the site, the results of any additional investigations, accidental soil contamination discoveries, and other complaints or incidents). The SCR will be submitted to Auckland Council as required to satisfy any conditions of the resource consent.

Any unreasonable emission of noise (clause 7(f) of Schedule 5)

Construction noise effects

10.183 An assessment of the construction noise effects of the Project has been undertaken by Marshall Day (refer to **Attachment 9**).

Construction noise effects on people

10.184 The assessment of Marshall Day (at Section 4) identifies pile driving as the loudest construction activity associated with the Project. Other construction activities, such as concrete pours, are anticipated to be indistinguishable from regular port activities. Although large concrete pours may commence before dawn, they are unlikely to generate noticeable noise impacts at night.

10.185 Predicted façade noise levels for pile driving and other activities have been modelled by Marshall Day for sensitive receivers in both the adjacent Business and Residential Zones. For vibratory pile driving, noise levels are conservatively and representatively expected to range from 56–46 dB L_{Aeq} at 550 m and 49–39 dB L_{Aeq} at 1.3 km. For impact pile driving, noise levels are predicted to range from 63–54 dB L_{Aeq} at 550 m and 56–47 dB L_{Aeq} at 1.3 km. Other construction activities, such as the operation of concrete trucks and pumps, will produce lower levels of noise, ranging from 43 dB L_{Aeq} at 550 m to 36 dB L_{Aeq} at 1.3 km.[158]

10.186 Marshall Day expects the Project to readily comply with the Auckland Unitary Plan's construction noise limits for sensitive receivers located outside the Port Precinct. Specifically, noise levels at the Business Zone on the southern side of Quay Street are predicted to range between 43–63 dB L_{Aeq}, while levels at the Residential Zone interfaces to the north and east are predicted to range between 36–56 dB L_{Aeq}. Although the simultaneous operation of two pile-driving rigs could marginally increase cumulative noise levels by 1–3 decibels, Marshall Day considers this change to be indiscernible in

158 Pg.9; Table 2; Construction Noise; Marshall Day; February 2025.

terms of human perception, with the cumulative duration of overlapping noise being more apparent.[159]

Construction noise effects on marine fauna

10.187 The construction noise assessment identifies several species of marine fauna potentially affected by underwater noise generated by underwater noise generated by vibro and impact pile driving. Species of interest include marine mammals (such as orca, common dolphins, bottlenose dolphins, fur seals, and leopard seals), kororā (little penguins), and various fish species. The closest known kororā burrow is located 620 meters from the Fergusson North Berth extension.[160]

10.188 Physiological effects on marine mammals have been assessed by Marshall Day using Temporary Threshold Shift (**TTS**) and Permanent Threshold Shift (**PTS**) criteria from the NOAA 2024 Guidelines. TTS zones for vibro pile driving are predicted to be less than 200 meters, while for impact pile driving they extend up to 2,350 meters. Marshall Day advises that the use of bubble curtains during impact pile driving would reduce the largest TTS zone to 825 meters,[161] with the most significant reductions at frequencies above 2 kHz.[162] PTS zones are much smaller, with most species having PTS thresholds that are not exceeded for vibro pile driving. For impact pile driving, PTS zones range from less than 50 meters for high-frequency cetaceans to 525 meters for phocid pinnipeds, depending on the species group and location.[163]

10.189 Behavioural effects on marine mammals are also addressed by Marshall Day, with larger zones identified compared to TTS zones. Behavioural response zones for impact pile driving have been assessed to be significantly reduced when hammer cushions and bubble curtains are employed. Vibro pile driving has been assessed by Marshall Day to produce smaller behavioural response zones, with lower noise levels reducing potential disturbance.[164]

10.190 Marshall Day predicts that fish species will experience limited physiological impacts. Mortality zones are restricted to within 50 meters of the piling site,[165] while TTS zones extend up to 580 meters for impact pile driving and less than 200 meters for vibro pile

159 Pg.9; Ibid.
160 Pg.10; Section 5.1; Ibid.
161 Pg.20; Table 7; Ibid.
162 Pg.18; Section 5.6.3; Ibid.
163 Pg.19; Table 6; Ibid.
164 Pg.20; Table 8; Ibid.
165 Pg.19; Table 6; Ibid.

driving.[166] Behavioural response zones for fish, based on a conservative threshold of 150 dB RMS, extend up to 405 meters for impact pile driving and less than 200 meters for vibro pile driving.[167]

10.191 For little penguin, Marshall Day advises that PTS zones for kororā are less than 50 meters for impact pile driving, while no physiological effects are predicted for vibro pile driving. Behavioural response zones for kororā extend up to 3,150 meters for unmitigated impact pile driving and are reduced to 640 meters for vibro pile driving.

10.192 To mitigate these effects, a UCNMP will be implemented to set out:

(a) Methods to reduce the underwater noise at source by selecting pile driving equipment and methodologies that generate lower noise emissions.

(b) The approach to scheduling of high noise works based on the ecologist's recommendations to manage pile driving during sensitive seasonal periods.

(c) Methods to mitigate noise from piling works, including where necessary the use of bubble curtains, or other systems to reduce noise propagating into and through the water column.

(d) Validation of the underwater noise levels and mitigation, including underwater noise measurements to validate the size of the predicted zones and review of the effectiveness of mitigation and management measures.

(e) Marine mammal observation processes to identify marine mammal presence within the predicted TTS during piling, comprising visual monitoring from a static land-based observation point(s) 30 minutes prior to commencing all impact piling operations.

(f) Shut down procedures in the event that a marine mammal is detected within or approaching the TTS zones.

10.193 Having regard to the above matters, and the assessment of KEL (refer to paragraphs 10.144 to 10.146 above, the mitigation measures set out within the UNCMP will significantly reduce the potential construction noise effects on marine mammals and little penguin to an acceptable level.

166 Pg.20; Table 7; Ibid.

167 Pg.20; Table 8; Ibid.

Any risk to the neighbourhood, the wider community, or the environment through natural hazards or hazardous installations (clause 7(g) of Schedule 5)

10.194 While the Project will be susceptible to 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 be resilient to natural hazards. The Project will not increase the risk of social, environmental, and economic harm from natural hazards, and will avoid the establishment of development that would increase the risk of adverse effects from natural hazards.

Assessment of any risks to the environment that are likely to rise from the use of hazardous installations (clause 6(1)(b) of Schedule 5)

10.195 The Project does not involve the use of a hazardous installation.

A description of the discharge of any contaminant (clause 6(1)(c) of Schedule 5)

<u>The nature of the discharge and the sensitivity of the receiving environment to adverse effects</u>

10.196 The preceding analysis has confirmed that the effects of the discharges that will occur as a result of the proposal will be less than minor in nature, and a necessary consequence of the development of the Project as part of the wider commercial port operation.

<u>Any possible alternative methods of discharge, including discharge into any other receiving environment</u>

10.197 Relative to the issue of alternatives, one option that is available to POAL is to collect the stormwater from the wharf deck and discharge it to the existing reticulated system (located on the adjacent land). However, this option has been discounted on the basis that the stormwater will still ultimately be discharged to the CMA (without any further treatment). To this end, the method of discharge that is proposed is considered to represent the BPO and is the most appropriate in the circumstances of the receiving environment.

A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effects of the activity (clause 6(1)(d) of Schedule 5)

10.198 The Project incorporates a wide range of mitigation measures to help prevent or reduce the actual or potential effects of the activity, as set out in the proposed conditions at **Attachment 15**. These include:

(a) A Construction Management Plan (refer to Conditions 16 to 18).

(b) An Erosion and Sediment Control Plan (refer to Conditions 21 to 24).

(c) An Underwater Construction Noise Management Plan (refer to Conditions 29 to 31).

(d) An Operation and Maintenance Plan (refer to Conditions 37 to 39).

(e) An updated Environmental Management Plan: Stormwater (refer to Conditions 41to 44).

(f) A Transport Management Plan (refer to Conditions 48 to 50).

(g) A final Little Penguin Management Plan (refer to Conditions 59 to 62).

(h) A Contaminated Soils Management Plan (refer to Conditions 65 to 70).

10.199 In addition:

(a) Water quality monitoring is proposed (refer to conditions 51 to 58).

(b) Ecological enhancements are proposed within the Port of Auckland in the form of fish habitats and mussel ropes (refer to conditions 63 to 64).

(c) Coastal processes will be monitored through Acoustic Doppler Current Profiler measurements and bathymetric surveys, which will provide data on current conditions and seabed changes (refer to condition 71).

Identification of persons who may be affected by the activity and any response to the views of any persons consulted, including the views of iwi or hapu that have been consulted in relation to the proposal (clause 6(1)(e) of Schedule 5)

10.200 A summary of all consultation undertaken by POAL is appended as **Attachment 3**. Paragraphs 10.86 to 10.105 above set out the response to the views of iwi or hapu that have been received.

If iwi or hapu have elected not to respond when consulted on the proposal, any reasons that they have specified for that decision (clause 6(1)(f) of Schedule 5)

10.201 Any reasons why specific iwi or hapu have elected not to respond when consulted on the Project are set out within the summary of consultation that is appended as **Attachment 3**.

If the scale and significant of the activity's effects are such that monitoring is required, a description of how the effects will be monitored and by whom, if the activity is approved (clause 6(1)(g) of Schedule 5)

10.202 Coastal processes will be monitored through a comprehensive programme involving ADCP measurements and bathymetric surveys. These methods will provide ongoing data on current conditions and seabed changes. Baseline data will be collected before

construction, with subsequent surveys conducted every two years for a period of six years. This data will assess any long-term impacts on the coastal marine area. The results will be reviewed and reported to Auckland Council by a qualified coastal engineer.

10.203 A MMOZ will be implemented during piling activities through the implementation of the UCNMP. A trained MMO will visually monitor the zone for at least 30 minutes before piling begins, using pre-start, soft-start, and shut-down procedures to minimise risks to marine mammals. Observations and responses will be recorded, and an incident log will be maintained and provided to Auckland Council as part of compliance reporting.

10.204 Stormwater discharges from the new infrastructure will be monitored to ensure compliance with TP10 standards and BPO requirements. Samples will be taken periodically from discharge points, and analyses will be conducted to measure contaminants such as sediment, hydrocarbons, and metals. The monitoring results will be included in an annual environmental report, prepared by a suitably qualified environmental professional, and submitted to Auckland Council for review.

10.205 The implementation of the CSMP will include monitoring the handling and disposal of contaminated materials during construction. A SCR will be prepared by a SQEP following the completion of soil disturbance works. The SCR will document soil removal, contamination findings, incident responses, and compliance with consent conditions. This report will be submitted to Auckland Council as part of the consent requirements.

10.206 Post-construction, operational monitoring will include the inspection and maintenance of stormwater treatment devices, spill response equipment, and other infrastructure to ensure ongoing effectiveness. These inspections will be documented as part of the EMP:S framework, with records audited annually and reviewed by an external environmental consultant.

An assessment of any effects of the activity on the exercise of a protected customary right (clause 6(1)(h) of Schedule 5)

10.207 The activity will not affect the exercise of a protected customary right.

A consent application need not include any additional information specified in a relevant policy statement or plan that would be required in an assessment of

environmental effects under clause 6(2) or 7(2) of Schedule 4 of the RMA (clause 6(2) of Schedule 5)

10.208 The Auckland Unitary Plan has no special information requirements that are directly relevant to this substantive application. No other information or assessment is required to be provided in the assessment of environmental effects by a policy statement or plan relevant to the consideration of this substantive application.

11 PLANNING FRAMEWORK

11.1 This section of the application is provided in accordance with Schedule 5, clause 5(1)(h), which requires an assessment be provided against the following documents

(a) A national environmental standard.

(b) Other regulations made under the Resource Management Act 1991.

(c) A national policy statement made under the Resource Management Act 1991.

(d) A New Zealand coastal policy statement.

(e) A regional policy statement or proposed regional policy statement.

(f) A plan or proposed plan.

(g) A planning document recognised by a relevant iwi authority and lodged with a local authority.

11.2 The Project has been considered against the above documents in the following sections of this report.

A national environmental standard (clause 5(2)(a) of Schedule 5)

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

11.3 The Project involves the disturbance of soil on the site in a manner that does not comply with the permitted standards of Regulation 8(3) of the NES-CS. A PSI/DSI report has been prepared by Beca (included at **Attachment 7**), and having regard to the preceding analysis, the measures that are to be implemented by the application are considered to be sufficient to ensure that the potential adverse effects of the Project on human health can be mitigated to the extent that they are less than minor in nature.

Other regulations made under the Resource Management Act 1991 (clause 5(2)(b) of Schedule 5)

11.4 There are no other regulations made under the RMA that are relevant to the consideration of the Project.

A national policy statement made under the Resource Management Act 1991 (clause 5(2)(c) of Schedule 5)

National Policy Statement for Urban Development 2020

11.5 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:

(a) 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.

(b) 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.

(c) 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.

(d) Policy 6, which requires decision-makers to have particular regard to:

a. the planned urban built form anticipated by those RMA planning documents that have given effect to this National Policy Statement;

b. 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;

c. the benefits of urban development that are consistent with well-functioning urban environments (as described in Policy 1);

d. any relevant contribution that will be made to meeting the requirements of this National Policy Statement to provide or realise development capacity; and

e. the likely current and future effects of climate change.

11.6 The Project will contribute to a well-functioning urban environment by establishing a new mixed-use wharf (Bledisloe North 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 and Marsden Wharves for public use within the mayor's two- to three-year timeframe;

(b) establish a mixed-use wharf that will accommodate multi-cargo vessels and cruise ships that are over 300m in length, thereby reducing the number of large cruise ships (300m+) berthing at Princes Wharf (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 constructing an extension to the existing terminal, which will enable quay cranes to access the full length of 10,000 teu container ships, 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.

11.7 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.

11.8 14.812.8 The Project enables POAL the opportunity to transfer the Captain Cook and Marsden Wharves to Auckland Council for public access, which will improve public accessibility to the Waitematā Harbour. It also provides the opportunity for Auckland Council 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.

A New Zealand coastal policy statement (clause 5(2)(d) of Schedule 5)

New Zealand Coastal Policy Statement 2010

11.9 The 2010 New Zealand Coastal Policy Statement (**NZCPS**) contains seven objectives and 29 policies. The following assessment is provided against the policies of the NZCPS are considered to be of particular relevance to the project.

11.10 Policy 2 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.

11.11 Consistent with Policy 2, POAL has undertaken engagement with relevant Mana Whenua to gain an understanding on these matters. It has also sought 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 have informed the Project, including in relation to the management of cultural effects.

11.12 Policy 6 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 locate in the coastal marine area and provides for those activities in appropriate places.

11.13 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.

11.14 Policy 9 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.

11.15 This Project is consistent with Policy 9 as the Project will improve the safety and efficiency of the port and enable POAL to safely and efficiently handle larger ships.

11.16 Policy 11 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.

11.17 Consistent with Policy 11, no threatened, naturally rare, or nationally significant indigenous biological diversity has been identified and other significant adverse effects able to be avoided through the imposition of conditions of consent.

11.18 Policy 13 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 all other areas of the coastal environment.

11.19 The Project is located in a modified, manmade, coastal environment, as opposed to an area of outstanding natural character. 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 the proposed conditions of consent.

11.20 Policy 15 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.

11.21 The Project is not located within an area of outstanding natural features or outstanding natural landscapes. 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 the proposed conditions of consent.

11.22 Policy 23 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.

11.23 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 and the Fergusson Extension Berth are appropriately managed to avoid the contamination of the coastal marine area that is more than minor.

11.24 Policy 25 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.

11.25 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

11.26 The Hauraki Gulf Marine Park Act (**HGMPA**) must be treated as a New Zealand Coastal Policy Statement issued under the RMA.[168] It 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 Haruaki Gulf for the benefit of and enjoyment of the people and communities of the Haruaki Gulf and New Zealand.

11.27 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.

A regional policy statement or proposed regional policy statement (clause 5(2)(e) of Schedule 5)

11.28 With reference to the preceding assessment of the activity, the following assessment of the Project is provided in relation to the regional policy statement chapter of the Auckland Unitary Plan.

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

11.29 The Port of Auckland 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). 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).

11.30 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)).

168 Section 10; HGMPA.

11.31 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)).

11.32 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

11.33 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)).

11.34 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)).

11.35 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 mitigate its effects (Objective B3.2.1(8)).

11.36 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.

11.37 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)).

11.38 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).

11.39 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)).

B4. Te tiaki taonga tuku iho - Natural heritage

11.40 With reference to the assessment of Boffa Miskell, the Project will protect the outstanding natural features and landscapes (Objective B4.2.1(1), Policy B4.2.2(3), and Policy B4.2.2(6)).

B6. Mana Whenua

11.41 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)).

11.42 POAL has engaged with relevant Mana Whenua to gain an understanding on the above matters. It has also sought the views of the relevant applicant groups pursuant to section 62(3) of the MACAA. As discussed at paragraphs 10.86 to 10.105 above, all discussions and responses with Mana Whenua and relevant applicant groups under the MACAA have informed the Project, including in relation to the management of cultural effects.

B8. Toitū te taiwhenua - Coastal environment

11.43 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)).

11.44 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)).

11.45 The functional and operational needs of the Project are such that in order to accommodate cruise ships over 300m length and relocate RORO from Captain Cook Wharf to create efficiencies in operation at the Fergusson Terminal and the transfer of Captain Cook and Marsden Wharves to Auckland Council for public use, it is necessary to construct the Bledisloe North Wharf. Similarly, to enable quay cranes to access the full length of the berth, removing current inefficiencies and constraints on the loading and unloading of vessels and provide capacity at the Port of Auckland for 10,000 teu ships, it is necessary to construct the Fergusson North Berth Extension. The Project cannot practicably be located on land or without further coastal structures, and the proposal has been assessed to be an efficient use of the natural and physical resources of the coastal marine area (Policy B8.3.2(3)).

11.46 The Project has been designed to avoid, remedy, and mitigate the adverse effects above and below MHWS, including the effects on existing uses and on the coastal receiving environment (Policy B8.3.2(4)).

11.47 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 Project is not required with reference to Policy B8.3.2(5).

11.48 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)).

11.49 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)).

11.50 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)).

A plan or proposed plan (clause 5(2)(f) of Schedule 5)

11.51 With reference to the preceding assessment of the activity, the following assessment of the Project is provided in relation to the objectives and policies of the Auckland Unitary Plan.

I202 – Port Precinct

11.52 The stated purpose of the Port Precinct is "to provide for a nationally and regionally significant component of Auckland and New Zealand's transport infrastructure and trade network. The precinct primarily consists of land and coastal areas owned or controlled by Ports of Auckland Limited".

11.53 Of direct relevance to the Project, the Auckland Unitary Plan recognises that:

> Within the precinct it is recognised that the coastal environment has already been modified by structures and port activities and that the land adjoining the coastal marine area provides for the infrastructure to service the marine and port activities. It is therefore appropriate to suitably recognise this, and make provision for the continued use and development of the precinct, while avoiding, remedying, or mitigating adverse effects.

11.54 The Project provides for the efficient operation, growth and intensification of marine and port activities and 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)). Provision 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.

11.55 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 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)).

11.56 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)).

11.57 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

11.58 Of direct relevance to the Project, Objective H8.2(6) recognises the 'Business – City Centre' zone as an internationally significant centre for business 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)). Furthermore, Objective H8.2(10) seeks that a hub of an integrated regional transport system is located within the city centre.

11.59 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)).

11.60 Overall, the Project will 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 directly contributes to business and development opportunity there.

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

11.61 As discussed, POAL is the holder of a permit under ss 12 and 384A of the RMA which authorises the occupation of the coastal marine area at this location for 'port activities', including structures, buildings, and slipways within this area.

11.62 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)).

11.63 By locating within that part of the CMA that is subject to existing occupation rights under s.384A of the RMA, the extent of the occupation of the CMA 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)).

11.64 Therefore, the following analysis is provided in relation to the objectives and policies of the Auckland Unitary Plan that relate to the use of the coastal marine area under s 12(3) of the RMA (the consideration of the proposed structures under s 12(1) of the RMA are discussed separately).

11.65 In this regard, the objectives of the Auckland Unitary Plan seek to ensure that:

(a) efficient use is made of the coastal marine area by consolidating use and development within appropriate areas, where practicable (Objective F2.14.2(4)); and

(b) use and development in the coastal marine area is supported by all necessary land-based access and infrastructure (Objective F2.14.2(7)).

11.66 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 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.

11.67 The Project seeks to utilise the coastal marine area for activities that have a functional and operational need to locate below mean high water springs. The area that is to be occupied has been identified within the provisions of the Port Precinct as being a suitable location for the activities. This is consistent with the outcomes envisaged by Policy F2.14.3(1)(a), which enables the use and occupation of the common marine and coastal area to provide for such types of uses and development.

11.68 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)).

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

F2.16 – Structures

11.70 Of direct relevance to the Project, the objectives relating to structures within the CMA require that:

(a) Structures are generally limited to those that have a functional need to be located in the coastal marine area, or those that have an operational need and that cannot be practicably located outside of the coastal marine area (Objective F2.16.2(1)).

(b) Structures provide for public access and multiple uses where practicable, other than those restricted by location or functional requirements (Objective F2.16.2(2)).

(c) Structures are appropriately located and designed to minimise adverse effects on the ecological, natural character, landscape, natural features, historic heritage and Mana Whenua values of the coastal marine area, and avoid to the extent practicable the risk of being adversely affected by coastal hazards (Objective F2.16.2(3)).

11.71 In implementing the above objectives, Policy F2.16.3(1) limits structures to the following:

(a) those that generally have a functional need to be located in the coastal marine area, or that have an operational need and cannot be practicably located outside of the coastal environment;

(b) where the proposed purpose or use cannot practicably be accommodated on existing structures or facilities;

(c) those that are necessary to provide access to land where there are no practicable land-based access options, and there is no existing structure in close proximity that could provide reasonable access; and

(d) locations where the purpose and frequency of use warrants the proposed structure, and an alternative that would have lesser effects is not a practicable option.

11.72 The proposed structures within the CMA are limited to those which have a functional and operational need (Objective F2.16.2(1)). While public access to the wharves is necessarily restricted for safety and security reasons, the Bledisloe North Wharf has been designed to accommodate multiple uses (Objective F2.16.(2)). Furthermore, the nature of the activities is such that the structures cannot be practicably located outside of the CMA and cannot practicably be accommodated on existing structures or facilities (Policy F2.16.3(1)).

11.73 Policy F2.16.3(2) requires the adverse cumulative impacts from structures in the Coastal – General Coastal Marine Zone to be avoided, taking into account the number of structures in the immediate surrounding area. Having regard to the assessment of the activity against the criteria in clauses 12 to 14 of Schedule 4 of the FTAA, it is considered that the in the context of the existing and likely future activities that are to establish within this area of the City Centre, the proposal will not result in adverse cumulative effects.

11.74 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)).

11.75 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)).

11.76 In terms of the location and design of structures, Policy F2.16.3(7) requires structures in the Coastal – General Coastal Marine Zone to be located to minimise:

(a) impacts on other coastal activities, including activities provided for in zones or resource consents;

(b) adverse effects on recreational use, including popular anchorage areas;

(c) adverse effects on public access to and along the coastal marine area;

(d) visual impacts, particularly in areas sensitive to effects such as headlands or the outer edges of enclosed bays, as seen from both land and water;

(e) the size of the structure, including the size in relation to wharves and jetties and consider providing for partial rather than all-tide access, unless this is not a practicable option given the function and frequency of use;

(f) the risk of being affected by coastal hazards including sea level rise;

(g) the need for dredging, including ongoing dredging to maintain water access; and

(h) adverse effects on scheduled sites and places of significance to Mana Whenua.

11.77 Having regard to the analysis of Navigatus Consultants, Boffa Miskell, and Beca, the Project has been designed to achieve these outcomes. The wharf structures are located 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.

11.78 Consistent with Policy F2.16.3(8), the preceding analysis also confirms that the wharf structures have been designed to be designed to:

(a) be minimum size reasonably necessary to provide for the proposed use;

(b) be multi-purpose where practicable and where it will not conflict with operational or safety requirements;

(c) minimise impacts on natural character and amenity values and generally fit with the character of any existing built elements, including the use of materials and colours having regard to safety requirements;

(d) not increase rates of coastal erosion; and

(e) take into account dynamic coastal processes, including the expected effects of climate change and sea level rise.

11.79 In respect of the works to the northern revetment of the Bledisloe Terminal, Policy F2.16.3(16) requires the design and location of the revetment to minimise its adverse effects on natural character and amenity values, and has appropriately taken into account dynamic coastal processes (including the effects of climate change and sea level rise assessed at least over a 100 year timeframe, and the potential for inundation).

11.80 The preceding assessment confirms that the works to the proposed revetment will not result in the type of effects that Policy F2.16.3(16) is concerned with, and has appropriately taken into account dynamic coastal process, including the effects of climate change and sea level rise.

11.81 Consistent with Policy F2.16.3(19) the proposed coastal marine area structures form part of, and are integrated with, the landward component of the ferry terminal activity, thereby ensuring that the use of land-based infrastructure is appropriately provided for.

11.82 The analysis of Navigatus Consulting also confirms that the proposed structures will maintain, and not pose a risk to, navigation and safety, as required by Policy F2.16.3(21).

F2.18 – Underwater noise

11.83 To the extent that it is necessary to undertake impact piling to facilitate the construction of the wharf piles, the associated underwater noise effects are required to be managed to maintain the health and wellbeing of marine fauna and users of the coastal environment (Objective F2.18.2(1)).

11.84 This is to be achieved by:

(a) requiring impact piling in the coastal marine area to adopt the best practicable option to manage noise so that it does not exceed a reasonable level (Policy F2.18.3(1));

(b) assessing the following matters (Policy F2.18.3(2)):

(i) the health and wellbeing of marine fauna (including threatened and at-risk species) and people from the noise associated with the proposal;

(ii) the practicability of being able to control the noise effects;

(iii) the social and economic benefits to the community of the proposal; and

(iv) the extent to which the adverse effects of noise will be mitigated;

(c) enabling the generation of underwater noise where that noise is in association with the following activities (Policy F2.18.3(3)):

(i) the operational requirements of vessels;

(ii) construction or operation of marine and port activities, marine and port facilities, marina activities, marine and port accessory structures and services, maritime passenger facilities and dredging, that do not involve underwater blasting, impact vibratory piling, or marine seismic surveys; and

(iii) sonar not including marine seismic surveys.

11.85 The draft UNCMP prepared by Marshall Day Acoustics sets out the methodology that is to be implemented to mitigate the effects of the impact piling. The methodology is consistent with that which has been employed across other parts of the Auckland waterfront and is considered to represent the best practicable option to manage the associated noise effects.

11.86 The effects of the underwater noise have been assessed by KEL, which confirms that the management of the piling works will assist in minimising the adverse effects on mammals

entering the management zones of the construction area. Effects are likely to be primarily of a behavioural nature.

11.87 The implementation of the impact piling methodology combined with the limited duration of the works are sufficient to ensure that the underwater noise effects can be appropriately controlled and mitigated.

11.88 As discussed, the piling activities will facilitate the construction of marine and port activities and marine and port facilities and will deliver significant economic benefits, not only through investment into the Port and growth in demand for imports and exports, but also through employment opportunities for those in the construction sector and improved berthing facilities for large cruise ships.

E11 – Land disturbance – Regional and E12 – Land disturbance - District

11.89 The objectives of the Auckland Unitary Plan that relate to land disturbance provide for land disturbance which is undertaken in a manner that protects the safety of people and avoids, remedies and mitigates adverse effects on the environment (Objectives E11.2(1) and E12.2(1)), and which minimises sediment runoff (Objective E11.2(2)) and achieves soil conservation (Objective E11.2(3)).

11.90 The policies that implement this objective require that:

(a) land disturbance is avoided where practicable (or otherwise remedied or mitigated) on areas where the natural and physical resources have been scheduled in the Plan in relation to natural heritage, Mana Whenua, natural resources, coastal environment, historic heritage and special character (policy E11.3(1) and E12.3(1));

(b) land disturbance is managed to (policy E11.3(2)):

a. retain soil and sediment on the land by the use of best practicable options for sediment and erosion control appropriate to the nature and scale of the activity;

b. manage the amount of land being disturbed at any one time, particularly where the soil type, topography and location is likely to result in increased sediment runoff or discharge;

c. avoid, remedy and mitigate adverse effects on accidentally discovered sensitive material; and

d. maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wāhi tapu, and kaimoana gathering;

(c) the amount of land being disturbed at any one time in managed to (policy E12.3(2)):

   a. avoid, remedy or mitigate adverse construction noise, vibration, odour, dust, lighting and traffic effects;

   b. avoid, remedy and mitigate adverse effects on accidentally discovered sensitive material; and

   c. maintain the cultural and spiritual values of Mana Whenua in terms of land and water quality, preservation of wahi tapu, and kaimoana gathering;

(d) land disturbance is enabled for a range of activities undertaken to provide for people and communities social, economic and cultural well-being, and their health and safety (policy E11.3(4) and E12.3(3));

(e) the impact on Mana Whenua cultural heritage that is discovered by land disturbance is managed by (policy E11.3(3) and E12.3(4)):

   a. requiring a protocol for the accidental discovery of koiwi, archaeology and artefacts of Māori origin;

   b. undertaking appropriate actions in accordance with mātauranga and tikanga Māori; and

   c. undertaking appropriate measures to avoid adverse effects, or where adverse effects cannot be avoided, effects are remedied or mitigated

(f) earthworks are designed and implemented with recognition of existing environmental site constraints and opportunities, specific engineering requirements, and implementation of integrated water principles (policy E11.3(5) and E12.3(5));

(g) earthworks are designed and undertaken in a manner that ensures the stability and safety of surrounding land, buildings and structures (policy E11.3(6) and E12.3(6));

(h) demonstrate where the land disturbance is likely to result in the discharge of sediment laden water to a surface water body or to coastal water to demonstrate that sediment discharge has been minimised to the extent practicable, having regard to the quality of the environment; with (policy E11.3(7)):

   a. any significant adverse effects avoided, and other effects avoided, remedied or mitigated, particularly in areas where there is:

      i. high recreational use;

ii. relevant initiatives by Mana Whenua, established under regulations relating to the conservation or management of fisheries, including taiapure, rahui or whakatapu areas;

iii. the collection fish and shellfish for consumption;

iv. maintenance dredging; or

v. a downstream receiving environment that is sensitive to sediment accumulation;

b. adverse effects avoided as far as practicable within areas identified as sensitive because of their ecological values, including terrestrial, freshwater and coastal ecological values; and

c. the receiving environment's ability to assimilate the discharged sediment being taken into account.

(i) the quality of fresh and coastal water bodies across the region and the effects of land disturbance on water quality and receiving environments are monitored (policy E11.3(8)).

11.91 The Project is consistent with the objectives and policies of the Auckland Unitary Plan as they relate to land disturbance activities. The land disturbance activities:

(a) are not located within an area that has been scheduled under the provisions of the Auckland Unitary Plan;

(b) are of a limited scale, and relates to soils that are not suitable for retention or reuse due to their potential contamination;

(c) have been minimised to the extent that it primarily relates to piling activities;

(d) will facilitate the construction of wharf facilities that will provide for the economic wellbeing of Auckland;

(e) will not be undertaken within any identified wāhi tapu or kaimoana gathering areas, and will contain procedures in terms of protocols for accidental discovery;

(f) recognise the nature of the ground conditions (historic reclamation) and the design of the car handling facility has taken into account the engineering requirements in this regard;

(g) will ensure the stability and safety of surrounding land, buildings and structure;

(h) will be managed to ensure that significant adverse effects are avoided in terms of the discharge of sediment laden water from the site; and

(i) will be managed to ensure that significant adverse effects on water quality will be avoided.

E18 – Natural character of the coastal environment

11.92 In relation to the effects of use and development on the natural character values of the coastal environment, Policy E18.3(3) of the Auckland Unitary Plan requires the avoidance of significant adverse effects, and for other adverse effects to be avoided, remedied or mitigated, taking into account:

(a) the location, scale and design of the proposed subdivision, use or development;

(b) the extent of anthropogenic changes to landform, vegetation, coastal processes and water movement;

(c) the presence or absence of structures, buildings or infrastructure;

(d) the temporary or permanent nature of any adverse effects;

(e) the physical and visual integrity of the area, and the natural processes of the location;

(f) the intactness of any areas of significant vegetation, and vegetative patterns;

(g) the physical, visual and experiential values that contribute significantly to the wilderness and scenic values of the area;

(h) the integrity of landforms, geological features and associated natural processes, including sensitive landforms such as ridgelines, headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs, streams, rivers and surf breaks;

(i) the natural characteristics and qualities that exist or operate across mean high water spring and land in the coastal environment, including processes of sediment transport, patterns of erosion and deposition, substrate composition and movement of biota, including between marine and freshwater environments; and

(j) the functional or operational need for infrastructure to be located in a particular area.

11.93 An assessment of the effects of the Project on the natural character values of the coastal environment has been undertaken by Boffa Miskell, which confirms that significant adverse effects have been avoided. Other adverse effects are proposed to be appropriately avoided, remedied or mitigated through the design and layout of the wharf structures, which have been kept to the minimum size required to achieve their intended function and sited such that they appear as a logical extension to the existing land and wharf-based port infrastructure at the Port of Auckland.

11.94 In relation to ecology, Policy E18.3(9) of the Auckland Unitary Plan requires the avoidance of activities in the coastal environment where they will result in any of the following:

(a) non-transitory or more than minor adverse effects on:

(i) threatened or at risk indigenous species;

(ii) the habitats of indigenous species that are at the limit of their natural range or which are naturally rare;

(iii) threatened or rare indigenous ecosystems and vegetation types, including naturally rare ecosystems and vegetation types;

(iv) areas containing nationally significant examples of indigenous ecosystems or indigenous community types; or

(v) areas set aside for full or partial protection of indigenous biodiversity under other legislation, including the West Coast North Island Marine Mammal Sanctuary.

(b) any regular or sustained disturbance of migratory bird roosting, nesting and feeding areas that is likely to noticeably reduce the level of use of an area for these purposes;

(c) the deposition of material at levels which would adversely affect the natural ecological functioning of the area; or

(d) fragmentation of the values of the area to the extent that its physical integrity is lost.

11.95 In addition to the above, Policy E18.3(10) requires the avoidance of activities in the coastal environment which result in significant adverse effects, and avoid, remedy or mitigate other adverse effects of activities, on:

(a) areas of predominately indigenous vegetation;

(b) habitats that are important during the vulnerable life stages of indigenous species;

(c) indigenous ecosystems and habitats that are found only in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;

(d) habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes including fish spawning, pupping and nursery areas;

(e) habitats, including areas and routes, important to migratory species;

(f) ecological corridors, and areas important for linking or maintaining biological values; or

(g) water quality such that the natural ecological functioning of the area is adversely affected.

11.96 An assessment of the ecological effects of the Project has been undertaken by KEL, which confirms that it will not result in the type of adverse effects that are required to be avoided by Policy E18.3(9) and Policy E18.3(10). The adverse effects of the activity can be adequately mitigated to ensure that they will be no more than minor in nature and not of such significance to make the Project contrary to the outcomes that are sought by these policies.

E19 – Natural features and natural landscapes in the coastal environment

11.97 In relation to the effects of use and development on the natural landscapes and natural features of the coastal environment, Policy E19.3(2) of the Auckland Unitary Plan requires significant adverse effects to be avoided, and for other adverse effects to be avoided, remedied or mitigated, taking into account:

(a) the location, scale and design of the proposed subdivision, use or development;

(b) the extent of anthropogenic changes to the natural characteristics and qualities;

(c) the presence or absence of structures, buildings or infrastructure;

(d) the temporary or permanent nature of any adverse effects;

(e) the physical and visual integrity and the natural processes of the location;

(f) the intactness of any areas of significant vegetation, and vegetative patterns;

(g) the physical, visual and aesthetic values that contribute significantly to the

(h) natural landscape's values;

(i) the integrity of landforms, geological features and associated natural processes, including sensitive landforms such as ridgelines, headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs, streams, rivers and surf breaks; and

(j) the functional or operational need for infrastructure to be located in a particular area

11.98 An assessment of the effects of the Project on the natural landscapes and natural features of the coastal environment has been undertaken by Boffa Miskell, which confirms that significant adverse effects have been avoided. Other adverse effects are proposed to be appropriately avoided, remedied or mitigated through the design and layout of the wharf structures, which have been kept to the minimum size required to achieve their intended function and sited such that they appear as a logical extension to the existing land and wharf-based port infrastructure at the Port of Auckland.

E25 – Noise and vibration

11.99 In respect of the potential construction noise effects that will be generated by the construction activities, the objective of the Auckland Unitary Plan enables construction activities that cannot meet noise and vibration standards where the duration, frequency and timing are controlled to manage adverse effects (Objective E25.2(4)).

11.100 This is to be achieved by avoiding, remedying or mitigating the adverse effects of noise and vibration from construction, maintenance and demolition activities while having regard to (Policy E25.3(10):

(a) the sensitivity of the receiving environment; and

(b) the proposed duration and hours of operation of the activity; and

(c) the practicability of complying with permitted noise and vibration standards.

11.101 For the reasons that are discussed within the preceding assessment, the construction noise and vibration effects will be managed to ensure compliance with the relevant Auckland Unitary Plan standards.

11.102 In respect of the potential operational noise effects of the Project, the objectives of the Unitary Plan seek to ensure that:

(a) people are protected from unreasonable levels of noise and vibration (Objective 25.2(1)); and

(b) the amenity values of residential zones are protected from unreasonable noise and vibration, particularly at night (Objective 25.2(2)).

11.103 The policies of the Auckland Unitary Plan seek to:

(a) Minimise, where practicable, noise and vibration at its source or on the site from which it is generated to mitigate adverse effects on adjacent sites (Policy 25.3(2)).

(b) Encourage activities to locate in zones where the noise generated is compatible with other activities and, where practicable, adjacent zones (Policy 25.3(3)).

(c) Use area or activity specific rules where the particular functional or operational needs of the area or activity make such rules appropriate (Policy 25.3(4)).

11.104 The Project is located within the Port Precinct where the relevant noise limits have been set to accommodate the functional and operational needs of marine and port activities. The Project has been assessed by Marshall Day to comply with the relevant Auckland Unitary Plan standards in respect of noise and is therefore considered to appropriately protect people from unreasonable levels of noise.

E27 – Transport

11.105 Relevant to the proposal, the objectives of the Auckland Unitary Plan are to provide safe and efficient parking, loading, and access in a manner that is commensurate with the character, scale and intensity of the zone (Objective E27.2(4)) and to prioritise pedestrian safety and amenity along public footpaths (Objective E27.2(5)).

11.106 The associated policies in relation to the vehicle access arrangements to the site require vehicle crossings and associated access to be designed and located to provide for safe, effective and efficient movement to and from sites and minimise potential conflicts between vehicles, pedestrians, and cyclists on the adjacent road network (Policy E27.3(20)).

11.107 In addition, the policies of the Auckland Unitary Plan seek to restrict vehicle access to and from sites on arterial roads so that (Policy E27.3(21)):

(a) the location, number, and design of vehicle crossings and associated access provides for the efficient movement of people and goods on the road network; and

(b) any adverse effect on the effective, efficient and safe operation of the motorway interchange and adjacent arterial roads arising from vehicle access adjacent to a motorway interchange is avoided, remedied or mitigated.

11.108 The preceding analysis confirms that the proposal is consistent with the environmental outcomes of the Auckland Unitary Plan in this regard. Specifically, and having regard to the analysis of Beca:

(a) the proposed vehicle access arrangements to the site will provide for the safe, effective and efficient movement to and from the site, and minimises potential conflicts between vehicles, pedestrians, and cyclists on the adjacent road network;

(b) the location, number, and design of vehicle crossings and associated access provides for the efficient movement of people and goods on the road network; and

(c) the adverse effects on the surrounding road network will be less than minor.

E33 – Industrial and trade activities

11.109 The objective of the Auckland Unitary Plan is to ensure that industrial and trade activities are managed to avoid adverse effects on land and water from environmentally hazardous substances and discharge of contaminants, or to minimise adverse effects where it is not reasonably practicable to avoid them (Objective E33.2(1)).

11.110 The policies of the Auckland Unitary Plan seek to achieve this objective by:

(a) Managing the use of land for industrial or trade activities to prevent or minimise any adverse effects of storage, use or disposal of environmentally hazardous substances (Policy E33.3(1)).

(b) Requiring industrial or trade activities to have, where reasonably practicable, onsite management systems, processes, containment, treatment, or disposal by lawful means (Policy E33.3(2)).

(c) Requiring measures to be implemented, where contaminants cannot be disposed as trade waste to the wastewater network or contained on site, to minimise adverse effects on land and water (Policy E33.3(3)).

11.111 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.

11.112 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)).

A planning document recognised by a relevant iwi authority and lodged with a local authority (clause 5(2)(g) of Schedule 5)

11.113 There are no planning documents recognised by a relevant iwi authority and lodged with a local authority that are relevant to the consideration of this substantive application.

12 TREATY SETTLEMENTS AND RECOGNISING CUSTOMARY RIGHTS

12.1 The FTAA includes a range of obligations relating to Treaty settlements and recognised customary rights. Section 7 requires all persons performing and exercising functions, powers and duties under the Act to act in a manner that is consistent with the obligations arising under exiting Treaty settlements and customary rights recognised under MACAA and the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.

12.2 Further s 82 provides that where the settlement or Act requires consideration of any document, the document must be given the same or equivalent effect through the decision making as it would have under the Act.

12.3 The following Treaty Settlements and customary rights are relevant to the Project area.

Ngāi Tai ki Tāmaki Claims Settlement Act 2018

12.4 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 the consent authority. It is also specifically relevant to notification decisions under the RMA. The project will be occurring within the statutory acknowledgement area (OTS-403-128). POAL wrote to Ngāi Tai ki Tāmaki outlining the details of the Project and had an online meeting with Ngāi Tai ki Tāmaki to further explain the Project, and answer any questions.

Ngāti Tamaoho Claims Settlement Act 2018

12.5 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). POAL wrote to Ngāti Tamaoho outlining the details of the Project. POAL followed up with Ngāti Tamaoho by email and did not receive a response.

Customary rights recognised under MACAA

12.6 As discussed at paragraph 9.48 above, there are no planning documents prepared by a customary marine title group MACAA that are relevant to the consideration of the Project.

13 CONCLUSION

13.1 The preceding analysis has demonstrated that the Project will facilitate the delivery of an infrastructure and development project with significant regional or national benefits. The purpose of the FTAA is therefore achieved.

13.2 The Project has also been assessed to be consistent with the provisions of Parts 2, 3, 6, and 8 to 10 of the RMA that direct decision making on an application for resource consent. The Project is therefore considered to represent an efficient and effective use of the land and CMA that meets the foreseeable needs of future generations, with substantial long term social and economic benefits in a manner that will avoid, remedy or mitigate the adverse effects on the environment. The purpose of the RMA is therefore achieved.

13.3 There are no relevant provisions of any other legislation that direct decision making under the RMA.

13.4 Subject to the conditions of consent that are proposed within this Application, it is appropriate to grant resource consent to the Project.

PART 2 – SUBSTANTIVE APPLICATION FOR WILDLIFE APPROVAL

14 INTRODUCTION

14.1 Pursuant to s 42(4)(h) of the FTAA, POAL is seeking a wildlife approval under the Wildlife Act for the capture, handling and relocating of little penguin, should it be required during construction of the Project.

14.2 Little penguin are a protected species under the Wildlife Act, therefore POAL requires authorisation under the Act to handle and/or relocate this species. For context, although the Ecological Assessment (**Attachment 31** to the substantive application) concludes that while no little penguin have been found within the rock revetments in the Port, there is a possibility that penguin may be present. Out of an abundance of caution, POAL seeks a wildlife approval authorising the capture, handling and relocation of little penguin, should they be found and need to be relocated during construction of the Project.

14.3 The process by which POAL proposes to handle and relocate little penguin if they are found is set out in the draft Little Penguin Management Plan ('**draft LPMP**') provided at **Attachment 33** to the substantive application and summarised in the sections below. It incorporates Standard Operating Procedures ('**SOP**') to ensure that all aspects, including appropriate training, health and safety, capture/handling methods, and protocols for managing injured or deceased birds, are implemented consistently.

15 FAST-TRACK DECISION MAKING FRAMEWORK AND INFORMATION REQUIREMENTS

15.1 The FTAA provides a process whereby POAL can apply for a wildlife approval as part of its substantive application. A wildlife approval is defined under clause 1 of schedule 7 to mean a lawful authority for an act or omission that would otherwise be an offence under any of ss 58(1), 63(1), 63A, 64, 65(1)(f), 70G(1), 70P, and 70T(2) of the Wildlife Act.

15.2 The capture, handling and relocation of little penguin without lawful authority is an offence under s 63 of the Wildlife Act.

Pre-lodgement requirements

15.3 Pursuant to s 11 of the FTAA, POAL has consulted with Auckland Council, the relevant iwi authorities, hapū, and Treaty settlement entities, the relevant application groups with applications for customary marine title under the MACAA, and the Department of Conservation ('**DOC**') as the relevant administrating agency of the Wildlife Act in relation to the need for a wildlife approval.

15.4 A summary of this consultation is provided with the substantive application at **Attachment 3**.

15.5 Specific to the wildlife approval, POAL has engaged with DOC (refer to **Attachment 34**), who has advised that:

(a) It is well known that little penguins live throughout the Hauraki Gulf and utilise not only natural habitats but also manmade structures adjacent the coast that offer sheltered burrows for roosting and/or breeding. This includes rock walls or breakwaters similar to those we understand the port has at both the ends of Bledisloe North and Fergusson North wharves.

(b) If these rock walls are to be disturbed during construction there is potential for either habitat loss, death or injury to these native seabirds. There have been instances in the past of kororā being crushed in similar coastal construction projects.

(c) In the first instance, these structures should be checked thoroughly for evidence of occupation by these seabirds. This should be undertaken at various times as the species can be transient at times or alternatively, during breeding, permanently occupying burrows over a four-to-six-month period (e.g. July/August to November/December). During January/February kororā will be landbound for three weeks as they moult.

(d) If evidence of little penguin utilising the wharves is found, a penguin management plan should be prepared. As mitigation artificial burrows could be installed as a pro-active measure to mitigate any loss, or simply to enhance the habitat.

(e) Similar consideration should be given to other marine mammals that frequent the inner harbour including seals and dolphins, with regard to keeping them from potentially harmful works or exposure to loud underwater sound which can be disorienting.

(f) The ecological assessment of the rock revetments should also assess the presence of protected skinks which, if found, would also require a management plan.

15.6 In response to the correspondence received from DOC:

(a) While seals and dolphins are known to frequent the inner harbour, the effects of the Project on these marine mammals do not require a wildlife approval. The resource consent contains a requirement for the implementation of an Underwater Construction Noise Management Plan that will address the effects of underwater noise from construction activities on marine mammals.

(b) The presence of protected skinks on the rock revetments has been checked, however, the KEL assessment states that there is no indication that indigenous lizards utilise the rock revetment at the proposed Bledisloe North Wharf location.

Information requirements

15.7 Clause 2 of Schedule 7 of the FTAA prescribes the information requirements that are required in an application for a wildlife approval. The following sections of this report address each information requirement in the order they appear in clause 2.

Criteria for assessment of application for wildlife approval

15.8 Clause 5 of Schedule 7 provides that when considering an application for a wildlife approval, including conditions under clause 6, the Panel must take into account, giving the greatest weight to paragraph (a):

(a) the purpose of the FTAA;

(b) the purpose of the Wildlife Act and the effects of the project on the protected wildlife that is to be covered by the approval;

(c) information and requirements relating to the protected wildlife that is to be covered by the approval (including, as the case may be, in the New Zealand Threat Classification System or any relevant international conservation agreement).

Conditions

15.9 With respect to the setting of conditions, clause 6 of Schedule 7 provides that a Panel may set any conditions on a wildlife approval that the panel considers necessary to manage the effects of the activity on protected wildlife. In setting any condition under subclause (1), the Panel must:

(a) consider whether the condition would avoid, minimise, or remedy any impacts on protected wildlife that is to be covered by the approval; and

(b) where more than minor residual impacts on protected wildlife cannot be avoided, or remedied, ensure that they are offset or compensated for where possible and appropriate; and

(c) take into account, as the case may be, the New Zealand Threat Classification System or any relevant international conservation agreement that may apply in respect of the protected wildlife that is to be covered by the approval.

15.10 The conditions proposed to attach to the wildlife approval sought by POAL are set out in section 17 below.

16 INFORMATION REQUIRED UNDER CLAUSE 2 OF SCHEDULE 7

16.1 The following sections provide the information that is required under clause 2 of Schedule 7.

Purpose of the proposed activity (clause 2(1)(a))

16.2 A description of the Project and its purpose is provided in section 4 above.

16.3 With respect to the wildlife approval being sought as part of POAL's substantive application for the Project, the assessment of effects on the ecological environment prepared by KEL (refer to **Attachment 31**) identifies a range of protected wildlife present at the Port of Auckland which fall under the protection of the Wildlife Act.

16.4 Of relevance to this wildlife approval application, the Ecological Assessment identifies that little penguins (Kororā) (which are classified as 'At Risk – Declining' nationally and 'Threatened - Regionally Vulnerable' regionally), are known to inhabit rock revetments in the Waitematā Harbour. While there have been no sightings within the Port itself, there is the possibility that little penguin may be present within the rock revetments in the Port. The proposed reshaping and upgrading of the rock revetment at Bledisloe North Wharf and the works in the vicinity of the existing rock revetment at the Fergusson terminal therefore have the potential (albeit remote) to impact little penguins and their habitat.

16.5 Ecological advice is therefore for POAL to have management procedures set out in a LPMP in place should little penguin be found during the construction works for the Project. However, POAL cannot implement these management procedures (which include the capture, handling and relocation of little penguin if present) without authorisation under the Wildlife Act.

16.6 The draft LPMP (**Attachment 33**) outlines the procedures for identifying and, if necessary, safely relocating little penguins found within the Project area during construction to prevent injury or death. The draft LPMP incorporates detailed methods from the SOP, including:

(a) Requirements for appropriate training and certification for penguin handlers.

(b) Health and safety protocols to minimise risks during field operations.

(c) Specific procedures for the capture and handling of little penguin.

(d) Protocols for managing injured and deceased little penguin.

16.7 For completeness, while marine mammals are also known to be present within the Waitematā harbour, the application for resource consent includes a suite of measures to mitigate the potential effects of the works (including piling activities) such that a wildlife approval for this aspect of the Project is not required.

Actions the applicant wishes to carry out involving protected wildlife and where they will be carried out (clause 2(1)(b))

16.8 The processes that are proposed to be implemented through the LPMP, as required by the proposed conditions of the wildlife permit and resource consent include:

(a) Preconstruction surveys to identify signs of penguin burrow activity within the Bledisloe North revetment (detected by an approved detector dog or identification of a penguin sign such as guano, feathers, odour, sounds), together with burrow-scope or other suitable cameras to assist with the identification of the burrow contents.

(b) Recording of information from surveys, including:

  (i) The location of dog detection(s) or detection by specialist/handlers.

  (ii) The GPS location of the nest.

  (iii) The identification of any penguin sign.

  (iv) The number of eggs or chicks if seen in the burrow.

  (v) Photographs.

(c) Preconstruction and construction communication with all worksite staff involved in works on the revetment about little penguin to ensure that workers will be able to spot little penguin within their work areas and respond accordingly.

(d) Engagement of approved penguin handlers to be appointed for the duration of the works, in line with the training requirements outlined in the SOP.

(e) Construction surveys for little penguin no less than every three months on the Bledisloe North revetment and on the Fergusson Container Terminal eastern revetment.

(f) Protocols for when little penguin are discovered both pre-construction and during construction (refer to the SOP for capture and handling methods and for overall safety and stress reduction measures).

(g) Capture, handling, and relocation methods, including:

  (i) Who will conduct the relocation (approved handlers who meet the training and certification requirements of the SOP).

(ii) The capture techniques to be employed to ensure minimal stress to the penguins as specified in the SOP.

(iii) The selection and confirmation of suitable relocation sites, to be determined in consultation with DOC Auckland Conservator, in line with the management procedures detailed in the LPMP and supported by the SOP.

(h) Procedures to implement changes to the LPMP.

(i) Protocols for finding injured or deceased little penguin, with specific response actions outlined in the SOP.

Assessment of the activity and its impacts against the purpose of the Wildlife Act (clause 2(1)(c))

16.9 The overarching purpose of the Wildlife Act is to protect animals classed as wildlife and manage game bird hunting in New Zealand. Little penguin are therefore to be protected under the Act.

16.10 The proposed reshaping and upgrading of the rock revetment at Bledisloe North Wharf involve the removal of existing rocks and the placement of larger rocks. This work has the potential to impact potential little penguin and their habitat, as these species are known to burrow and nest within rock revetments. As set out above, although initial surveys undertaken for this Project has not detected little penguin at the Port, their presence at Bledisloe North Berth and the Fergusson reclamation revetment cannot be ruled out.

16.11 Ecological advice is for POAL to have management processes in place through a LPMP to ensure little penguin and their habitat are protected during construction of the Project. The management processes, including the capture, handling and relocation procedures, are detailed in the draft LPMP and supported by the relevant SOP. These measures will be implemented to ensure that little penguin and their habitat are protected, consistent with the purpose of the Wildlife Act.

Protected wildlife species known or predicted to be in the area and, where possible, the numbers of wildlife present and numbers likely to be impacted (clause 2(1)(d))

16.12 There are a range of protected wildlife identified to be present within the Project area. These are set out in the Ecological Assessment at **Attachment 31**.

16.13 However, for the purposes of this wildlife approval (which relates to little penguin only), the number likely to be present and impacted is unknown. Because there has been no detection of little penguins in initial surveys, a wildlife approval is only being sought out

of an abundance of caution as a precautionary measure in case these species are detected during construction works and need to be handled and relocated.

Impacts on threatened, data deficient, and at-risk wildlife species (clause 2(1)(e))

16.14 While other species with conservation significance are acknowledged within the ecological assessment prepared by KEL (**Attachment 31**), the following assessment is primarily focussed on the potential impacts of the Project on little penguins (*Eudyptula minor iredalei*), a species classified as 'At Risk – Declining' nationally and 'Threatened Regionally Vulnerable' in the Auckland region. A summary of the potential effects more broadly has been included at paragraphs 10.127 to 10.149 above.

16.15 The proposed works involve reshaping and upgrading the rock revetment at Bledisloe North Wharf, as well as works within the vicinity of the Fergusson revetment, which could affect existing or potential penguin habitat. Despite surveys not detecting penguins at the Port, their presence cannot be ruled out. The construction activities, including noise and physical alterations to the environment, could also disturb penguins using nearby habitats, such as the eastern container terminal revetment where active burrows were found during initial surveys.

16.16 The wildlife approval will enable little penguin to be handled and relocated as a contingency measure should they be identified during the pre-construction surveys or during construction works. The implementation of the draft LPMP, supported by the SOP, will provide the framework for protecting little penguin throughout the construction period.

Methods proposed to be used to conduct the actions to ensure best practice standards are met (clause 2(1)(f))

16.17 The methods outlined in the draft LPMP are considered to meet best practice standards for penguin conservation during the construction of the Project, are supported by the SOP, and have been informed by the ecological assessment undertaken by KEL, advice received from DOC, and the framework provided by the Wildlife Act.

16.18 The management processes in the draft LPMP are set out in paragraph 16.8 above. The focus is on surveys, inspection and monitoring, discovery protocols, expert engagement, and relocation and handling methods to ensure best practice standards for penguin conservation will be met throughout the Project.

Methods to be used to safely, efficiently, and humanely catch, hold or kill the animals and relevant animal ethics processes (clause 2(1)(g))

16.19 Qualified and permitted wildlife handlers will be engaged to ensure that the capture and handling of penguins are conducted safely and humanely, minimising stress to the penguins and reduces the risk of injury. The handlers will possess the necessary expertise and training as outline in the SOP and will follow the capture and handling protocols specified in the SOP.

Location or locations in which the activity will be carried out (clause 2(1)(h))

16.20 A description of the site at which the activity will be carried out is provided at section 5 above. A map of the site at which the application is to occur is appended as **Attachment 15**.

16.21 The draft LPMP primarily relates to the rock revetment at the Bledisloe North Wharf and adjacent to the Fergusson terminal.

Authorisation to temporarily hold or relocate wildlife (clause 2(1)(i))

16.22 An authorisation to temporarily hold or relocate wildlife is sought as part of this application.

Actual and potential wildlife effects (adverse or positive) of the proposed activity, including effects on the target species, other indigenous species, and the ecosystems at the site (clause 2(1)(j))

16.23 An assessment of the potential wildlife effects of the Project on little penguin and other indigenous species has been undertaken by KEL and is set out at paragraphs 10.112 to 10.149 above. In summary, the effects have been assessed to be minor and localised, with mitigation measures in place to minimise adverse effects.

16.24 Little penguins, while known to nest within the broader Waitematā Harbour, were not detected within the project area during surveys. The proposed reshaping and upgrading of the rock revetment at Bledisloe North Wharf and the works in the vicinity of the existing rock revetment at the Fergusson terminal therefore have the potential (albeit remote) to impact little penguins and their habitat.

16.25 Management measures have been incorporated into the Project through the draft LPMP to outline the procedures for identifying and, if necessary, safely relocating little penguins found within the Project area during construction to prevent injury or death. The draft LPMP, together with the SOP, will be finalised and certified by Council prior to

implementation. The implementation of the LPMP will ensure that the little penguins and their habitat are protected, consistent with the purpose of the Wildlife Act.

Methods to avoid and minimise adverse effects, including any offsetting or compensation to address unmitigated adverse effects (clause 2(1)(k))

16.26 The methods outlined in the draft LPMP above, supported by the SOP, are considered sufficient to avoid or minimise the adverse effects of the Project on little penguins.

Convictions for any offence under the Wildlife Act (clause 2(1)(l))

16.27 POAL and all associated entities have no history of convictions under the Wildlife Act.

Current criminal charges under the Wildlife Act (clause 1A(1)(m))

16.28 No current criminal charges exist against the applicant or any affiliated parties under the Wildlife Act.

Consultation on the application specific to wildlife impacts, including with hapū or iwi (clause 1A(1)(n))

16.29 As set out at paragraph 15.5 above, POAL has consulted with DOC in relation to the proposal (refer to **Attachment 34**).

16.30 POAL is grateful for the engagement and comments provided by DOC to date, and has taken into account the above matters when preparing this application.

16.31 With respect to engagement with hapu or iwi, POAL has engaged with relevant iwi groups in relation to this Project and specific wildlife impacts of concern include the potential disruption to feeding and breeding practices of coastal birds near the site. A summary of this engagement is provided at **Attachment 3** to this application. The preceding analysis has addressed these matters. POAL has committed to proactively engage with the mana whenua groups outlined in paragraphs 10.87 to 10.105 above.

Additional written expert views, advice, or opinions obtained concerning the proposal (clause 1A(1)(o))

16.32 POAL has sought expert advice from KEL in relation to the ecological effects on little penguin and of the Project more broadly.

17 DECISIONS ON WILDLIFE APPROVAL – SECTION 81 OF THE FTAA

FTAA, Schedule 6, clause 1(C)

17.1 This provides an assessment of the wildlife approval application against the statutory framework summarised in section 16 above.

Purpose of the FTAA

17.2 The purpose of the FTAA is set out in s 3 as follows:

> **3 Purpose**
>
> The purpose of this Act is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

17.3 Paragraphs 9.5 to 9.17 above set out the reasons why the Project is consistent with the purpose of the FTAA and has very clear regional and national benefits. That analysis is not repeated here.

The purpose of the Wildlife Act 1953 and the effects of the Project on the protected wildlife that is to be covered by the approval

17.4 The purpose of the Wildlife Act is to protect animals classed as wildlife and manage game bird hunting in New Zealand. Little penguin are therefore to be protected under the Act.

17.5 An assessment of the potential wildlife effects of the Project on little penguin has been undertaken by KEL. In summary, the effects have been assessed to be minor and localised, with mitigation measures in place to minimise adverse effects. With respect to the activities sought to be authorised under the wildlife approval for little penguin, these are proposed with the sole purpose of protecting little penguin from harm during the proposed construction works. The purpose of the Wildlife Act is therefore considered to be achieved.

Information and requirements relating to the protected wildlife that is to be covered by the approval

17.6 With respect to the proposed capture, handling and relocation of little penguin (if required) summarised above, the methods and processes to be adopted are considered to be consistent with best practice and will ensure that the impacts on little penguin and their habitat (if found) are minimised as much as is practicable. These methods are detailed in the draft LPMP and supported by the relevant SOP.

Proposed conditions

17.7 The following conditions are proposed as part of the wildlife approval:

(a) The Consent Holder shall submit a final a Little Penguin Management Plan (LPMP).

(b) The objectives of the LPMP shall be to:

(i) Provide the framework for responding to little penguin finds in pre-construction surveys or an unexpected find of little penguin during construction works.

(ii) Ensure appropriate methods and procedures are in place to protect little penguins in the event they are found during construction of the Project, in accordance with the SOP.

(c) For certification purposes, the LPMP shall, at a minimum include the methods and processes for:

(i) Surveying and monitoring for Little Penguin both pre-construction and during construction.

(ii) Training construction staff for what to do in the event a Little Penguin is found during construction.

(iii) Reporting and communicating the presence of Little Penguin within the Project area.

17.8(v) Responding to a Little Penguin sighting within or near to the Project area.

(iv) The management and relocation of Little Penguin if found within or near to the Project area.

(b) Prior to any construction work being undertaken in relation to the Bledisloe North Berth, the Consent Holder shall ensure that the northern Bledisloe Terminal rock bund is checked for the presence of Little Penguin by a SQEP. If any Little Penguin are identified within or adjacent to the construction area and are considered to be at risk by the SQEP and would benefit from translocation, then they shall be translocated to other suitable habitat in accordance with the processes set out in the LPMP and the SOP.

17.9 The above conditions are considered to be sufficient to appropriately avoid, minimise, or remedy any impacts on little penguin. The methods set out within the LPMP meet best practice standards for penguin conservation and are informed by advice from DOC and the framework provided by the Wildlife Act.

17.10 No more than minor residual effects on little penguin have been identified and no offsets or compensation is considered necessary.