Attachment 20

Copy of Industrial or Trade
Activity discharge permit

AUCKLAND REGIONAL COUNCIL

Report for Discretionary Activity Application

Sections 93, 94, 94A – 94D and 104 and 104B Assessment and Determination in accordance with the Resource Management Act 1991.

PURPOSE: To authorise the discharge of contaminants into the coastal marine environment, namely the central Waitemata Harbour, from an industrial or trade process, namely of the operation of the commercial port wharfs (as described in the legal description in Section 1 of this report) by Ports of Auckland Limited.

FROM: Jacqueline Anthony, Consents and Compliance Officer – Industrial and Trade Processes

TO: Kirsteen McDonald, Manager – Industrial and Trade Processes

DATE: 19 February 2010

SECTION 1 – DESCRIPTION OF APPLICATION

1.1 APPLICATION DETAILS

Applicant's Name:	Ports of Auckland Limited
Consent Number:	25179
File Number:	15613
Date Application Received:	30 March 2001
Date Application Accepted:	30 March 2001
Site Address/Location:	The commercial port wharfs owned and operated by Ports of Auckland Ltd. The legal descriptions are given below and Maps 1 & 2 outline the specific wharfs included in the application.

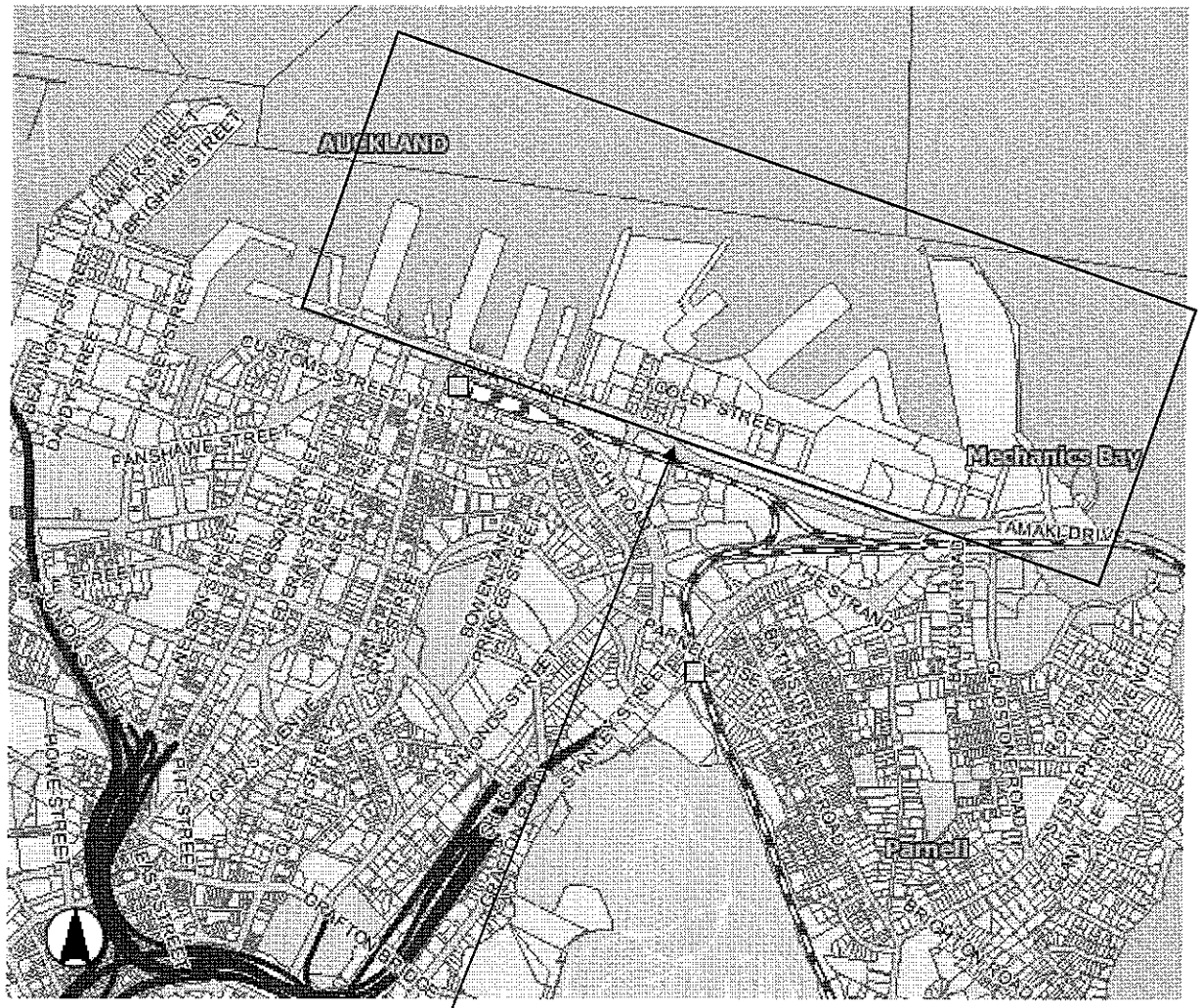
Date of Site Visit:	14 May 2007
Map Reference (NZTM):	X 1758068 Y 5921039
Site Area:	90 hectares
Legal Description:	**Bledisloe to Fergusson Terminals:** Lot 1 DP 397737. Part Lot 1 & Lots 2-12 DP 131562. Part Allotment 89 of Section 1 Suburbs of Auckland. Lots 1-6 and Part Lots 8 & 9 DP 37131. Section 1 on SO Plan 51659. Lot 1 DP 35678. Lot 1 DP 46333. Section 1 on SO Plan 66968. Section 1 on SO Plan 67463. Lots 1 & 2 DP 53353. Lot 1 DP 50089. Lot 4 DP 63526. Lots 1-4 DP 66871. Lots1 & 2 DP 53354. Section 1, 2 & 3 on SO Plan 402484. Part Lots 6, 11 & 19 & Lots 3-8 and 12-14 Block XXII Deeds Plan 225. Section 15 on SO Plan 22583. Lots 10 & 11 Block XXII Deeds Plan 225. Part Lot 2 & 5 & Lots 3, 4, 7, 8 & 9 Block XXII Deeds Plan 225. Lot 1 DP 76518. Section 1 on SO Plan 68637. Lot 13 DP 131563. Section 53 Block VIII Rangitoto Survey District. Lots 1 & 2 DP 149616. Part Lot 5 & Lots 6-17 Kings Wharf Reclamation & Lots 4 & 5 Deeds Plan 905. Lot 1 DP 76219 Section 1 on SO Plan 64076.

	Queens, Capt. Cook and Marsden Wharfs: Lot 14 DP 131564. Discharge Locations: POAL outfalls 82, 83, 84, 85a, 86a, 86b, 86c, 88a, 89a, 89b, 89c, 94, 95, 96, 98, 99, 100, 101, 101b, 101c, 104; and POAL discharges to ACC outfalls 75, 77, 78, 79, 79a, 80, 85, 86, 87, 88, 89, 92, 93, 97, 103. **Princes Wharf** Pt Lot 37 DP 131568
Further Information Required:	Yes
Date Requested:	04 October 2001
Date Received:	15 August 2008
Significant/Cultural Heritage features:	Yes – 28 Cultural Heritage sites have been identified in the Cultural Heritage Inventory (CHI) in the Commercial Ports area. The CHI Place Numbers are as follows: 79, 92, 304, 305, 332, 513, 519, 517, 530, 540, 543, 557, 558, 561, 571, 573, 575, 676, 789, 995, 1025, 2544, 2694, 16792, 16793, 16794, 16978, 17516
Tangata Whenua Significant Site:	None
Significant Natural Heritage Areas and Value Site:	None
Relevant Territorial Authority:	Auckland City Council

Auckland Regional Council
TE RAUHITANGA TAIAO

1.2 LOCATION MAP

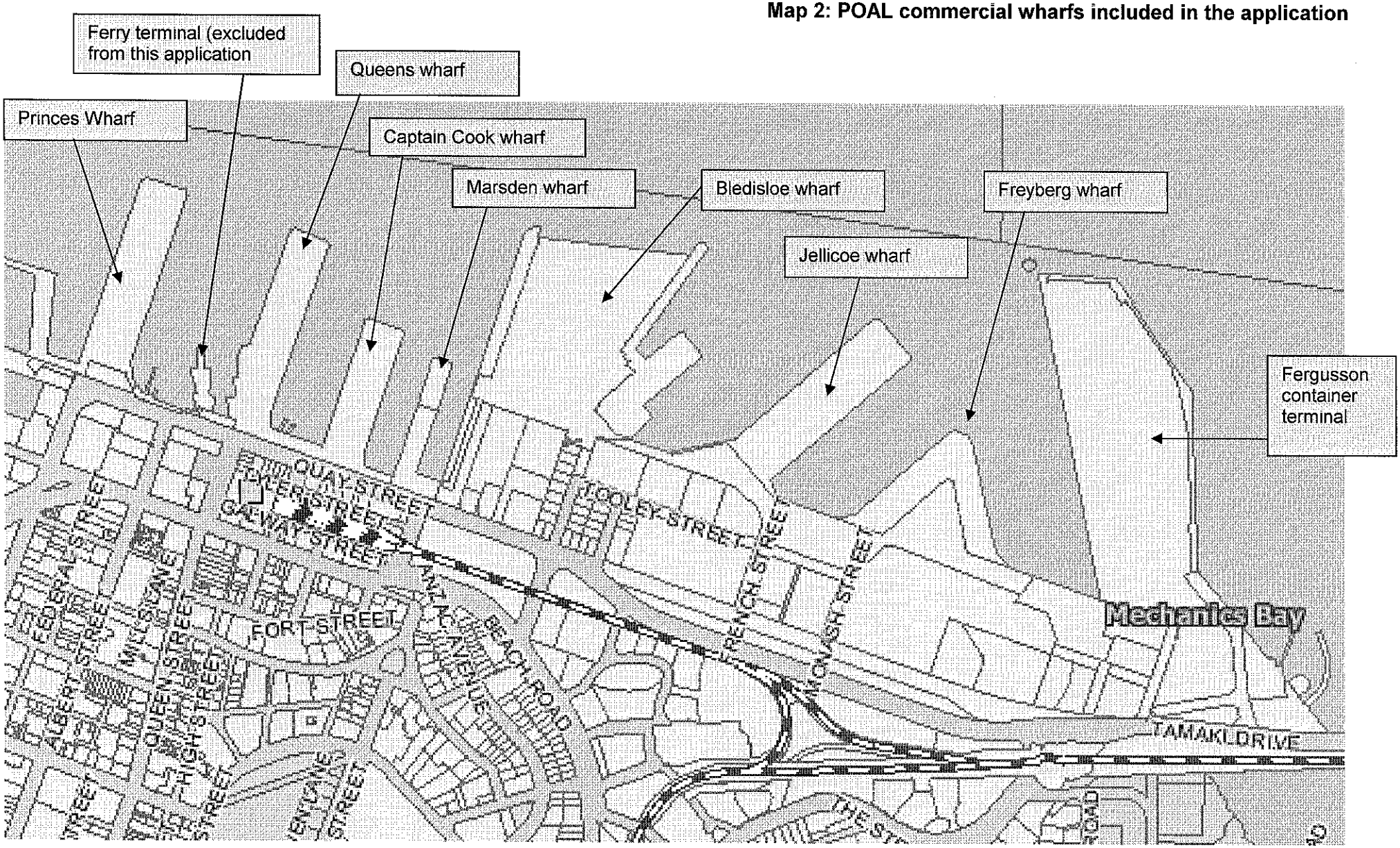
Map 1



The Commercial Ports area is located within the black box on the map. For further details on the names of the wharfs and the specific areas covered by this consent, please see the plans detailed below.

Map 2 on page 5 outlines the wharfs included in this application.

Map 2: POAL commercial wharfs included in the application



1.3 APPLICATION DOCUMENTS (PLANS AND REFERENCE DOCUMENTS)

A summary of the plans and reference documents associated with the application can be found in Appendix A of this report.

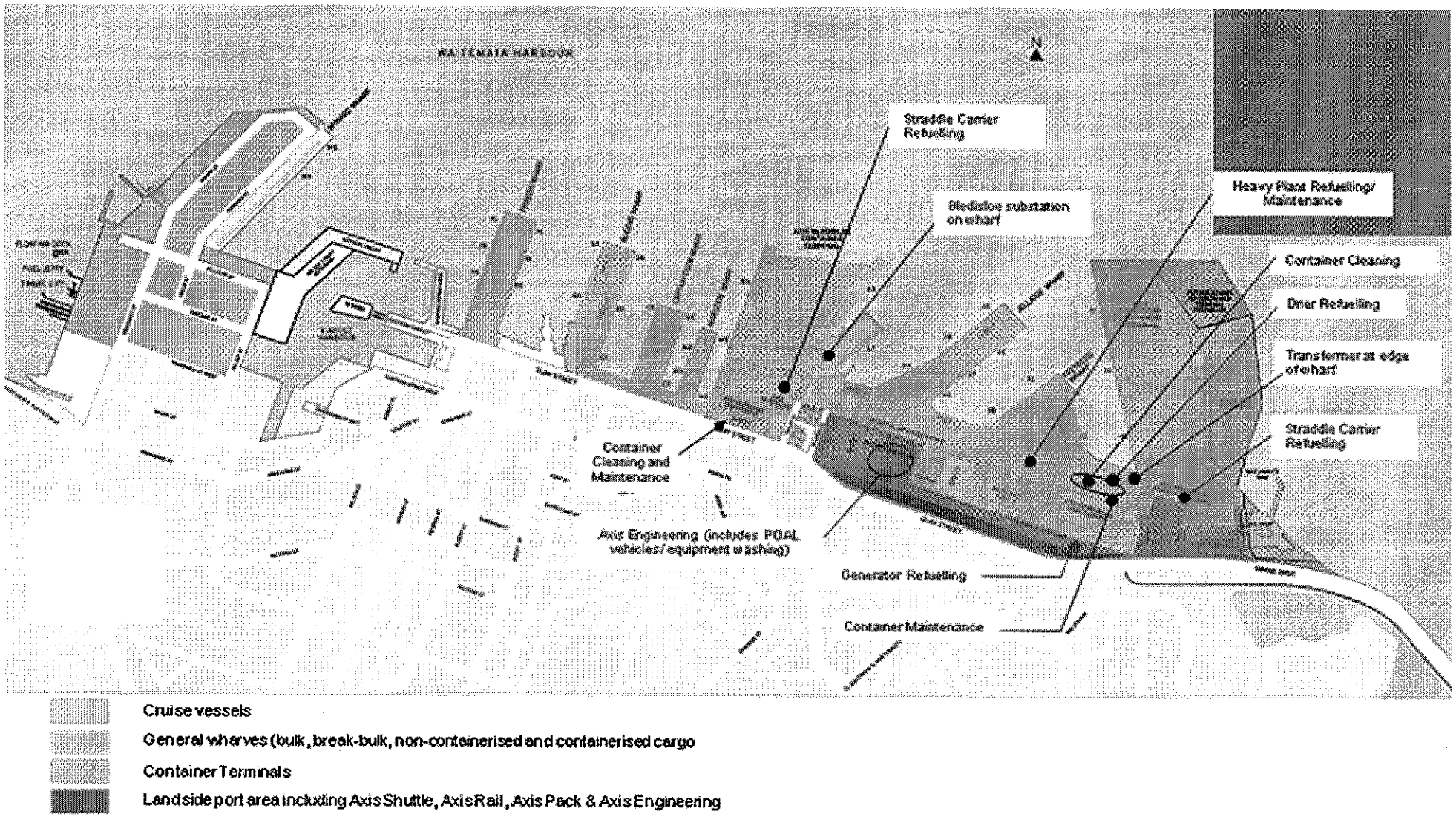
1.4 DESCRIPTION OF PROPOSAL

The Ports of Auckland Ltd, herein known as POAL, applied in 2001 to Auckland Regional Council (ARC) for '*all necessary consents*' to authorise their activities at the Auckland city wharfs, collectively referred to as the 'Commercial Ports'.

The Commercial Ports can be defined as including the Axis Fergusson in the East to the Princes Wharf in the west inclusive, but excluding the ferry tees and Queens Wharf between Princes and Captain Cook Wharf . Figure 1, taken from the Environmental Management Plan: Stormwater dated December 2009 depicts the operational area of the commercial ports and the activities that are undertaken on each wharf.

This application originally incorporated all wharfs that abut Quay Street along the harbour, and in addition, the Wynyard wharf and cement wharf at Westhaven. POAL have since streamlined their application for the Commercial Ports and the Wynyard and Cement Wharfs will be considered separately. The 2001 application in POAL's name for the Commercial Port applies to Axis Fergusson to Princes Wharf inclusive, excluding the ferry tees (Russell McVeagh, 26 February 2008).

Figure 1 Activities at the Commercial Ports (provided by Beca 2009)



The POAL Operational Area subject to this application can be divided into two main service areas; Axis Intermodal and the General Wharfs (see section 1.6 for further details). The main activities undertaken at the commercial ports are shown in figure 1 above and include the handling, unloading and loading of shipping containers, the handling of dry bulk and goods that have been received outside of containers (break bulk), and the temporary storage of these containers prior to their onward distribution. The ancillary activities associated with this work include the following:

- Waste handling and disposal
- Workshop activities
- Direr and generator refuelling and fuel storage
- Straddle carrier and heavy vehicle refuelling
- Shipping container cleaning
- Shipping container maintenance
- Building and ground maintenance
- MAF decontamination

These activities have the potential to release contaminants (see section 2.2.2) which can be mobilised by stormwater and released into the Waitemata Harbour. The Waitemata Harbour is a large natural harbour that is fed by numerous catchments extending some 25 km inland from North Head and is the receiving environment for any discharges from the Port.

Due to the nature of the Ports infrastructure and the manner in which development has occurred over time, the stormwater drainage system across the site is a mix of stormwater pipes and outfalls that are owned by either POAL or Auckland City Council (ACC). Some of the ACC owned pipes drain only the POAL area, whereas others carry drainage for both the POAL and the wider catchment. The plans enclosed in the Environmental Stormwater Management Plan: Stormwater, titled Ports of Auckland – Stormwater Management Figure 1 Sheets 1 & 2, drawn by Beca and dated 15 August 2008 by ARC on receipt, provides a detailed drainage plan for the wharfs and indicates the ownership of each of the outfalls.

This combination of diffuse and point source discharges pose limitations in regards the best practicable stormwater management options available to POAL. As a result, the application and EMP:S identifies those areas/activities that pose the greatest potential for releasing contaminants during operations and proposes source control

measures and targeted structural treatment devices for the higher risk areas. In summary, the following controls will be implemented:

- Standard Operating Procedures (SOPs) e g. Handling of break bulk
- Structural or equipment controls e.g. use of a sweeper truck
- Treatment devices e.g. oil/water interceptors for workshop

This management and procedural approach in conjunction with specific structural controls to mitigating the impacts of activities on the wharfs is considered the most effective and feasible option. Future improvements are proposed which will further mitigate the risk of the site operations

1.5 REASON FOR APPLICATION

A discharge consent is required for the discharge of stormwater and activities undertaken at the commercial ports area under both the Auckland Regional Plan: Coastal (ARP:C), the Transitional Auckland Regional Plan (TARP) and the Proposed Auckland Regional Plan: Air, Land and Water 2001 (PARP:ALW).

At the time of the original application in 2001, the ARP: C had the status of proposed plan, but was granted approval by the Minister of Conservation on 5 August 2004, providing the final requirement to make the Plan operative in part. Those parts not subject to variations became operative from 8 October 2004.

The change to the Coastal Plan status since the application was lodged has not affected the activity status of the application. Section 3 2 of this report contains further discussion on changes that have occurred in relevant Plans and Statements since the application was lodged.

Chapter 20 of the ARP: C contains objectives, policies and rules relating to the discharges of contaminants into the coastal marine area (CMA). General rule 20 5.15 states that the diversion and discharge of stormwater, not provided for elsewhere in the chapter, requires that the application be assessed under the provisions, conditions, standards and terms of Rule 5 5.19 of the PARP: ALW if deemed to be an industrial or trade process. The application by POAL is deemed to

meet the conditions of this general rule and is classed as an industrial or trade process, calling for consideration of Rule 5.5.19.

However, the rules applicable to industrial or trade processes in the PARP: ALW (5.5.14 – 19) are still subject to appeal and are therefore unable to be considered operative under the provisions of section 19 of the RMA. As a result, both the TARP and PARP: ALW are considered in determining this application and the status of the activity will be governed by the more restrictive of the relevant rules in both plans.

In summary; the activities undertaken by POAL at the commercial ports area are direct discharges into the CMA, and in accordance with the considerations set out in General Rule 20.5.15 of the ARP: C, the activity status is thus considered in line with Rules 5.5.14 to 5.5.19 of the PARP: ALW. However, due to the proposed nature of the PARP: ALW, and the fact that no relevant ITP rules exist under the TARP, the activity status is considered a discretionary activity under Rule 5.5.19 of the PARP: ALW in accordance with section 77 C(1)(a) of the RMA and Rule 5.5.19 of the PARP:ALW.

Overall, the application is an Industrial or Trade Process discretionary activity.

1.6 SITE AND NEIGHBOURHOOD / CATCHMENT / ENVIRONS DESCRIPTION

Located in the Central Waitemata Harbour alongside the CBD of Auckland, the POAL operated Commercial Port subject to this application occupies an area of 90 hectares and were created through reclamation and dredging. The shoreline and intertidal marine habitat area is highly modified, relatively flat and is entirely covered by impermeable surfaces.

Much of the seabed is soft and is often disturbed through dredging. When compared with the remainder of the Harbour, the fauna found in the port sediments is relatively depauperate and species found are common to other areas.

Water quality within the commercial port area is a reflection of the overall nature of the Waitemata Harbour catchment and the physical nature of the port environment. Historical water quality data for the Waitemata Harbour indicates that water clarity measured as turbidity and total suspended solids has ranged from good to poor, depending on a number of factors including, the year and time of sampling, geographic location of the site and the water depth at the site. Generally, visual

clarity within the commercial port area progressively increases with distance from the shore and depth, particularly within the vicinity of the large diameter ACC storm outlets.

The Port basins, which cover an area of some 40 hectares, receives all stormwater flows and associated contaminants from the Port area and also significant flows from Auckland City. There are 12 wharfs in total (map on page 5 shows the individual wharfs) which can be divided into two main service areas distinct areas:

1. **Axis Intermodal – the specialist container handling division which consists of:**

Axis Fergusson / Axis Bledisloe – These are New Zealand's largest and second largest container terminals, handling nearly 500,000 and 220,000 TEU (a standard measure of container numbers, referring to a twenty foot container equivalent unit) per year respectively. Axis Fergusson utilises five modern quayside container cranes and while Axis Bledisloe has three; both also operate a fleet of modern straddle carriers. Container maintenance and container cleaning is undertaken by independent contractors at both sites who lease sites for their activities and road freight companies utilise the truck grids and access roads.

Axis Pack – Provides 8000 m^2 of covered space, primarily for packing wood and paper products into containers but also for unpacking import containers. Cargo handling contractors lease areas of the Axis Pack facility from POAL.

Axis Rail – Provides rail exchange facilities, linking ship and rail transport of containers via rail grid comprising four 500 m long rail sidings, and has a dedicated fleet of straddle carriers, forklift trucks and reach stackers.

Axis Shuttle – Carries containers and break bulk cargo between wharfs within the Commercial Port, using a range of specialised plant (tractor-trailer units)

Axis Engineering – Responsible for the maintenance and repair of POAL fixed cranes, mobile plant, and electrical reticulation.

Due to operational changes at the Commercial Ports, the Axis Bledisloe container operations will become consolidated at the Axis Fergusson Container Terminal.

2. General Wharfs – handling containers, non-containerised and break-bulk cargo, and bulk cargo.

Consists of Freyberg Wharf, Jellicoe Wharf, part of Bledisloe Wharf, Queens Wharf Captain Cook Wharf, Marsden Wharf and Princes Wharf.

These wharfs handle a wide range of cargo such as containers, break-bulk and bulk and passengers. Contractors in the General Wharfs include:

- Stevedoring and cargo-handling companies (for bulk cargo, car imports, general cargo etc...)
- Waste disposal contractors
- Companies operating decontamination facilities to service MAF quarantine requirements.
- Road freight companies.

The various activities undertaken at the Port can impact upon stormwater quality in different ways. The main activity at the Port is the movement of ordinary cargo (including containerised cargo) as it transits through the Port from the shipper to the consignee. This activity, which occupies the greater part of the Port site, has limited potential for discharge of contaminant-affected stormwater provided that good housekeeping measures, sound handling practices and robust emergency procedures are in place

The Port also accommodates several discrete activities with greater potential for the discharge of contaminant-affected stormwater, such as the Axis Engineering workshop where Port plant is maintained, refuelling areas for plant and container cleaning areas. The application has identified the activities and their potential for discharge of contaminant-affected stormwater.

Stormwater runoff, which has the potential to discharge contaminants arising on the wharfs, can enter the Waitemata Harbour in one of two ways:

1) Through the POAL's stormwater system (see Ports of Auckland – Stormwater Management Figure 1 Sheets 1 & 2), which comprises slot drains, channels, catchpits and underground pipework. It is then discharged either:

   i) directly into the CMA; or

ii) into a stormwater pipe draining only the ports area, or via a stormwater pipe owned and operated by Auckland City and subsequently into the CMA.

2) Through the wharf structure via small holes in the deck into the CMA, or falls onto the wharf structure and runs off the side of the wharf into the CMA.

Axis Bledisloe and the Port land south and immediately east of it discharge into the harbour via eight outfalls, four of which are POAL operated. The Axis Pack and Axis Rail and Shuttle facilities and land immediately surrounding them discharge through ten stormwater outfalls, five of which are operated by POAL. Axis Fergusson and the Port land immediately adjoining it discharge into the harbour through 13 stormwater outfalls.

Two of these outfalls are operated by ACC and the remainder are POAL-operated. The Stormwater outfalls range in diameter between 225 mm and 2350 mm and are located within highly modified areas of the intertidal zone. The wharf area on Axis Fergusson and Axis Bledisloe drain diffusely into the harbour and the Axis Engineering covered workshop area and the container cleaning areas at Axis Bledisloe and Axis Fergusson drain to trade waste. Queens Wharf, Captain Cook Wharf, Marsden Wharf, Jellicoe Wharf, Freyberg Wharf and Princes Wharf and the buildings on them, drain diffusely into the harbour.

The POAL, ACC and combined outfalls are listed in the Environmental Stormwater Management Plan: Stormwater, dated December 2009.

The catchment area is flat and the pipes discharge in the intertidal zone, with the deepest outfalls having invert levels at around 0.0 metres Chart Datum. During extreme storms there is some localised ponding and overland flow but it is generally short-lived. The extent of localised ponding and overland flow does not cause a nuisance or create an impediment to port operations.

The site is a prominent feature of Auckland and is recognised for its operational focus. It is generally remote from any public utilised space; however Princes Wharf does have public access including a hotel, restaurants, apartments, offices, and a cruise ship berth

Visually, the Port is characterised by commercial and industrial activity and is highly noticeable from the harbour, and the northern shore line. The nature of it's appearance is fairly homogenous in terms of the large scale storage, colour and size of containers, the administration buildings and associated storage sheds.

1.7 BACKGROUND/SITE HISTORY

POAL was formed in 1988 and is 100 % owned by Auckland Regional Holdings (ARH), a statutory investment entity accountable to the Auckland Regional Council (ARC). POAL owns and operates the Port of Auckland, the Port of Onehunga, and two inland logistics sites. In addition to its own operations at the Port, POAL leases land within the Port to independent companies for port-related activities and provide port facilities for stevedoring, cargo handling contractors, MAF and Customs.

The commercial ports were first established as a shipping port during the 1840s and have developed in line with the demands of both the city and the country. The Ports have changed dramatically since 1871 and significant infrastructure developments have taken place over the past 30 years. It is Australasia's third largest container terminal and New Zealand's largest and busiest port, providing container, conventional, and passenger shipping facilities, handling significant proportions of the country's imports and exports with container-handling representing about 80 percent of the company's business.

Throughout the history of Auckland's urbanisation, the ports have existed in this area, and this application seeks to authorise the discharge of contaminants for the activities outlined in the application at the commercial ports wharfs. The application was accepted in March 2001, and a Section 92 request for further information was issued in October of the same year. ARC and POAL were in discussion for a number of years after this date over matters relating to the PARP:ALW. Further documentation regarding the application was then received in August 2008.

Due to the extensive history of the area, a number of Culturally Significant sites and an archaeological site have been identified or designated in the area subject to this application as sites for Preservation or Protection in Schedules 1 and 2 of the Auckland Regional Plan: Coastal or in the Auckland City Council District Plan. The full details for each of these sites can be found in Appendix B.

SECTION 2 – DETERMINATION OF NOTIFICATION MATTERS

2.1 STATUTORY PROVISIONS – DISCRETIONARY ACTIVITIES

Due to this application being a discretionary activity under section 77C(1)(a) of the RMA, the notification waiver provisions for a controlled activity under Rule 5.5.17 of the PARP:ALW cannot be applied

2.1.1 Request for Public Notification by Applicant [section 94C(1)]

Under section 94(C)(1) the applicant has not requested that the application be publicly notified.

Once a proposal is deemed to be a discretionary activity, the full range of matters under section 104(1) becomes applicable and the full range of actual and/or potential effects is to be considered under section 93(1) and 94 of the RMA.

The consent authority must be satisfied that the adverse effects of the activity will be minor. If the adverse effects are more than minor, the application must be publicly notified [s93(1)(b)]. If the consent authority is satisfied that the effects of the activity will be minor, the application can be dealt with on either a limited notified or non-notified basis, depending on whether there are any affected persons and whether all the written approvals have been obtained.

2.2 ASSESSMENT OF THE ADVERSE EFFECTS OF THE ACTIVITY ON THE ENVIRONMENT

In addition to the overall assessment of the environmental effects in relation to a discretionary activity, Section 94A sets out two relevant criteria to be used by Council when forming an opinion as to whether adverse effects are minor or more than minor.

a) The permitted baseline – Council may disregard effects on the environment if the Plan permits an activity with that effect; and

b) The exclusion of any effect on a person who has given written approval to the application.

2.2.1 Section 94A(a) Assessment of the permitted baseline

The proposal is being considered under the provisions of a proposed regional plan and therefore the permitted baseline does not apply.

The following assessment of the adverse effects of the activity on the environment addresses the activity's actual and potential effects; distinguishes the nature, extent and magnitude of the effects and the significance of their consequent effect on the environment; and identifies their impact (such as continuous or intermittent, or of a long or short term duration). Where appropriate the assessment criteria of the relevant regional plan is used as the context for assessing the potential adverse environmental effects arising from the proposal. (In accordance with Section 94A(c) the assessment as to whether the adverse effects are minor or more than minor disregards any effects on those persons who have given their written approval to the proposed activity).

2.2.2 Assessment of Effects (to determine notification)

Schedule 3 of the PARP: ALW identifies a number of industrial or trade processes which are considered as being high risk in relation to the potential for discharge of environmentally hazardous substances. Stormwater runoff from the impervious areas of these sites can contain contaminants such as metals, hydrocarbons and sediment. In addition, inappropriate management practices can result in discharges of associated with the activity being released onto or into land or water. The primary focus of the ARC is to ensure that discharges of environmentally hazardous substances onto or into land or water are avoided where practicable; or the effects of discharges are remedied or mitigated where they cannot be avoided.

The POAL activities at the commercial ports area is one such high risk industrial or trade process as determined in section 1.5 of this report. The potential contaminants of concern arising from the operations undertaken on site are:

- Total suspended solids (TSS): dust, sediment arising from vehicle movements, handling of goods and storage of containers
- Gross pollutants: Such as litter, wood from pallets, debris from cargo handling activities, loose substances/materials from cargo and goods being loaded and unloaded and from shipping container cleaning.
- Inorganics: Metals such as copper, lead and zinc from general engine/machinery wear and use across the site. Bulk minerals and inorganic chemicals such as hydrogen peroxide from spills and leakage.
- Organics: Total Petroleum Hydrocarbons (TPH) such as oils, grease, hydraulic fluid, and fuel from vehicles during movement around site, vehicle service areas, shipping container cleaning, refuelling areas and the presence of transformers and substations.
- Disinfectants and detergents from the cleaning of shipping containers and also decontamination activities undertaken by MAF. Bulk materials such as palm kernel, timber and other organics such as milk and wine from spills and leakage.

Other contaminants may arise from:

- Waste handling and disposal (oils, metals, solvents, organic waste, litter, office rubbish)
- Workshop activities (organics, inorganics (hydrocarbons, minerals))
- Drier and generator refuelling and fuel storage – Greases, oils, hydrocarbons
- Straddle carrier and heavy vehicle refuelling – Greases, oils, fuels, hydraulic fluid
- Building and ground maintenance – Oils, paints, solvents, metals, dust
- Shipping container maintenance – Inorganics, oily wastes, greases, paint & metal debris, solvents

The application and the associated Environmental Stormwater Management Plan: Stormwater does not propose to install treatment devices to treat all the stormwater

runoff from the site pavement and wharfs. There are significant limitations in terms of both practical and financial feasibility for implementing this form of approach, however more pertinently; it is unlikely that the whole site would require such an extensive network of treatment devices.

POAL seek to manage the potential discharge of contaminants from the site through application of the following principles:

- Installation of oil/water separators for the refuelling areas detailed above.
- Source control and operational and management practices applied throughout the POAL site, supported by structural measures for specific discrete activities with greater potential for discharge of contaminant-affected stormwater.
- A flexible framework of control measures to accommodate changes at the port.

A full list of procedural and structural measures to be adopted or constructed are listed in table 2 of the Environmental Stormwater Management Plan: Stormwater.

The most significant contaminants of concern that could enter the receiving environment from the wharfs are suspended solids and the chemicals attached to, or forming part of these solids. Suspended solids and their associated chemicals are generated by a combination of handling/product spills and vehicle movements around the wharfs. The stormwater runoff from the paved areas mobilises these solids and transfers them to the CMA where the contaminants accumulate in sediments possibly reaching concentrations that are toxic to biota.

Total suspended solids (TSS)

The most likely source of TSS entering the receiving environment is via the loss of materials through accidental handling spills and general dust accumulation on the site pavement surface from Port activities. Material or substances lost in these spills can be mobilized and directly discharged into the CMA through stormwater runoff.

Spills associated with the transportation of goods from ship to wharf have also been identified as a source of direct discharge into the CMA. Due to the practicalities and

safety of personnel who may be involved in an immediate spill response between the ship and the wharf, the proposal sets out a robust spill prevention plan to avoid these types of spills. The use of a sheeting system attached from the ship to the wharf will be used to direct any spills, leaks or sediment loss onto the wharf rather than into the water.

In addition to the use of sheeting, a surface sweeping regime is proposed for the pavement and paved wharf surfaces to capture loose debris and contaminants from the surface of the site pavements and wharfs. The total area available to be swept would be limited by stored objects e.g. containers, however POAL have developed a Standard Operating Procedure called *'Sweeping and gross litter collection'* which details the sweeping regime and is contained in the Standard Operating Procedures and Inspection and Maintenance Requirements document held on site.

Chemicals

Chemicals accumulate on the wharfs from vehicle movements, for example, zinc from tyres, copper from brake pads, petroleum hydrocarbons from engine and drivetrain leaks, polycyclicaromatic hydrocarbons (PAH) from exhausts and a large number of other chemicals, particularly from tyres, in small quantities.

The discharge of these contaminants into the CMA could cause adverse effects on marine aquatic life, particularly animals living in the seabed sediment.

There is no specific information available regarding the quantity of suspended solids or chemicals released into the CMA by POAL, but the following assessment uses a number of published reports (referenced in the text) that have been used to provide a broad overview of the origins of suspended solids and chemicals in the catchment of the Waitemata Harbour, the amounts produced by the various sources and the dispersion patterns of the solids and chemicals in the CMA.

Summary of data relevant to the accumulation of sediment and contaminants in the wharf area

The actual volume of sediment deposited within the wharf area is unknown and cannot be measured with the structures in place. Accordingly, estimates from models that are based on monitoring and survey data for sediments and chemicals have been used in the following assessment.

The model of sediment and chemical dispersion and fate in the Central Waitemata Harbour (CWH) developed by the National institute of Water & Atmospheric Research (NIWA) for the ARC[1] estimates that a total of approximately 9200 tonnes per year of dry sediment enters the CWH from its catchment, including the upper Waitemata Harbour (UWH)[2]. (These reports have been completed and are now being peer reviewed and will become public documents).

Of this 9200 tonnes per year, approximately 7100 tonnes per year deposits in the CWH. Of the balance of 2100 tonnes per year that moves along the channel between the POAL wharf area and Devonport into the Hauraki Gulf, approximately 200 tonnes per year originates from the CBD and Westhaven/St Marys Bay catchments and 150 tonnes per year originates from catchments including Stanley that are seaward of the wharfs. Sediment from these seaward catchments does not move up the harbour.

The USC-3 model has a relatively low spatial resolution and so cannot accurately model either the retention of the 200 tonnes per year from the CBD and Westhaven/St Marys Bay catchments within the wharf area, or the diversion into the wharf area of the remaining 1750 tonnes per year of sediment that passes along the channel between the wharfs and Devonport.

Other modelling done by NIWA for Auckland City and Metrowater of the solids discharged from the Cooks St stormwater outfall which drains part of the CBD predicted that most of the suspended solids and attached chemicals discharged from this outfall deposit in the wharf area. This modelling remains confidential at present. Although never explicitly modelled, it is reasonable to assume that most of the solids discharged from the Westhaven/St Marys Bay catchment deposit within the Westhaven marina.

Using the findings from these reports, the most extreme scenario is the complete deposition in the wharf area of the 200 tonnes per year from the immediate catchments, plus diversion into the wharf area of the remaining 1750 tonnes per year

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[1] Green M. (2007). Central Waitemata Harbour contaminant study. USC-3 model description, implementation and calibration. NIWA Client Report HAM2007-167.

[2] Green M. (2008) Central Waitemata Harbour contaminant study Predictions of sediment, zinc and copper accumulation under future scenario 1. NIWA Client Report HAM2008-002

passing along the channel, totaling 1950 tonnes per year. The remaining 150 tonnes per year of the 2100 tonnes per year of sediment passing down the channel are from other catchments, such as Stanley, which as stated above, would not move up the harbour and can therefore be discounted from the volume of sediments which could be deposited around the POAL wharfs.

The density of dry sediment solids, excluding interstitial space, is about 2.65 tonnes per m^3. Therefore, the 1950 tonnes per year of dry sediment potentially deposited around the wharfs, has a volume of 740 m^3. The water content of deposited sediment is approximately 60 %, and therefore, 740 m^3 year of dry sediment would have a wet volume after deposition of about 1840 m^3 (NB: this figure differs substantially from that reported by the POAL in their dredging data. The reasons for this difference has not been established, please see Appendix C for further information).

This deposition pattern can also be assumed for a high proportion of the wharf sediment load, although the proportion would be less than for the CBD, because many of the wharf stormwater discharges occur towards the outer edge of the wharf area where the tidal flow is more energetic and less amenable to settling.

It would appear, therefore that the current practice of dredging captures and removes most of the sediment from wharfs, the adjacent commercial catchments and the wider harbour that deposits in the wharf area.

The modelling results discussed above indicate that no more than approximately 10 % of the sediment that is dredged from the wharf basins originates from the adjacent CBD catchments.

Both the CBD and the Ports catchment are highly urbanised and both experience a significant volume of vehicle movements. The solids and chemical loads on a area basis would, therefore, be expected to be roughly similar. The Ports site is less than 34 hectares which is about 4% of the combined area of the Westhaven/St Marys Bay and CBD catchments of about 700 hectares. Thus the solids and chemicals loads from the POAL wharfs are probably about 4% of the combined loads from the Westhaven / St Marys Bay and CBD catchments although this excludes losses from spills on the wharfs.

Another approach to estimating the contribution from the wharfs to the sediment and chemicals deposited in the wharf area is to consider the metal concentrations in the deposited sediment.

An extensive programme of filed data collection conducted for the development USC-3 harbour model included a considerable amount of data on the metal concentrations in the surface sediments of the CWH basin. The median metal concentrations in the clay and silt fractions of these sediments, (which are the readily transportable fractions), were 131 and 74 mg/kg for zinc and 25 and 14 mg/kg for copper respectively. Therefore, the zinc and copper concentrations for both fractions combined were approximately 100 mg/kg and 20 mg/kg respectively.

An extensive stormwater monitoring programme conducted by NIWA for Auckland City and Metrowater in the CBD showed that the median metal concentrations on the solids suspended in the catchment stormwater discharges were 915 mg/kg for zinc and 125 mg/kg for copper. Suspended solids in the stormwater from the Westhaven/St Marys Bay catchment are deemed to be of a similar nature and would therefore exhibit similar concentrations.

By combining the solids loads from the harbour (1950 tonne per year) and catchments (200 tonne per year) with their metal concentrations it is possible to calculate the metal concentrations in the sediment deposited in the wharf area as shown below.

zinc concentration	1750 tonnes per year x 100 mg/kg zinc + 200 tonnes per year x 915 mg/kg for zinc = 358000 / 1950 tonnes per year (total potential deposition)	**= 184 mg/kg**
copper concentration	1750 tonnes per year x 20 mg/kg copper + 200 tonnes per year x 125 mg/kg for copper = 60000 / 1950 tonnes per year (total potential deposition)	**= 31 mg/kg**

These figures compare well with the concentrations measured by POAL in the reports (submitted in support of the application to dredge the harbour) for the concentrations in the different wharf basins. Their findings indicate zinc

concentrations to be 114 - 244 mg/kg and copper to be 24 to 71 mg/kg. If more sediment is deposited under the wharfs than is predicted by the USC-3 harbour model, then the concentrations calculated as above would be lower, but still within the range measured by POAL.

The general magnitude of the amounts of suspended solids and metals generated on the POAL commercial port can be estimated using the ARC contaminant load model[3] (Timperley and Skeen (in preparation)) and assuming that vehicle use on the wharfs is equivalent to a road carrying 10,000 vehicles per day. Actual vehicle use is probably less than this but the assumed value allows for the much greater wear and oil leaks that probably occur for heavy trucks and cranes.

Annual load estimates for contaminants produced by this class of road traffic are shown in table 1 along with the calculated quantity for the 33.5 hectare commercial ports assuming that this area is entirely road. For comparison, these quantities are relatively small compared with figures for the contaminant loads generated from the Westhaven/St Marys Bay and CBD catchments

Contaminant	**Yields (g m^{-2} yr^{-1}) for a road carrying 10,000 vehicles/day**	**Estimate of loads for POAL**	**Westhaven/St Marys Bay and CBD catchment loads**
TSS	53	18 tonnes	200 tonnes
Zinc	0.101	34 kg	1300 kg
Copper	0.051	17 kg	90 kg
TPH	1.2	400 kg	2000 kg

These model calculations given in the table above show that the probable contaminant loads generated on the wharfs are much lower than those for the CBD (which were derived by applying a contaminant runoff model to stormwater monitoring data). It can be reliably concluded, therefore, that the POAL activities make a no more than minor contribution to the overall contaminant loads entering the wharf area. Mitigation measures proposed by the POAL in their application seek to minimise these loads.

[3] Timperley M and Skeen M. (in prep) ARC contaminant load model user manual ARC report

Other sources of contamination

The use and storage of petroleum hydrocarbons in the POAL area are more extensive activities than are conducted elsewhere in the adjacent catchments. Potential leaks and spills are most likely to occur during the refilling and refuelling of the storage containers and the vehicles used on site. Specific structural controls and SOPs are proposed and the implementation of an Emergency Spill Response Plan will significantly reduce the likelihood of any lost fuel entering the stormwater.

The other contaminants of concern, some of which are listed above, are also subject to specific or generic standard operating procedures. Secondary containment for the storage of environmentally hazardous substances is currently in place for some substances, and the proposal outlines future improvements to current practices that are not in line with current best practice.

2.2.3 Conclusion

The sediment loading into the CWH and the metal concentrations in the sediments under the wharfs can be explained almost entirely by contributions from the immediate catchments and the rest of the harbour; a review of historic and recent modelling indicates that metal loads from the POAL wharfs appears relatively small. Stormwater runoff from the immediate catchments, namely the CBD and Westhaven/St Marys Bay, are likely to increase zinc and copper concentrations in the sediment under the wharfs by very approximate maximums of 50 % for copper and 100 % for zinc.

With respect to the maintenance and refuelling of the straddle carriers and supporting equipment used to transport containers around the site, this work will be carried out in discrete areas that will be bunded and will drain to oil/water separators. The storage of any associated environmentally hazardous substances will also be in secondary containment devices to prevent leaks or spills reaching the CMA .

A key environmental management tool for addressing these issues is the preparation and implementation of a site specific environmental management plan for stormwater (EMP:S). This plan identifies the environmentally hazardous substances associated with the industrial or trade process and sets out methods, controls and procedures to avoid, remedy or mitigate discharges. Conditions of consent will include

requirements to follow the operating procedures in the EMP:S and regular reviews of this document will enable the POAL staff to continually review agreed practices.

Taking into account the above assessment of effects in relation to POAL activities on the commercial port wharfs, and the planned structural improvements outlined in the EMP:S, it is concluded that there will be a no more than minor effect on the cultural heritage sites identified in section 1.6 and Appendix B of this report.

Therefore, the POAL activity is likely to have a no more than minor affect on the receiving environment providing that the planned source control measures are implemented and the EMP:S are adhered to.

Overall for the reasons described above, the adverse effects arising from the proposal are considered to be no more than minor.

2.3 FORMING AN OPINION AS TO WHO MAY BE ADVERSELY AFFECTED

2.3.1 Identification of who may be adversely affected by the granting of the application and whether written approval has been obtained.

The effects of the proposed activity on the environment would be no more than minor and it is considered that there are no persons who are considered to be adversely affected by the proposal for the following reasons.

1. The stormwater discharges from the Ports area will flow directly into the CWH and the degree of mixing that will take place would mitigate any affects on the quality of the water which is used by others.

2. Sediments that do deposit would be dredged as part of the dredging programme that is currently consented to remove the sediment solids deposited in the harbour from all other adjacent catchments.

3. The Waitemata harbour is a heavily utilised port for both commercial and recreational purposes, and is held in high regard as an asset by the local community.

However, following the assessment of environmental effects in section 2.2.2, a proposed number of source and procedural controls on the wharfs will seek to prevent stormwater becoming contaminated, and the potential effects of the stormwater run-off from the wharfs entering the harbour will be localised to the immediate receiving environment.

In addition to section 2.2.2, there is no general public admittance into the Ports operational area and a 50 metre exclusion zone exists around the wharfs in accordance with the New Zealand Maritime Security Act 2004.

Therefore the potential effect on harbours users is likely to be less than minor as public access is highly restricted in and around the vicinity of the wharfs and the effects on the environment are likely to be no more than minor and restricted to a small area around the site.

Auckland City Council is the only party to have been identified as being directly affected by this consent application. As explained previously in this report, the POAL reticulated drainage network is a combination of POAL and ACC owned infrastructure. POAL have sought the approval of ACC to continue utilising the infrastructure owned by ACC for the purposes of stormwater drainage across the site. A copy of a letter authorising this approval is located in Appendix D.

2.3.2 Is it unreasonable in the circumstances to require the obtaining of every such approval (section 94B (3)(c))

Not applicable.

2.4 DO SPECIAL CIRCUMSTANCES EXIST?

There are no special circumstances that exist in relation to this application which would require the application to be publicly notified.

2.5 RECOMMENDATION ON NOTIFICATION

It is recommended that this application be processed on a **non notified** basis for the following reasons:

- The adverse effects on the environment from the activity for which consent is sought will be no more than minor because all potentially environmentally hazardous substances will be stored with secondary containment and/or covered throughout the POAL commercial ports site subject to this application; and

- All potentially contaminated stormwater runoff from the identified high risk areas will drain to oil/water separators; and

- Sufficient measures to control the discharge of potential contaminants from the loading and unloading of cargo on the wharfs will be implemented and monitored;

- There are no persons considered adversely affected by the granting of this consent.

2.6 NOTIFICATION DECISION

Reported and Recommended by:	Jacqueline Anthony
Title of Reporting Officer	**Consents and Compliance Officer, Industrial and Trade Processes**
Signed	Anthony
Date:	22.02.2010
Peer Review Officer:	Rod Dissmeyer
Title of Reviewing Officer	**Group Manager Consents & Compliance Land**
Signed	
Date:	22/2/10

Determination of notification.

Acting under delegated authority and for the reasons set out in the above assessment, Consent Number 25179 shall be non-notified.

Team Manager:	**Kirsteen McDonald**
Title	**Manager, Industrial and Trade Processes Team**
Signed:	K E McDonald
Date:	19 February 2010

SECTION 3 – ASSESSMENT OF APPLICATION

3.1 STATUTORY CONSIDERATIONS

When considering an application for a discretionary activity the consent authority must have regard to Part 2 of the RMA ("Purposes and Principles" – sections 5 to 8), and sections 104, 104B and where relevant sections 105 and 107 of the RMA.

All considerations are subject to Part 2 of the RMA, which sets out the purpose and principles that guide this legislation. This means that the matters in Part 2 prevail over other provisions of the RMA or provisions in planning instruments (e.g. regional plans) in the event of a conflict. Section 5 states the purpose of the RMA and sections 6, 7 and 8 are principles intended to provide additional guidance as to the way in which the purpose is to be achieved.

The application of Section 5 involves an overall broad judgement of whether a proposal will promote the sustainable management of natural and physical resources. The RMA's use of the terms *"use, development and protection"* are a

general indication that all resources are to be managed in a sustainable way, or at a rate which enables people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety. The enabling and management functions found in section 5(2) should be considered of equal importance and taken as a whole.

Sections 6 to 8 set out the requirements for the preservation and protection of certain values of the RMA and provides further context and guidance to establish matters of importance in the decision making process. The commencing words to these sections differ, thereby laying down the relative weight to be given to each section.

Relevant matters are considered in the evaluation section of this report.

The statutory considerations under section 104 provide the 'legal framework' within which the application is addressed. Amongst other things, this framework requires consideration of any actual or potential effects on the environment; the relevant provisions of national policy statements (including the NZ coastal policy statement); regional policy statements and regional plans (both operative and proposed); and any other relevant and reasonably necessary matters to determine the application.

Section 104(2) allows any effects that may arise from permitted activities specified in the plan to be excluded from the assessment of effects related to the resource consent. This is known as the permitted baseline test. The 'baseline' constitutes the existing environment (excluding existing use rights) against which a proposed activity's degree of adverse effect is assessed. It is only the adverse effects over and above those forming the baseline that are relevant when considering whether the effects are minor. It is at the Council's discretion whether to apply the assessment of the permitted baseline to any proposal.

When considering an application for resource consent, the Council must not have regard to any effect on a person who has given their written approval to the application [section 104(3)(b)] and may disregard an adverse effect of any activity on the environment if an operative plan permits an activity with that effect [section 104(2)].

Under section 104B, a consent authority may grant or refuse consent for a discretionary activity and may impose conditions.

Sections 105 and 107 address certain matters [in addition to the matters in section 104(1)], relating to discharge permits and coastal permits where the proposal would otherwise contravene section 15 (or section 15A) of the RMA.

3.2 SECTION 104 EVALUATION

3.2.1 Section 104(1)(a) – Consideration of any actual and potential effects.

The assessment of environmental effects undertaken in the Assessment of Effects (Section 2.2.2) section of this report concluded that the adverse effects arising from the proposal will be no more than minor because the applicant has proposed the best practicable option for the management of contaminants and stormwater discharges from the site.

The receiving environment comprises the Waitemata Harbour and ultimately the Hauraki Gulf, however the applicant has proposed steps as part of the application to ensure that there are no contaminated discharges leave the wharfs. Stormwater runoff from discrete high risk areas will be treated by an oil/water separator or sent to trade waste.

The assessment of environmental effects undertaken in forming an opinion as to who may be adversely affects is described in section 2.3 of this report.

3.2.2 Section 104(1)(b)(i) - Consideration of any relevant provisions of a National Policy Statement.

There are no National Policy Statements that are considered relevant to this proposal.

3.2.3 Section 104(1)(b)(ii) – Consideration of any relevant provisions of a New Zealand Coastal Policy Statement.

The purpose of the New Zealand Coastal Policy Statement 1994 (NZCPS) is to state policies in order to achieve the purpose of the Resource Management Act, in relation to the coastal environment of New Zealand.

The relevant policies of the NZCPS are the preservation of the natural character of the coastal environment which includes protection from inappropriate subdivision, use and development; protecting areas of significant indigenous vegetation and habitats of indigenous fauna in that environment; protecting the following features which are essential or important elements of the natural character of the coastal environment: landscapes, seascapes and landforms, areas of spiritual, historical or cultural significance to Maori and significant places of historic or cultural significance; protecting the integrity, functioning and resilience of the coastal environment; and to restore and rehabilitate the natural character of the coastal environment

The NZCPS assessed in the 2001 consent application remains operative and is unchanged. Section 6.2 of the 2001 consent application makes an assessment of the proposal against the relevant policies of this Statement and concludes that it is not contrary to the policies.

However, the NZCPS has been reviewed since the application was lodged and a Proposed New Zealand Coastal Policy Statement was released in May 2008. The date for submissions has closed and hearings were held in 2008 but the report containing recommendations for the Minister of Conservation has not yet been published. Therefore, the proposed NZCPS has been considered in this review but it has no formal status compared with the operative statement. The objectives and policies of the Proposed NZCPS of relevance to the application (if the proposed statement became operative in its present form) are attached to this report as Schedule 1.

The relevant provisions of the operative NZCPS are discussed in conjunction with the proposed NZCPS in the following paragraphs:

Chapter 1: National priorities for the preservation of the natural character of the coastal environment including protection from inappropriate subdivision, use and development.

Policy 1.1.1

It is a national priority to preserve the natural character of the coastal environment by:

a) encouraging appropriate subdivision, use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment;

b) *taking into account the potential effects of subdivision, use, or development on the values relating to the natural character of the coastal environment, both within and outside the immediate location; and*

c) *avoiding cumulative adverse effects of subdivision, use and development in the coastal environment.*

POAL have occupied the ports area for a number of years and, over this time, has extended and developed it's infrastructure to accommodate its growing needs. The area has been highly modified, but the area it occupies is constrained. This application does not seek to increase the range of activities carried out by the POAL, but seeks to authorise the current discharges and address the cumulative effect of operations through the implementation of better working practices.

Objective 2 in the proposed NZCPS seeks to manage subdivision, use and development in the coastal environment to ensure that they occur in places, forms and within limits consistent with sustainable management. Policies 14, 15, 16, 17 and 22 are relevant to the application and support Objective 2. In essence, they require policy statements and plans to manage appropriate use and development of the coastal environment. Use of the Commercial Port is consistent with the Regional Policy Statement and the objectives, policies and rules of the relevant Port Management Areas in the Regional Plan: Coastal, which provide guidance for sustainable management of the area.

Objective 3 of the proposed NZCPS seeks to preserve the natural character of the coastal environment through maintaining water quality (Policy 30) and appropriate use and development (Policy 33). The Commercial Port areas are highly modified and have low natural character value (refer to section 2.2 of the 2001 application). The proposed works set out in the EMP:S will, however, have beneficial effects on water quality in the wider harbour and are consistent with the general intent of Objective 3 and with Policies 30 and 33.

Chapter 2: The protection of the characteristics of the coastal environment of special value to the Tangata Whenua including Waahi Tapu, Tauranga Waka, Mahinga Maataitai and Taonga Raranga.

Policy 2.1.2

Protection of the characteristics of the coastal environment of special value to the tangata whenua should be carried out in accordance with tikanga Maori. Provision should be made to determine, in accordance with tikanga Maori, the means whereby the characteristics are to be protected.

There are a number of hapu in the Auckland area which have identified themselves as having a level of mana whenua or kaitiakitanga in the Auckland Region. These are:

Hapu	Representative Trust Board	Relevant Planning document
Ngāti Whātua O Ōrākei	Ngāti Whātua o Ōrākei Maori Trust Board	Ngāti Whātua o Ōrākei Maori Trust Board Regional Policy Document January 1994
Te Kawerau a Maki	Te Kawerau Iwi Tribal Authority	Kawerau a MakiTrust Resource Management Statement May 1995
Ngāti Maru (Hauraki)	Hauraki Māori Trust Board	Hauraki Iwi Environmental Plan March 2004
Patukirikiri	Hauraki Māori Trust Board	
Ngāti Tamaterā	Hauraki Māori Trust Board	
Ngāti Paoa	Ngati Paoa Whanau Trust	Ngāti Paoa Resource Management Plan May 1996
Ngāi Tai (Hauraki)	Hauraki Māori Trust Board	Ngāi Tai Kaitiaki/Resource Management Principles and Operational Policies (no date)
Waikato Tainui	Waikato Raupatu Lands Trust	Waikato Iwi Management Plan: Manuka 1996

The relevant Iwi Planning Documents for the relevant Authorities, Trusts and Trust Boards have been reviewed and generally they provide for the protection and enhancement of the Waitemata Harbour. There was no specific reference to either the POAL or their associated activities. Due to the nature of the stormwater management works proposed by POAL, it is considered that the proposal will provide for longer term environmental benefits to the Waitemata Harbour through the issue of this consent.

Chapter 3: Activities involving the subdivision, use or development of areas of the coastal environment.

Policies

3.1.1 Use of the coast by the public should not be allowed to have significant adverse effects on the coastal environment, amenity values, nor on the safety of the public nor on the enjoyment of the coast by the public.

3.2.2 Adverse effects of subdivision, use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the effects should be mitigated and provision made for remedying those effects, to the extent practicable.

3.2.4 Provision should be made to ensure that the cumulative effects of activities, collectively, in the coastal environment are not adverse to a significant degree.

3.2.5 Subdivision, use and development in the coastal environment should be conditional on the provision of adequate services (particularly the disposal of wastes), and the adverse effects of providing those services should be taken into account when preparing policy statements and plans and when considering applications for resource consents.

These policies from Chapter 3 seek to ensure that the effects of subdivision or the use and development of a site do not pose any significant adverse effects to the environment, those who use the coastal environment or and that any cumulative effects do not cause harm to a significant degree. There are limited direct impacts to the public from the proposals due to the nature of the activities. As outlined in section 1.6, despite the ferry tees being utilised by the public, access by the public is restricted around the wharfs of the commercial ports area for security and safety purposes.

The activities outlined in the proposal do not impact on the public's enjoyment or safety of the coastal environment and the impacts of sediment build-up are a significant issue for the harbour and are mitigated through a dredging programme carried out by POAL.

In addition to the discussion above, the Proposed NZCPS introduces the following objective and policy which is deemed relevant to the application.

Objective 7 of the proposed NZCPS seeks to maintain water quality or improve it over time, where it has deteriorated from its natural state Policies 44 to 47, 49 and 50 set out the means by which this objective is to be achieved. Water quality in the Commercial Port area is already degraded (refer to section 2 of the 2001 application) and the EMP:S provides measures to reduce the risk of discharge of stormwater contaminants, consistent with the objective and policies.

Water quality within the Commercial Port area is subject to highly urbanised runoff, and can therefore be considered of a degraded nature in the immediate surrounds of the wharfs However, POAL's application seeks to prevent further degradation of these waters and reduce the risk of contaminated stormwater entering the receiving environment. It is considered that the application is consistent with these policies.

Objective 1 provides for social, economic and cultural wellbeing of people and communities through the use, development and protection of resources in the coastal environment. The Commercial Port is a regionally and nationally strategic infrastructure and is considered a key part of New Zealand's economic health.

Policy 9 requires regional coastal plans to control activities with biosecurity risks. The standard operating procedures set out appropriate measures to address disposal of port waste posing biosecurity risks, consistent with this policy.

For the coastal environment of the Hauraki Gulf, sections 7 and 8 of the Hauraki Gulf Marine Park Act (HGMPA) must be treated as a New Zealand coastal policy statement. Section 7 recognises the national significance of the Hauraki Gulf, its islands and catchments, while section 8 outlines the objectives of the management of the Hauraki Gulf, its islands and catchments. The objectives are intended to protect, maintain and where appropriate enhance the life supporting capacity of the environment of the Gulf and its islands.

The following objectives of section 8 of the HGMPA that are considered relevant to this proposal are listed below along with the reasons why it is considered that the proposal is consistent with the relevant provisions of the HGMPA:

(a) *the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments:*

(b) the protection and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments.

(e) the maintenance and, where appropriate, the enhancement of the contribution of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments to the social and economic well-being of the people and communities of the Hauraki Gulf and New Zealand.

(f) the maintenance, and where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments, which contribute to the recreation and enjoyment of the Hauraki Gulf for the people and communities of the Hauraki Gulf and New Zealand

The application, as discussed above, details a number of measures to prevent, mitigate and reduce the risk of any contaminants entering the receiving environment, which ultimately feeds into the Hauraki Gulf. As a result, the longevity of the Hauraki Gulf as a life supporting capacity and its function as a natural, historic and physical resource will be respected. The application is not considered to impact on the recreation and enjoyment of the people and communities of the Hauraki Gulf and New Zealand and will continue to contribute significantly to the social and economic well-being of the region.

3.2.4 Section 104(1)(b)(iii) - Consideration of the relevant provisions of the Auckland Regional Policy Statement (ARPS).

The ARPS is a strategic document which sets out the direction of managing the use, development and protection of the natural and physical resources of the Auckland region. This document became operative in 1999. In 2005, the ARC publicly notified Proposed Change 6 in response to the Local Government Amendment Act 2004 (LGAAA) which sought to amend, amongst other things, the regional overview and strategic direction of the ARPS and mainly consisted of changes to Chapter 2 (Regional Overview and Direction) and Chapter 4 (Transport).

These amendments sought to codify the growth and transport strategies that had been promulgated and agreed to in the Regional Growth Strategy and the associated Sector Agreements.

As at the 31 July 2007, the ARC has released its decisions regarding Proposed Change 6 and matters now lie within the appeal period. Given the stage in the statutory process at which Proposed Change 6 currently finds itself, it is considered that some weighting should be given to the decision version of Plan Change 6, although the proposal must also be assessed against the operative policy statement.

The strategic objectives and policies of the ARPS provide a framework to achieve the integrated, consistent and co-ordinated management of the Region's resources. This framework seeks to avoid compromising the strategic direction of containment and intensification and adverse effects on the environment.

Under the ARPS, matters related to environmental protection, such as the coastal environment, water quality, water conservation and allocation and air quality have specific objectives, policies and methods to achieve sustainable and integrated management of major natural and physical resources in the Region.

The operative ARPS is unchanged from the assessment undertaken in the 2001 consent application.

The following provisions are considered relevant to this application:

Chapter 2 Regional overview and strategic direction

2.5.1 Strategic objectives

4. *To preserve the natural character of the coastal environment, whilst ensuring that the use of the coastal environment by those industries and activities which serve the needs of the Region and which depend on a coastal location is appropriate and efficient.*

a. *To protect the intrinsic values of the Region's natural resource base, and to make appropriate provision for the avoidance, remediation or mitigation of adverse effects on the Region's environment, including the identification of significant indigenous vegetation and habitat, and protection of these from inappropriate subdivision use and development.*

8. *To manage the Region's natural and physical resources in an integrated manner.*

2.5.2 Strategic policies

1. The use, development and protection of natural and physical resources in the Region is to be managed so that the Region's growth is accommodated in a manner and in locations which are consistent with the Strategic Objectives and which promote the sustainable management of those resources.

6. Provision is to be made to enable the safe and efficient operation of existing regional infrastructure which is necessary for the social, and economic wellbeing of the region's people, and for the development of regional infrastructure (including transport and energy facilities and services) in a manner which is consistent with this strategic direction and which avoids, remedies or mitigates any adverse effects of those activities on the environment.

8. Resource management processes in the region are to be carried out in ways which ensure that affected parties are consulted at an early stage, and in particular Tangata Whenua involvement as kaitiaki of the Region's natural resources is to be facilitated.

Policies

2.6.1-Urban Growth Management

2. Urban development shall be contained within the defined limits (including the metropolitan urban limits and the limits of rural and coastal settlements – referred to in Strategic Policy 2.5.2-3) shown in the RPS from time to time, and its form shall be planned and undertaken through an integrated process on a regional basis and in ways that are consistent with the Strategic Direction and

(iv) enable the operation of existing regional infrastructure and the provision of necessary new or upgraded regional infrastructure which is operated and developed in a manner which ensures that any adverse effects of those activities on the environment are avoided, remedied or mitigated;

(viii) avoids, remedies, or mitigates adverse effects on the environment.

2.6.7 Regionally significant infrastructure or services

The safe and efficient operation of existing Regional infrastructure and the provision of necessary new Regional infrastructure is to be enabled, planned and undertaken in ways that:

- *Are consistent with the Strategic Direction, and with the policies and methods for Urban Growth Management (2.6.1) and for Rural Areas (2.6.4);*
- *Consider and make appropriate provision for the following matters:*
  - *i) The avoidance of significant adverse effects (including cumulative adverse effects) on:*
    - *(b) amenity values throughout the whole of the Region ...*

Chapter 2 of the ARPS provides an overview of resource management in the Region and establishes a strategic approach for the management of these resources. The social and economic well being and health and safety of the region are dependent on the availability and efficient operation of necessary services, including the Ports of Auckland. The POAL resource consent application is considered consistent with the objectives and policies listed above from Chapter 2. The location of the Ports is in a highly urbanised area and the proposals in the application endeavour to minimise the environmental impacts of the POAL activities. The regional significance of the Ports infrastructure is detailed in section 1.4 of this report, and the application seeks to maintain operations by avoiding significant adverse effects on the Waitemata Harbour.

Chapter 3 (Matters of Significance to Iwi) states broad issues which are of significance to Tangata Whenua. No issues of significance to iwi have been identified.

Chapter 6 Heritage

Objectives

1. *To preserve or protect a diverse and representative range of the Auckland Region's heritage resources.*
2. *To maintain, enhance or provide public access to the Region's heritage resources consistent with their ownership and maintenance of their heritage value.*

Policies

6.4.1 Policies: Heritage preservation and protection

3. The subdivision of land, and use and development of natural and physical resources shall be controlled in such a manner that:

(i) the values of heritage resources of international, national or regional significance are preserved or protected from significant adverse effects.

6.4.4 Policies: Heritage use and access

4. Public access to heritage resources shall be restricted where it is necessary to:

(iii) protect public health and safety;

Chapter 6 (Heritage) covers the cultural environment and includes things such as sites, artefacts and historical associations. Within the application site, 28 Cultural Heritage sites have been identified in the Cultural Heritage Inventory (CHI). The CHI Place Numbers are as follows: 79, 92, 304, 305, 332, 513, 519, 517, 530, 540, 543, 557, 558, 561, 571, 573, 575, 676, 789, 995, 1025, 2544, 2694, 16792, 16793, 16794, 16978, 17516.

Although there are a number of cultural heritage sites recorded in the vicinity, access is currently restricted to protect the health and safety of the public. None of these sites have been identified as of importance to Maori and do not appear to be impacted upon through this applicaiotn. There are no cultural heritage concerns with the proposed renewal and maintenance works proposed.

Chapter 7 Coastal environment

Objectives

1. To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use and development.

4. To enable the use of the coastal environment for appropriate port purposes, other water-related industrial and commercial activities and network utilities.

9. To recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga of the coastal environment.

11. *To recognise as a matter of national significance the interrelationship between the Hauraki Gulf, its islands and its catchments, by providing for the protection, and where appropriate enhancement of those resources, features, characteristics and associations in accordance with s8 of the Hauraki Gulf Marine Park Act 2000.*

Policies

7.4.1 Coastal environment

In determining the extent of the coastal environment of the Auckland Region, the following areas and features shall be taken into consideration:

(vi) any land adjacent to the coast from which surface drainage may flow directly to the CMA

(viii) any land adjacent to the coast where activities may take place which have a direct physical connection with or impact on the CMA.

The objectives seek to sustain the natural character of the coastline while acknowledging that it is used for commercial and industrial purposes; many of which have significance to the economic framework of Auckland such as the POAL commercial ports area which are identified by virtue of (iv) and (viii) above. These objectives also provide a guiding framework for the application of chapter 7

7.4.4 Natural character of the coastal environment

1. The natural character of the coastal environment shall be preserved, and protected from inappropriate subdivision, use and development by:

(iii) In areas which are not of high natural character, avoiding where practicable or remedying, or mitigating the adverse effects of subdivision, use and development on the elements of natural character outlined in Policy 7.4.4-1 (i)(a)-(i) except those adverse effects which are to be avoided in 7.4.4-1 (ii) above."

The POAL site can be defined as an area of limited natural character due to the historic use and development of the site; however the application does propose measures to mitigate the Port's impact on the receiving environment and prevent further degradation of the remaining natural environment.

7.4.10 Subdivision, use and development

1. *The diverse range of values of the coastal environment shall be recognised and the need to enable people and communities to provide for their social, economic and cultural wellbeing shall be provided for in appropriate areas of the coastal environment.*

2. *In assessing the appropriateness of subdivision, use and development in the coastal environment particular regard shall be had to the following matters:*

   (iii) amenity values are maintained or enhanced as far as practicable;

   (v) there is a functional need for use and development in the CMA;

   (viii) there are no significant adverse effects of activities on the CMA, or on adjacent land including effects across the MHWS boundary

3. *A precautionary approach shall be taken by local authorities when providing for and assessing subdivision, use and development in the coastal environment where potentially significant adverse effects may arise*

8. *Appropriate subdivision, use and development shall be encouraged to locate in areas where the natural character has already been compromised, thereby avoiding sprawling or sporadic subdivision, use and development in the coastal environment.*

9. *Notwithstanding Policy 7.4.10-8, regard shall be had to the protection of those elements of remaining natural character which continue to exist in areas where human modifications or activities predominate."*

It is considered the proposal generally is consistent with the above policies recognising that the port activities have been established on this site for many years.

POAL are significant employers in the region and employ 568 full time staff. The value of imports and exports through the Port each year exceeds $20 billion, indirectly supporting thousands of jobs in the upper North Island.

In terms of location, shipping ports have existed in Auckland in their current location, in one form or another, since the mid-1800s. The POAL operation has built on the historic use of the harbour and the Ports establishment of today is very much more concentrated than that in the past. The proposal provides a number of improvement measures to the existing Ports infrastructure and operations

7.4.13 Public access

1. *Public access shall be maintained and enhanced to and along the CMA and to publicly owned land in the coastal environment.*

3. *Public access to and along the CMA should only be restricted where it is necessary to:*

   (iii) protect public health and safety; or

   (iv) ensure a level of security consistent with the purpose of a resource consent;

This is not feasible and in the interests of public safety, an exclusion zone exists on the Port operating areas and Wharfs and extends 50 metres in the sea around each wharf. This exclusion zone prohibits access to the wharfs and also acts as a buffer zone for any discharges from the outfalls around the wharfs. Public safety is paramount and this exclusion zone is required to enable the Ports to operate in an area of the Waitemata harbour CMA which is used extensively by the public.

7.4.16 Recreation

2. *Coastal areas of special recreational value shall be identified and provision made for their maintenance or enhancement.*

The Ports are located in an area that is utilised extensively for recreational purposes. The movement of cargo in and out of the Ports is subject to regulation by the Ministry for Agriculture and Forestry and New Zealand Customs, and the historic co-existence of both recreational and industrial activities are integral to the harbour. However, the nature of this consent application seeks to improve the quality of the discharges from the Port operating areas, which is a long term benefit to the wider population who use the harbour for activities such as sailing, kayaking, swimming, and fishing. There are no specific special recreational areas identified around the Port wharfs.

7.4.19 Ports, network utilities and other water related activities

1. *Port and other water related industrial and commercial activities and network utilities which depend upon the use of the natural and physical resources of the coastal environmental shall be provided for in a manner which is consistent with Policy 2.6.7: Regionally Significant Infrastructure or Services and Policies 7.4.10 (1-10).*

Policy 2.6.7 addresses the need for the safe and efficient operation of both existing and future Regional infrastructure and that 'it is enabled, planned and undertaken in ways that avoid significant adverse effects'. Policy 7.4.19 (1) ties this requirement with the above policies taken from Chapter 7 which address matters relevant to the Ports. The policies highlight the issues that need to be taken into consideration to ensure that the Port activities are appropriate and do not impact on natural character or functionality of the CMA. It has been demonstrated in the application that the impacts associated with the continued use of the CMA by the Ports will be either prevented or mitigated through the implementation of specific source control measures and standard operating procedures.

7.4.28 Significant resource management issues for Tangata Whenua

1. *Maori cultural and traditional values shall be recognised and taken into account in the management of the coastal environment.*

This policy should be read in conjunction with Chapter 3 of the ARP: S. The objectives outlined in this chapter seek to sustain the mauri of natural and physical resources in a manner that still provides for the social, economic and cultural well being of Maori. The relationship between Tangata Whenua and their culture and traditions with their ancestral taonga must be given a priority when it conflicts with other values. One of the ways this can be recognised and addressed is through having regard for the principles of the Treaty of Waitangi

It is concluded through the review of iwi Management Plans and a review of the impact that any works may have, that the natural and/or cultural heritage of the area will not be affected by the proposal. Additionally, there is no evidence that there will be any impacts on any customary rights.

Chapter 8 - Water Quality

Objective 8.3

1. to maintain water quality in water bodies and coastal waters which have good water quality, and to enhance water quality which is degraded particularly for the following purposes:

(i) Estuaries and harbours: protection of aquatic ecosystems, recreation, fishing and shellfish gathering, cultural and aesthetic purposes.

(ii) Open coastal waters, including parts of the Hauraki Gulf: its natural state

(iii) Lakes, rivers and streams: protection of aquatic ecosystems, recreation, food gathering, water supply, cultural and aesthetic purposes.

Policies

8.4.1: General

1) Adverse effects on water quality caused by the discharge of contaminants (including non-point source discharges) shall be avoided, particularly the discharge of potentially toxic, persistent or bioaccumulative contaminants. Where it is not practicable to avoid discharges, they shall be adequately remedied or mitigated."

8.4.10 Industrial or Trade and rural production and processing activities

1) All industrial, trade and rural production and processing activities shall be carried out in a manner which:

(i) prevents wherever practicable the adverse effects of discharges and wastes;

(ii) prevents wherever practicable unauthorised or accidental discharges and ensures that when these occur, they are detected quickly, so that immediate action is undertaken to reduce the extent of any discharge.

2) Industrial and trade activities producing trade wastes shall be located in areas where trade wastes can be disposed of to a trade waste sewer, unless

adequate systems are in place to ensure trade wastes are contained and regularly collected for approved treatment and disposal.

3) *Industrial and trade activities which directly adjoin water bodies and coastal waters shall be separated from them, wherever practicable, to avoid adverse effects to cultural and amenity values, and to minimise adverse effects of discharges and wastes."*

The Waitemata Harbour is identified in this chapter (Table 8.2) as an area that has suffered degraded water quality due to the location of historically polluting activities. However, over time, improvement can be achieved in the harbour through remedial work and ensuring that the range of activities that take place in the harbour and adjoining the harbour comply with the relevant modern standards and best practice to minimise the activities environmental impact.

The POAL application is one such activity that has implemented best practice and has proposed a number of improvements which will prevent and minimise the environmental impact of the port operations. The sedimentation into the harbour that may occur as a result of the stormwater runoff from the activity areas is likely to be negligible (section 2.2.2 of this report) due to the control measures that are proposed in the application. In order to monitor the effectiveness of the controls used in the activity area, such as the sweeping programme and the source control measures, a monitoring programme will be required to monitor the level of sediment in the discharges that are generated on the site. This can be achieved through monitoring the levels of sediment collected by the sweeper vehicle proposed in the application through inclusion as a condition of consent.

Chapter 15 - Waste

Objective 15.3

1. *To minimise the quantity of waste being generated and disposed of within the Auckland Region in order to promote the sustainable use of natural and physical resources.*

2. *To avoid, remedy, or mitigate actual or potential adverse environmental effects arising from the waste management activities."*

Policy 15.4.4

All waste generators, transporters and disposers shall transport, store and dispose of all residual wastes, including controlled and hazardous waste, in a manner which avoids, remedies, or mitigates actual or potential adverse environmental effects."

The application is consistent with the objectives and policies of Chapter 15 in that the application has outlined measures for waste disposal through its proposed standard operating procedures.

The relevant provisions of the ARPS have been considered and it is concluded the proposal is consistent with the ARPS. The proposed combination of source controls and stormwater treatment are considered best practice and will therefore prevent and avoid contamination of water that may arise from the operation of the industrial or trade processes occurring onsite.

3.2.5 Section 104(1)(b)(iv) – Consideration of the relevant provisions of the Proposed Auckland Regional Plan: Air, Land and Water (PARP:ALW).

The ALW Plan applies to all of the area within the Auckland Region (the jurisdiction of the Auckland Regional Council) and sets out the management of air, land and water resources in the region including: air, soil, rivers and streams, lakes, groundwater, wetlands and geothermal water. The ALW Plan was notified for public submissions in October 2001. It is under proposed status.

Chapter 2 Values

The provisions of Chapter 2, Values, seek to recognise, provide and give effect to Part 2 of the RMA in terms of the Regional Council's responsibilities for the management of the air, land and freshwater resources of the Auckland Region. Collectively, Chapters 2, 2.1, 2.2 and 2.3 considers the natural values of the region; use and development; and Tangata Whenua values. Section 2.0 1 Urban Sustainability (related policy 2.2.4 1) describes enabling people to provide for their social, economic, cultural well-being, and health and safety while ensuring the protection of natural ecosystems and environmental amenity. The Ports of Auckland provides a regionally and nationally significant infrastructure; through this application,

measures have been proposed to mitigate any adverse effects associated with the discharge of stormwater.

Chapter 2.1 – Natural Values

The POAL application seeks consent to discharge into the CMA and therefore the objectives and policies of chapter are not relevant by virtue of their reference to freshwater systems.

Chapter 2.2 – Use and Development

Objectives

2.2.3.2 To manage the use and development of natural and physical resources in a sustainable, efficient and integrated manner that is consistent with the strategic growth management provisions of the Auckland Regional Policy Statement and the Auckland Regional Growth Strategy. This Objective relates to Policies 2.2.4.1 to 2.2.4.15.

2.2.3.3 To enable the use and development of air, land and water in a way that provides for the efficient use of land and supports increased urban densities within the Urban Areas. This Objective relates to Policy 2.2.4.1

2.2.3 4 To provide for the ongoing operation, maintenance, development and upgrading of physical infrastructure, in a manner that meets regional growth requirements and supports the economic, social and cultural wellbeing of the Region's people and communities and provides for their health and safety, while avoiding, remedying or mitigating adverse effects on the environment. This Objective relates to Policies 2 2.4.2, 2.2.4.3 and 2.2.4.6 to 2 2.4.11

Policies

2.2.4.1 Use and development of air, land and water within Urban Areas (the Metropolitan Urban Limits and rural and coastal settlements) is appropriate where:

a it is consistent with the strategic directions of the Auckland Regional Policy Statement and the Auckland Regional Growth Strategy, and

b adverse effects are avoided, remedied or mitigated.

2.2.4.8 *The positive social, economic and cultural effects and benefits arising from any proposal for use and development shall be considered when assessing the overall effects of a proposal on air, land or water resources*

2.2.4.16 *Use and development of, air, land and freshwater shall consider any effects on sites, buildings, places or areas which have cultural heritage values and which are identified in the ARC's Cultural Heritage Inventory, and should avoid, remedy or mitigate, adverse effects on these resources.*

Policy 2.2.4.1 relates to the use and development of air, land and water within Urban Areas and requires these activities to be consistent with the strategic directions of the ARPS and the Auckland Regional Growth Strategy; and requires adverse effects are avoided, remedied or mitigated. This application is considered to be generally consistent with these provisions, as it is consistent with the ARPS (see section 3.3.4 above), as it will not interfere with the operations of the Ports, and the adverse effects will be appropriately avoided, minimised or mitigated.

Policy 2.2 4.8 requires the assessment of resource consents to have regard to positive economic and social effects. It is considered that the proposal is consistent with this requirement, and that the measures set out in the application will provide positive benefits in terms of improved operations of the Ports, which in turn can then continue to perform an important social and economic role for the country.

Policy 2.2.4.16 identifies that the effects from any use or development of air land or freshwater on any cultural heritage sites identified in the ARC's Cultural Heritage be avoided, remedied or mitigated. It is considered that the proposal is consistent with this requirement, as discussed in section 3.3.7 (Chapter 8 – Cultural Heritage).

Chapter 2.3 – Matters of significance to Tangata Whenua

The objectives of this chapter are the same as the objectives in section 3.3 of the ARPS. As indicated in section 3.3.4 above, Chapter 3 (Matters of Significance to Iwi) of the ARPS states broad issues which are of significance to Tangata Whenua. No issues of significance to iwi have been identified.

Chapter 5 Discharges to land and water and land management

This chapter contains provisions relating to land management and water quality, and it deals with the discharge of contaminants into water, or onto or into land. Further

more, as required by rule 20.5.15 of the Auckland Regional Plan: Coastal, activities that divert and discharge stormwater to the coastal marine environment which are not provided for by another rule in chapter 20 of that Plan, shall be assessed under the provisions of rule 5.5.19 (if an industrial or trade process). In considering such applications, Policies 5.4.2, 5.4.4, 5.4.5, 5.4.13 – 5.4.18 shall apply as if those policies were contained in chapter 20 of the Auckland Regional Plan: Coastal.

Taking this direction into account, the following objectives and policies are deemed relevant to this application.

Objectives

5.3.1 *To protect, maintain or enhance the quality of land and water in the Auckland Region by:*

a) Maintaining areas of high environmental quality;

b) Minimising adverse effects on degraded natural and physical resources where these cannot be avoided; and

c) Enhancing degraded areas where practicable.

This shall be achieved by avoiding or minimising the adverse effects arising from:

(i) the discharge of sediment;

(iii) contaminant levels in stormwater runoff, including from an industrial or trade process;

(viii) discharges from contaminated land;

(x) contaminant levels in geothermal discharges;

(xi) contaminant levels in washwater and wastewater from industrial and trade processes; and

(xii) discharges from emergency fire service training exercises.

5.3.5 *To prevent or minimise the adverse effects of stormwater and wastewater discharges. (This Objective relates to Issues 5.2.1- 5.2.4)*

5.3.9 *To promote sustainable site management practices that avoid discharges of contaminants from an industrial or trade process where practicable.*

General objective 5.3.1 seeks to protect, maintain or enhance land and water quality by maintaining areas of high environmental quality, by minimising adverse effects on degraded natural and physical resources, where these cannot be avoided, and enhancing degraded areas where practicable. The mechanisms identified for achieving this objective, relevant to the application, are by avoiding or minimising adverse effects arising from discharge of sediment and contaminant levels in stormwater. As discussed in sections 1.4 and 2.2.2, the best practicable option has been taken to avoid or minimise the adverse effects from discharges to land.

Objective 5.3.5 and 5.3.9 promotes the use of sustainable site management practises to avoid potentially contaminated discharges from industrial or trades processes where practicable.

Policies

5.4.2 *To have regard to the objectives and policies of Chapters 2.1, 2.2 and 2.3 in assessing any resource consent to discharge contaminants, into water or onto or into land.*

5.4.16 *To manage the environmental risk of contaminant discharges onto or into land or water by the operation of an Industrial or Trade Process by:*

a) setting performance standards for low risk Industrial or Trade Processes;

b) requiring a discharge consent for high risk Industrial or Trade Processes, or where low and moderate risk Industrial or Trade Processes do not meet the Permitted Activity conditions; and

c) requiring operators of moderate and high risk Industrial or Trade Processes to prepare and implement environmental management plans aimed at minimising and managing activities which could adversely impact groundwater or stormwater.

5.4.17 *In assessing an environmental management plan for a moderate or high risk Industrial or Trade Process, regard shall be had to the extent to which risks to water quality have been identified and managed so as to avoid, remedy or mitigate discharges to the stormwater system.*

5.4.18 *When processing discharge consent applications for Industrial or Trade Processes, the ARC shall have regard to the impact on company operations and financial resources when requiring upgrading of existing site*

infrastructure, while ensuring that significant adverse effects are appropriately avoided, remedied or mitigated.

5.4.44 *Reuse of washwater will be encouraged. Washwater disposal to land will be acceptable where it will not result in contaminant runoff or the accumulation of contaminants, such as hydrocarbons and heavy metals, above acceptable levels in the receiving environment. Washwater should only be discharged to water where other options including disposal to the sanitary sewer are impractical, and a thorough evaluation of the assimilative capacity of the receiving environment has been carried out proving the discharge will not give rise to any significant adverse effects. [E508/04/16 Ports of Auckland]. (This Policy relates to Objectives 5.3.1 and 5.3.9)*

Policy 5.4 16 seeks to manage the environmental risk of contaminant discharges onto or into land or water by the operation of an industrial or trade process by requiring discharge consent for high risk industrial or trade processes. This policy also requires operators of high risk industrial or trade processes to prepare and implement environmental management plans aimed at minimising and managing activities which could adversely impact groundwater or stormwater.

Policy 5.4.17 requires the assessment of an environmental management plan for an industrial or trade process to have regard to the extent to which risks to water quality have been identified and managed so as to avoid, remedy or mitigate discharges to the stormwater system.

Policy 5.4.18 requires ARC to have regard for the impact on company operations and financial resources when requiring the upgrading of existing site infrastructure without negating the need to address and significant adverse effects

Policy 5.4.44 discourages the discharge of washwater to a water body and encourages the reuse of this water where possible. POAL will generate washwater through the wash down of vehicles onsite. There is no designated bay or catchment proposed in this application; however the mixing and assimilative capacity of the receiving water body that is the CMA, when taking into account the volume of washwater which will be generated will be sufficient to deal with any potential contamination. Therefore the application broadly complies with this policy

Section 104(1)(b)(iv) requires consideration of any relevant objectives and policies of a plan or proposed plan. In this case, the relevant objectives and policies of the PARP: ALW have been considered in the assessment of this application It is concluded that the proposal is consistent with the relevant objectives and policies of the PARP: ALW as outlined above.

Rules

5.5.19 *The discharge of contaminants from an industrial or trade process that is:*

listed as high risk in Schedule 3: Industrial or Trade Processes and was established after the date the Plan was notified; or

unable to comply with Rule 5.5.17,

are Discretionary Activities subject to the following standards and terms:

(a) An Environmental Management Plan which:

i has regard to all the appropriate matters listed as conditions for Rule 5.5.14 and Rule 5.5.15;

ii identifies the specific contaminants associated with the industrial or trade process on site;

iii sets out the methods to be used to ensure the contaminants identified avoid contacting stormwater runoff; and

iv identifies appropriate assessment requirements to ensure performance of all components of the Environmental Management Plan.

(b) Treatment shall be implemented to reduce contaminants that are entrained in the stormwater runoff to minimise adverse environmental effects, including cumulative effects, to acceptable levels;

(c) All contaminant treatment devices shall be installed and maintained in accordance with either the manufacturer's recommendations or the best practicable option.

(d) Contaminant monitoring requirements to ensure the performance of the site's Environmental Management Plan and contaminant treatment devices.

(e) *The appropriate site management practices and/or contaminant treatment devices necessary to avoid, remedy or mitigate adverse environmental effects commensurate with:*

i the requirements of the relevant ICMP, and

ii the assimilative capacity of the receiving environment.

The applicant has addressed the requirements of an industrial or trade process consent and has submitted in support of this application an Environmental Management Plan for Stormwater which covers the elements as set out by 5.5.19 and the rules referenced in that rule of the PARP:ALW. The measures proposed by the applicant to minimise the residual risk of contaminants entering the receiving environment are regarded as best practicable option taking into account the nature and scale of the operations.

3.2.6 Transitional Auckland Regional Plan (TARP) 1991

The TARP 1991 remains the operative plan until the PARP:ALW is finalised. Section 1.5 of this report outlines the function of the TARP in the context of this application.

3.2.7 Auckland Regional Plan: Coastal (ARP:C)

In 2001, when the application by POAL was lodged, the ARP:C had proposed status. It is now operative and consideration has been given to the relevant sections in this report.

Rule 20.5.4 of the ARP:C allowed for discharges into the CMA as a permitted activity, and remains unchanged from the PARP:C except for renumbering (previously Rule 20.5.3). POAL's position remains consistent with that stated in the 2001 application, however the discharges at the Commercial Port may occasionally fall outside the scope of Rule 20.5.4. Therefore, in the 2001 application, consents were sought for the Commercial Port as a discretionary activity under Rules 20.5.5 and 20.5.7, which applied to the discharge of all other contaminants or water into the CMA. Rule 20.5.5 (now renumbered 20.5.6) has been amended by Variation 1[4] and now references

[4] **Variations and Plan Changes**

Variation 1 amends the ARP:C so that it is consistent with the PARP:ALW. This variation affects the rules and consenting requirements relevant to the POAL stormwater consents however it is under appeal and therefore does not have operative status.

ARP:C Rules 20.5.13 to 20.5 16, and through them the relevant stormwater discharge rules in the PARP:ALW Rule 20.5.7 has been deleted by Variation 1. As a result, discharge consents for the Commercial Port area will now be sought under Rule 20.5.15 of the ARP:C and Rules 5.5.4 (stormwater diversion and discharge) and 5.5.19 (ITP) of the PARP:ALW.

The ARP: C recognises the regional importance of the Port Management Areas and the need to permit appropriate development and continued efficient use in these areas in the interest of the economy and the surrounding area.

Under Section 384A of the RMA, Ports of Auckland Ltd have been granted occupation rights until 30 September 2026 to a specific designated area as outlined in the ARP:C Plan Map Series 2. This is for the purpose of operating port related commercial undertaking that it acquired under the Port Companies Act 1988.

There are five overall Port management areas identified in the ARP:C, with areas 1 and 4 further subdivided into discrete geographical areas. The Commercial Ports fall into the management areas 1A, 1C, 2 and 3.

Port Management Area 1A	
Bledisloe Terminal to Fergusson Container Terminal	The main container and cargo handling area. Fergusson Wharf adjoins the reclaimed area known as the container terminal, where containers are stored temporarily prior to shipment.

Variations 2 to 6 are not relevant to the Commercial Port area.

Plan Changes 1 and 2 are not relevant to the Commercial Port area.

Plan Change 3 (Wynyard Quarter) primarily affects Wynyard Wharf and the Cement Wharf, which were included in the 2001 consent application but will now be dealt with separately from the Commercial Port area consent

Plan Change 4 (Mangrove Management) has peripheral relevance to stormwater consents in that the amended clause 16 6 6 requires ARC to "*encourage territorial authorities and landowners to manage land use activities, and undertake riparian management, to reduce the level of sediment and nutrients entering the coastal environment in the long term*". The EMP:S submitted to support the 2001 consent application focuses on reducing the level of sediment entering the coastal environment

Port Management Area 1C	
Marsden, Captain Cook Wharfs and Queens Wharf (excluding south-western edge)	Includes the older, central wharfs which are used for cargo handling and act as a transition area between heavy cargo and container handling in PMA 1A and 2.
Port Management Area 2	
South western edge of Queens Wharf only	This area and the adjacent ferry tee are well utilised for both commercial and recreation purposes. It is classed as a popular passive recreation and viewing area. The area subject to this application is
Port Management Area 3	
Princes Wharf	Historically the wharf was used for commercial operations however, it is now utilised for both commercial and recreational purposes.

This report and consent covers the above areas only. The application for the Commercial Ports area originally covered all commercial port areas including areas listed in Port Management area 4A; however the Environment Management Plan submitted in August 2008 has revised the areas which are to be described as the Commercial Ports area for the purposes of this consent application. The outstanding commercial port activity areas are to be covered by a separate application.

The following objectives and policies of the Auckland Regional Plan: Coastal are deemed relevant:

Chapter 3 Natural character

Objective

3.3.1 *To preserve the natural character of the coastal environment by protecting the coastal marine area from inappropriate subdivision, use and development*

Policies

3.4.1 *The natural character of the coastal environment shall be preserved and protected from inappropriate subdivision, use, and development by avoiding where practicable, remedying or mitigating the adverse effects of subdivision, use and development on the qualities, elements and features which*

contribute to the natural character of the coastal environment, including those areas characterised by modification and development.

3.4.2 *In assessing the actual or potential effects of subdivision, use and development on natural character particular regard shall be had to:*

a) preserving the natural character of the coastal marine area in Coastal Protection Areas 1 and 2;

b) preserving the natural character of the coastal marine area in Outstanding and Regionally Significant Landscape Areas, where these areas are predominantly natural;

c) avoiding, where practicable, adverse effects on natural character values in other areas of the coastal marine area which are predominantly in their natural state and which have a high natural character;

d) protecting appropriate remaining elements of natural character in those areas characterised by modification and development.

3.4.3 *In assessing the actual or potential adverse effects of subdivision, use and development, including cumulative adverse effects, on the natural character of the coastal environment particular regard shall be had to the relevant policies in Chapters 4, 5, 6, and 8, in recognition of the role that landscape, natural features, ecosystems, and certain cultural and historical areas and sites make to natural character.*

3.4.4 *When subdivision, use and development in the coastal marine area gives rise to actual or potential adverse effects on the natural character of the coastal environment, where appropriate these effects shall be remedied or mitigated by restoration or rehabilitation of the natural character of the coastal environment. In determining whether any adverse effects on natural character can be remedied or mitigated by restoration or rehabilitation, and if so, the level and extent of restoration and rehabilitation that is to be carried out, regard shall be had to:*

a) the extent to which the qualities and features of natural character in the area of the proposed subdivision, use and development will be adversely affected and the ability to restore or rehabilitate natural character in the area subject to the proposal; or

b) *where restoration or rehabilitation is not practicable in the area subject to the proposal, the potential to mitigate any adverse effects by the rehabilitation or restoration of natural character in another area of the coastal environment; and*

c) *where restoration plantings are carried out, preference shall be given to the use of indigenous species with a further preference for local genetic stock.*

The Commercial Ports are located in a highly modified and urbanised area. The Port activities are confined to distinct wharfs which have little natural character or features and to improve the use of this area by reducing and mitigating impacts is within line with this policy. The application seeks to improve the quality of the discharges that will be made into the harbour and through these processes, will reduce the impact that the activities currently have on the coastal environment. Policy 3.4.4 has been revised from the PARP:C version and refers more specifically to adverse effects and assessing remediation or mitigation of these effects.

Chapter 5 Natural features and ecosystems

Objectives

5.3.1 *To protect the dynamic functioning of physical coastal processes*

5.3.2 *To protect the integrity, functioning and resilience of ecosystems within the coastal environment.*

Policies

5.4.4 *In those areas not identified in this plan as Coastal Protection Areas 1 and 2, any subdivision, use and development in the coastal marine area shall as far as practicable, remedy or mitigate adverse effects on indigenous vegetation or fauna, their habitats, natural features and ecological and physical processes.*

5.4.5 *In assessing the effects, including cumulative effects, of subdivision, use and development on natural features and ecosystems throughout the coastal marine area regard shall be had to:*

e) *Maintaining or enhancing water quality to safeguard the life-supporting capacity of ecosystems*

g) *Maintaining the natural substrate composition by*

i) avoiding the addition of material not found naturally in the area;

iii) avoiding disturbance and deposition which would have significant or irreversible effects on the substrate composition.

Policy

5.4.6 *When subdivision, use and development in the coastal marine area gives rise to actual or potential adverse effects on natural features and coastal and marine ecosystems, where appropriate these effects shall be remedied or mitigated by restoration or rehabilitation of the natural features and coastal and marine ecosystems. In determining whether any adverse effects on natural features and coastal and marine ecosystems can be remedied or mitigated by restoration or rehabilitation, and if so, the level and extent of restoration or rehabilitation that is to be carried out, regard shall be had to:*

a) the extent to which the qualities and features of natural features and coastal and marine ecosystems in the area of the proposed subdivision, use and development will be adversely affected and the ability to restore or

rehabilitate natural features and coastal and marine ecosystems in the area subject to the proposal; or

b) where restoration or rehabilitation is not practicable in the area subject to the proposal, the potential to mitigate any adverse effects by the rehabilitation or restoration of natural features and coastal and marine ecosystems within other parts of the coastal marine area; and

c) where restoration plantings are carried out, preference shall be given to the use of indigenous species with a further preference for local genetic stock.

There are limited natural features in and around the coastal environment of the Commercial Ports area. The sea bed is regularly dredged around the wharfs and the movement of both commercial and cargo vessels causes' significant disturbance to the sediments in the immediate wharf area. Any contaminated sediments that may be discharged from the activity area may have the potential to be carried further out into the harbour. The seabed in this area is again subject to dredging and there has

been substantial work carried out over the history of the Ports to deepen and make suitable the channel for the passage of cargo ships and cruise vessels.

Chapter 6 (Coastal matters of significance to Tangata Whenua) and Chapter 8 (Cultural Heritage)

In assessing any applications for developments in the CMA, the ARC must recognise and provide for the relationship of Maori and their culture and traditions with their ancestral taonga (Policy 6.4.1). Objective 8.3.1 of the ARP: C seeks to preserve and protect significant maritime cultural heritage sites, buildings, places or areas in the coastal environment.

As discussed earlier in this report, due to the amendment to the RMA, no consultation was undertaken by the applicant. However through the Application Diary, no queries or comments were received from any party regarding this application and there is considered to be no impact on the cultural heritage sites identified with in the boundaries of the site subject to this application The proposal is considered consistent with the provisions of chapters 6 and 8 in the ARP: C.

Chapter 7 Public access

Objectives

7.3.2 *To provide for the restriction of public access in specified circumstances*

Policies

7.4.1 *Subdivision, use, development and protection should ensure that public access to, along and within the coastal marine area is maintained or enhanced, except where it is necessary to restrict access in order to:*

d) protect public health or safety; or

e) ensure a level of security consistent with the activities being undertaken or the purpose of a resource consent, including a consent under section 384A of the RMA for Ports of Auckland Ltd to occupy part of the coastal marine area

Restricting public access around the Ports area is in line with the above objectives and policies set out above. It is not unreasonable to make a determination that possible affected parties are potentially unaffected as a result of this exclusion.

Chapter 9 Subdivision, use and development

Objectives

9.3.1 *To enable appropriate subdivision, use and development in the coastal marine area, recognising that the coastal marine area is a finite resource.*

9.3.2 *To recognise the national and regional importance of activities which depend upon the use of natural and physical resources of the coastal environment, such as maritime and air transport services, regional infrastructure and other water based industrial, commercial and recreational activities.*

Policies

9.4.1 *Subdivision, use and development within parts of the coastal marine area shall generally be considered appropriate where that subdivision, use and development depends upon the natural and physical resources of the coastal marine area, and where adverse effects are avoided, remedied or mitigated.*

9.4.2 *Subdivision, use and development within the Port, Defence, Marina, Mooring, Airport and Special Activity Management Areas, for those purposes, shall be considered appropriate, provided that the subdivision, use and development is consistent with the objectives and policies for those areas.*

Objectives 9.3.1 and 9.3.2 and Policies 9.4.1 and 9.4.2 regarding coastal subdivision, use and development are unchanged from the PARP:C, except that Policy 9.4.2 no longer requires that subdivision, use and development within the management areas be consistent with the rules for those areas.

Chapter 10 General

Objectives

10.3.1 *To provide for appropriate subdivision, use and development in the coastal marine area, and to protect the coastal marine area from inappropriate subdivision, use and development.*

Policies

10.4.2 *Recreation is a significant and important use of the coastal marine area, and any proposal for subdivision, use and development shall have regard to the desirability of maintaining or enhancing recreational use of the coastal marine area while avoiding, remedying or mitigating adverse effects on existing activities.*

10.4.3 *Subdivision, use and development of the coastal marine area shall be considered more appropriate where the environment has already been highly modified by human activities, or located in areas where development already exists, unless:*

a) location elsewhere in the coastal marine area of the Auckland Region would better avoid, remedy, or mitigate significant adverse effects of that subdivision, use and development; or

b) an application brought by Tangata Whenua better provides for the special relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

10.4.4 *The positive environmental effects and benefits arising from any proposal for subdivision, use and development shall be taken into account when assessing the overall effects of a proposal.*

10.4.7 *Subdivision and development within Coastal Protection Areas shall generally be considered inappropriate where it will:*

f) result in a reduction in water quality which would adversely affect the natural ecological functioning of the area; or

g) result in the deposition of material at levels which would adversely affect the natural ecological functioning of the area; or

10.4.11 *A precautionary approach shall be taken where potentially significant adverse effects, which cannot be fully assessed due to inadequate information or understanding (particularly where this is due to a lack of scientific or technical knowledge), may arise from a proposal for subdivision, use or development. In assessing any applications the ARC or its agents may impose conditions that will ensure that the effects of the activity are avoided, remedied or mitigated, including, but not limited, to any or all of the following:*

a) that consent conditions be reviewed in order to avoid, remedy or mitigate any adverse effects that may be generated by the activity; and

b) that the consent holder be required to regularly monitor the effects of any activity; and

c) that bonds be imposed to ensure that any works or actions required by any consent is undertaken; and

d) that the term of any consent is limited.

The Objectives and Policies in Chapter 10 (use of the coastal marine area) are unchanged or not materially changed (in relation to the 2001 application) from the PARP:C version. Taking into account the proposal by the applicant and the above objective and policies; the application will be compliant with this chapter.

Chapter 11 Discharge of contaminants

Objectives

11.3.1 *To ensure that efficient use is made of the coastal marine area.*

Policies

11.4.3 *The relevant provisions of Part III Values, chapters 3 to 9 shall be considered in the assessment of any proposed activity (which is the subject of this chapter) in the coastal marine area.*

Objectives and Policies in Chapter 11 are unchanged or not materially changed (in relation to the 2001 application) from the PARP:C. Taking into account the proposal by the applicant and the above objective and policies; the application will be compliant with this chapter.

Chapter 20 Discharge of contaminants

Objectives

20.3.1 *To maintain appropriate water and sediment quality in the coastal marine area and to enhance water and sediment quality where practicable in the parts of the coastal marine area where water and sediment quality is degraded.*

20.3.2 *To adopt the best practicable option for avoiding, remedying or mitigating the adverse effects from stormwater and wastewater discharges on the coastal environment.*

Policies

20.4.2 *The relevant provisions of Part III: Values, Chapters 3 to 9 shall be considered in the assessment of any proposal to discharge contaminants into the coastal marine area.*

20.4.3 *Any proposal to discharge contaminants or water into the coastal marine area (unless the discharge is prohibited) shall be considered appropriate only if it can be demonstrated that it is the best practicable option (as defined in s2(1)*

RMA) in terms of preventing or minimising the adverse effects on the environment having considered whether:

c) the volume and level of contamination of the discharge has been minimised to the greatest extent practicable;

d) the receiving environment is able to assimilate the discharged contaminants and water, with any adverse effects being avoided where practicable, remedied or mitigated particularly within:

i the areas identified in Tables 8.1 and 8.2 and Map Series 5, Sheets 1-4 (Degraded and Susceptible Areas and Areas of High Ecological Value Susceptible to Degradation) of the Auckland Regional Policy Statement;

ii those Coastal Protection Areas, set out in this Plan, which are based upon ecological rather than geological values;

e) the adverse effects on the present and foreseeable use of the receiving waters have been avoided where practicable, remedied or mitigated, particularly in areas where there is;

i high recreational use;

ii relevant initiatives by Tangata Whenua (established under regulations relating to the conservation or management of fisheries) including Taiapure, rahui or Whakatupu areas;

iii the collection of fish and shellfish for consumption;

iv areas of maintenance dredging.

f) any adverse effects on people or communities have been avoided where practicable, or remedied or mitigated;

g) adverse effects on the present and reasonably foreseeable use of the receiving waters for recreational purposes and the suitability of fish and shellfish for consumption have been avoided, where practicable, or remedied or mitigated;

h) cleaner production methods which would result in the volume and level of contamination of the discharge being minimised, to the greatest extent practicable have been adequately investigated, and where practicable put in place;

i) the discharge after reasonable mixing, does not either by itself or in combination with other discharges, give rise to any or all of the following effects:

i the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;

ii any conspicuous change in the colour or visual clarity;

iii any emission of objectionable odour;

iv any significant adverse effects on aquatic life;

v any significant adverse effects on aesthetics and amenity value.

20.4.5 *The discharge of contaminants which contaminate the foreshore and seabed, into areas that require maintenance dredging, should be avoided as far as practicable, remedied or mitigated.*

20.4.6 *Where appropriate, provision should be made in locations such as new ports, marinas, and other areas (eg wharfs), or at the time of significant upgrading of these facilities, for those vessels using these facilities, to ensure the adequate and convenient collection and appropriate disposal of:*

a) sewage from vessels; and

b) rubbish from vessels; and

c) recyclable material including waste oils; and

d) residues from vessel construction and maintenance; and

e) spills from refuelling operations and refuelling equipment.

20.4.7 *The direct discharge of litter into the coastal marine area shall be avoided.*

General Rules

20.5.15 *Subject to Rule 20.5.16, the following activities not provided for by Rules 20.5.13 or 20.5.14:*

(a) The diversion of stormwater;

(b) The discharge of stormwater;

(c) The discharge of wastewater (via pumping station or network overflows)

and except for discharges to a CPA1 listed in Table 20.2A that is located outside the Urban Area as provided for by Rule 20.5.7, shall be assessed

under the provisions, conditions, standards and terms of Rules 5.5.1 to 5.5.8 or 5.5.19 (if an industrial or trade process) inclusive of the Operative or Proposed Auckland Regional Plan: Air, Land and Water as if those rules were rules contained in this chapter. In considering applications for resource consent for those activities, in addition to the policies in this chapter, Policies 5.4.2, 5.4.4, 5.4.5, 5.4.13, 5.4.14, 5.4.15, 5.4.16, 5.4.17 and 5.4.18 of the Operative or Proposed Auckland Regional Plan: Air, Land and Water shall apply as if those policies were policies contained in this chapter.

The operative Objective 20.3.1 has been amended from the PARP:C version so that it recognises maintenance of appropriate water and sediment quality and enhancement of degraded water and sediment quality where practicable Objective 20.3.2, which seeks to adopt the best practicable option for avoiding, remedying and mitigating adverse effects from stormwater and wastewater discharges, has been added. Policies 20.4.1 to 20.4.7 are either unchanged or have not materially changed (in relation to the 2001 consent application) from the PARP:C and Policies and the measures set out in the EMP:S (which supports the 2001 consent application), provide a range of BPO which aim to address Objectives 20.3.1 and 20.3.2 and the requirements of Policies 20.4 2, 20.4.3, 20.4.5, 20.4.6 and 20.4.7.

These objectives have been addressed and a best practice approach has been adopted by POAL in the application through the use of structural and procedural measures to prevent and minimise sediment being discharged from the wharfs to the CMA.

Rule 20.5.15 has been amended under Variation 1, directing that Policies 5.4.2, 5.4.4, 5.4 5 and 5 4.13 to 5.4.18 of the PARP:ALW apply when considering consent applications, in addition to the ARP:C policies. This has been taken account of in section 3 3.5 of this report.

Chapter 25 Ports: Overview and general provisions

Contains the objectives, policies and rules relating to Port Management areas as previously described. It is classed as a permitted activity in this chapter.

Objectives General

25.3.1 *To facilitate the efficient subdivision, use and development of the Port Management Areas for port activities.*

25.3.2 *To avoid, remedy, or mitigate adverse environmental effects arising from subdivision, use and development within the Port Management Areas.*

25.3.3 *To facilitate, where appropriate, the use and development of Port Management Areas for other marine-related purposes.*

Polices

25.4.8 *In order to avoid the direct discharge of contaminants or deposition of solid matter into the coastal marine area, appropriate provision shall be made by the owner, user or developer of port facilities and structures for adequate and convenient facilities in sufficient quantity to meet the needs of all vessels which berth or anchor within the Port Management Areas, for the collection and appropriate disposal of:*

a) sewage, bilge water, and litter from vessels; and

b) residues from vessel servicing, maintenance and repair; and

c) spills from refuelling operations and refuelling equipment; and

d) spills, residues, and debris from cargo operations.

25.4.10 *Significant adverse environmental effects from subdivision, use and development within the Port Management Areas, particularly on coastal processes and water quality, shall be avoided, remedied, or mitigated.*

Objectives 25.3.1 and 25.3.2 are unchanged from the PARP: C version. Objective 25.5.3 is amended by Plan Change 3 (potentially subject to appeal) to provide for non-port activities in Port Management Areas where these do not significantly adversely affect port activities.

Policy 25.4.10 is unchanged from the PARP:C. and seeks to minimise the possibility of such discharges by ensuring provision of adequate and appropriate facilities for

the handling and disposal of such contaminants. The avoidance of significant adverse effects will be achieved through the compliance with the EMP:S.

Amendments to Policies 25.4.13 and 25.4.14 under Plan Change 3 are not material to the application.

Chapter 26 Port Management Areas 1a and 1b – 2b

Objective

26.2.1 *It is in the Port Management Area 1A that future development for commercial working port activities, in particular container and cargo handling is to be concentrated. This includes further reclamation and likely further dredging to accommodate larger vessels and cargo handling equipment and to provide for increased cargo volumes.*

26.3.1 *To facilitate the efficient use and development of Port Management Areas 1A and 1B for commercial working port activities, in particular container and cargo handling, by providing for the consolidation, intensification, redevelopment and expansion within the Port Management Areas of these port activities and associated structures.*

Policies

26.4.1 *The development of new port facilities for cargo handling and associated passenger movement should be consolidated, intensified and redeveloped within Port Management Areas 1A and 1B.*

26.4.2 *Any use and development that adversely affects the efficient use and development of Port Management Areas 1A and 1B for commercial working port activities, including container and cargo handling shall be considered inappropriate.*

Objective 26.3.1 and Policies 26.4.1 and 26.4.2 are unchanged from the PARP:C

Chapter 27 Port Management Area 1c

Objectives

27.3.1 *To facilitate the efficient use and development of Port Management Area 1C for commercial working port activities.*

Objective 27.3.1 is not materially changed (in relation to the 2001 consent application) from the PARP:C. The commentary in section 6.7 3 of the AEE submitted in 2001 remains applicable in relation to these objectives and policies.

3.2.8 Regional Plan Rules and Assessment Criteria

As indicated in section 1.5, this application is being processed as a discretionary activity under the TARP.

The Proposed Auckland Regional Plan: Air, Land and Water (PARP: ALW) rules have been developed to address the issues covered in the objectives and policies section of the Plan and are instrumental in assessing the effect of an activity.

Rules 5.5.19 of the PARP: ALW sets out the assessment criteria for the consideration of a discretionary activity and an assessment of effects against these relevant criteria has been undertaken in section 3 2 5 of this report.

However, given the proposals discretionary activity status under S77C (1) (a) of the RMA, the Council must have regard to these criteria and any relevant matters in Sections 104, 104A to 104D, 105 and107 of the RMA.

3.2.9 Section 104(1)(c) – Consideration of any other matters

Section 104(1)(c) requires that any other matter the consent authority considers relevant and reasonably necessary to determine the application be considered. In this case the following matters are considered relevant

Waitemata Harbour Maritime Planning Scheme (WHMPS)

The WHMPS is now inoperative where previously it had transitional status when the consent application was prepared in 2001. Consideration of this document is therefore not required in processing the consent application.

Auckland Central Area Plans

The Auckland City District Plan - Central Area Section became operative in part in January 2005 (the parts of the plan which are not operative are motorway designation 283 and variation 29, which relates to the scheduling of the Fitzroy Hotel). The Central Area Section is the third and final section of the Auckland City District Plan and it sets out the council's strategies for managing natural and physical resources in downtown Auckland, including the Commercial Port area. Consideration of the Transitional Auckland Central Plan is therefore not required in processing the consent application. However, section 14.8 – Port Precinct of the operative District Plan recognises, as did the Proposed District Plan, that the primary activity of the Port Precinct is one of strategic importance affecting the region and the country and acknowledges that provision must be made for the continued operation and development of port facilities and activities

3.3 MATTERS RELEVANT TO DISCHARGE OR COASTAL PERMITS (SECTION 105)

Section 105 of the RMA requires the consent authority to have regard to additional matters in relation to a discharge permit or a coastal permit that would contravene section 15 or section 15B of the RMA. It is considered the proposal satisfactorily addresses the matters set out in section 105 because the proposed combination of structural and procedural controls should prevent the contamination of water which may arise from the POAL operations at the commercial ports.

It is considered the provisions of section 105 have been met subject to appropriate conditions of consent to ensure there is no significant adverse effect on the receiving environment. It is further considered the applicant's reasons for the proposed choice are appropriate in the circumstances and there are no alternative methods of discharge applicable in this case.

3.4 RESTRICTIONS OF CERTAIN PERMITS (SECTION 107)

The consent authority must have regard to the restriction on the grant of certain discharge permits that would contravene sections 15 or 15A of the RMA. It is considered the proposal satisfies provisions of section 107 because the proposed combination of structural and procedural controls will ensure that any discharges do not give rise to any of the effects listed in Section 107 of the RMA.

3.5 CONSIDERATION OF PART 2 (PURPOSE AND PRINCIPLES) OF THE RMA

Section 104(1) requires the consideration of any resource consent application to have regard to specific factors, subject to Part 2 of the RMA ("Purpose and Principles"). The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management means 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 wellbeing and for their health and safety while: sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and safeguarding the life-supporting capacity of air, water, soil, and ecosystems; avoiding, remedying or mitigating any adverse effects of activities on the environment.

The proposal is considered to meet the purposes of the RMA and be a sustainable development of the land and water resource which will provide for the efficient use of the land and water resource whilst ensuring any adverse effects on the environment will be appropriately avoided, remedied or mitigated through the measures discussed in section 2.2.2 and recommended conditions of consent.
Having considered each of the sections in Part 2 of the RMA, it is concluded that the proposal would be aligned with the intentions of each section for the following reasons;

Section 5: The proposal will promote the sustainable management of the wharfs operated by the POAL and protect and mitigate against potential impacts on the natural resource of the CMA by implementing source controls and treatment to prevent and mitigate contaminated discharges entering the receiving environment, whilst continuing industrial or trade process activities which provide for the social, economic and cultural wellbeing of the Region.

POAL Commercial Ports is New Zealand's most significant port and handles 38 % of the entire country's imports and 23 % of its exports by value in 2009. Overall, POAL handles approximately $23 billion worth of New Zealand imports and exports each year and 36 % of New Zealand's total annual trade by value – representing nearly 15% of national GDP. New Zealand's tourism industry also benefits from the 70 or so annual cruise ship visits facilitated by the Port, with each visit generating an average economic benefit of $1.1 million.[5]

Section 6: The area subject to the application is intensively urbanised and there are no outstanding natural features, areas of significant indigenous vegetation and significant habitats of indigenous fauna. Public access to the coastal marine area around the wharfs of the commercial ports area is restricted for both security and safety purposes. The wharfs in the CBD are of relevance to the overall heritage of the city; their continued operation as a modern, functional, regionally and nationally significant port is well recognised. Having considered the matters set out in section 6, it is concluded that the proposal will not affect any matters of national importance listed in this section.

Section 7: The matters listed in this section that could be considered relevant are:

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

(g) maintenance and enhancement of the quality of the environment."

The proposal for the use and development of the wharfs does not impact on the matters set out in this section as the proposal seeks to amend and improve existing operations to reduce the potential of environmental harm.

Section 8: The proposal for the use and development of the wharfs does not impact on the matters set out in this section.

The proposal will operated by the POAL and protect and mitigate against potential impacts on the natural resource of the CMA by implementing source controls and treatment to prevent and mitigate contaminated discharges entering the receiving environment,.

[5] Statistics taken from the POAL website http://www.poal.co.nz/about_us/economic_impact.htm

In summary, the proposal will promote the sustainable management of the wharfs whilst continuing industrial or trade process activities which provide for the social, economic, and cultural wellbeing of the Region and it is not considered to affect any matters of national importance identified in section 6. Regard has been had to section 7 of the RMA and it is concluded that the application does not compromise the matters identified under section 7 of the RMA. Furthermore, it is considered the proposal does not have any implications on the application of the principles of the Treaty of Waitangi as set out in section 8.

3.6 LAPSING OF CONSENT

Section 125 of the RMA provides that if a resource consent is not given effect to within five years of the date of the commencement (or any other time as specified) it automatically lapses unless the consent authority has granted an extension. In this case, it is considered five years is an appropriate period for the consent holder to implement the consent due to the nature and scale of the proposal.

3.7 DURATION OF CONSENT

It is considered appropriate to set a term of **35 years** for the coastal discharge permit/industrial or trade process discharge permit because although the proposed control methods are aligned with current industry best practice, it is expected that best practice will change as more compliance information is received and new technologies are developed.

As such, it is considered that an appropriate expiry date for the ITP consent for this site is **28 February 2045**.

3.8 CONCLUSION

It is considered that the proposal is consistent with the purpose of the RMA and is sustainable in terms of Part 2 of the RMA.

Having assessed the proposal in terms of the relevant matters detailed in Section 104 of the RMA, it is considered that the proposed management of the commercial ports area through source control will provide the best practicable options to avoid, remedy

and mitigate adverse effects with respect to the discharge of contaminants to land and water from the industrial and trade processes of the Ports of Auckland

It is considered that any adverse effects from the proposed activity on the natural environment can be mitigated subject to the recommended consent conditions. It is also considered that the proposed activity is consistent with the objectives and policies of the relevant Regional Plans and the ARPS.

SECTION 4 – RECOMMENDATION AND CONDITIONS

4.1 RECOMMENDATION

It is recommended that pursuant to sections 104, 104B, 105, 107 and 108 of the RMA 1991, consent is granted to the discretionary activity application by POAL to authorise the discharge of contaminants onto or into land or water from an industrial or trade process, namely the operation of the commercial ports by POAL at Ports of Auckland Building, Sunderland Street, Auckland, PO Box 1281, being Consent Application 25179 for the following reasons:

1. The proposal will be consistent with Part 2 of the RMA by promoting the sustainable management of natural and physical resources. Overall it is considered the cumulative safeguards of section 5(2)(a) to (c) have been met and the proposal thereby meets the purpose of the RMA.

2. The proposal is considered to be consistent with the relevant provisions of the Auckland Regional Policy Statement, in particular the integrated management of the Region's natural and physical resources.

3. The proposal is considered to be consistent with the relevant objectives and policies of the Proposed Auckland Regional Plan: Air Land and Water because of the reasons set out in section 3.3.5 of this report.

4. The proposal contributes to the social, economic and cultural well being of people and their community because the POAL is both regionally and nationally a significant employer and service provider.

5. It is considered the overall adverse effects on the receiving environment are no more than minor. Subject to the imposition of conditions, the effects can be further avoided, remedied or mitigated.

6 The application merits the granting of a resource consent pursuant to sections 104, 104B, 105, 107 and 108 of the RMA.

7. The sensitivity of the receiving environment to the adverse effects of the discharge will not be compromised given the level of the discharge, the application of suitable on site management techniques and appropriate stormwater treatment.

4.2 CONDITIONS

The Consent shall be subject to the following conditions:

GENERAL CONDITIONS

1. Pursuant to section 36 of the Resource Management Act 1991, this consent (or any part thereof) shall not be exercised until such time as all charges in relation to the receiving, processing and granting of this resource consent are paid in full.

2. The proposal shall be undertaken in accordance with the plans and information submitted with the application and numbered 25179 by the Auckland Regional Council (as detailed below), subject to such amendments as may be required by the following conditions of this consent.

Report:	Ports of Auckland Ltd. *'Assessment of Environmental Effects: Stormwater Discharges with Existing Authorities – Commercial Ports Area'.* Prepared by Beca 28 March 2001,
Memo:	From Chris Bailey and Earl Shaver to Geoff Higgins (POAL) sent 17 May 2007. Subject: *'ARC Inspection of Port facilities'.*
Report:	Ports of Auckland Ltd. *'Commercial Port of Auckland: Standard Operating Procedures & Inspection & Maintenance Requirements'.* Prepared by Beca. December 2009

Report: Ports of Auckland Ltd. *'Commercial Port of Auckland: Environmental Management Plan: Stormwater'*. Prepared by Beca. December 2009

Plans: Ports of Auckland Stormwater Management Figure 1 Sheets 1 & 2, drawn by Beca. Located in the *'Commercial Port of Auckland: Environmental Management Plan: Stormwater'* dated 15 August 2008 by ARC on receipt

Letter: From Francelle Lupis (Russell McVeagh) to Jacqueline Anthony (ARC) dated 13 November 2008. Subject: '*Ports of Auckland Ltd ("POAL") Applications for Permits to Discharge Contaminants and Divert and Discharge Stormwater'*.

The following references submitted with the application and numbered 25179 by the Auckland Regional Council (as detailed below), subject to such amendments as may be required by the following conditions of this consent, provide supplementary information in support of the proposal.

Email: From Jacqueline Anthony (ARC) to Jennifer Hart (Beca) sent 21 November 2008. Subject: '*Section 92 questions – review so far'*

Email: From Jennifer Hart (Beca) to Jacqueline Anthony (ARC) sent 24 November 2008. Subject: '*Section 92 questions – review so far'*

Email: From Jennifer Hart (Beca) to Jacqueline Anthony (ARC) sent 27 November 2008. Subject: *'POAL S/W: Informal discussion with J Anthony, ARC'*

Email: From Jennifer Hart (Beca) to Jacqueline Anthony (ARC) sent 08 February 2009. Subject: *'POAL stormwater'*.

Email: From Jennifer Hart (Beca) to Jacqueline Anthony (ARC) sent 22 July 2009. Subject: *'POAL stormwater'*. Attachment 20090721085045217.pdf

3. This consent shall expire on **28 February 2045** unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

Access

4. Access to the relevant parts of the property shall be maintained and be available at all reasonable times to enable the servants or agents of the ARC to carry out inspections, surveys, investigations, tests, measurements or take samples whilst adhering to the Consent Holder's health and safety policy.

5. Legal and physical access to the sampling and monitoring locations on the site shall be maintained.

SPECIFIC CONDITIONS

Site Management

6. The site shall be operated and managed in accordance with the Environmental Management Plan: Stormwater (EMP:S) to ensure the risks from the site are managed appropriately. The EMP:S shall include but not be limited to:

   i) identification of the specific activities and contaminants associated with the activities conducted on the site,

   ii) methods to be used to manage the environmental risks from the activities and ensure that contaminants identified avoid contacting stormwater runoff as far as practicable,

   iii) an emergency spill response plan,

   iv) an up-to-date and accurate site drainage plan showing the location of the final discharge point of the site stormwater management works,

   v) identification of appropriate auditing requirements to ensure performance of all components of the site EMP:S,

   vi) stormwater monitoring programmes as required by Conditions 19, 20 and 21,

   vii) identification of appropriate auditing requirements to monitor performance of all components of the site EMP:S.

7. The EMP:S document shall be kept on site at all times.

8. The EMP:S shall be reviewed by the consent holder **annually** from the date of granting of this consent, or as part of the incident review for a major pollution incident, to ensure all components of the EMP:S are still relevant. A summary of all revisions and the revised sections shall be submitted to the Manager as part of the annual report required by Condition 24.

9. All spills of Hazardous Substances of Classes 1 to 6, 8 and 9 over 20 litres and all spills of other substances over 50 litres that have entered the stormwater system or a waterbody will be reported immediately to the Auckland Regional Council's Harbourmaster or the Auckland Regional Council's 24 Hour Water Pollution Hotline (09-377-3107).

Stormwater Management Works

10. The following stormwater management works are to be constructed for the following catchment areas and to the design standards (as defined by TP10).

Works	Location	Design Standard	Date for Implementation
Axis Fergusson drier refuelling area oil/water separator	Drier refuelling area at Axis Fergusson	Discharge not to exceed 15 mg/l oil and grease. Catchment area for any single oil/water separator not to exceed 1000m^2	June 2011
Axis Bledisloe drier refuelling area oil/water separator	Drier refuelling area at Axis Bledisloe (Shed 9)		
Axis Fergusson straddle carrier refuelling area oil/water separator	Axis Fergusson Container Terminal		June 2012
Heavy plant refuelling and maintenance area: Construct new refuelling/ maintenance area including all bunds, drainage and oil/water separator	Heavy plant refuelling/ maintenance area adjacent to Freyberg Wharf		June 2014

Works	Location	Design Standard	Date for Implementation
Axis Bledisloe straddle carrier refuelling area oil/water separator	Axis Bledisloe Container Terminal		June 2015
Generator refuelling area oil/water separator	Generator refuelling area at Axis Rail		June 2017

11. The following stormwater management structural works are to be constructed or installed for the following catchment areas

Works	Location	Date for Implementation
Axis Engineering workshop: Redirect existing stormwater drains to existing treatment devices, investigate and resolve ponding on south side of workshop	Axis Engineering	June 2013
Axis Engineering workshop: Construct bunds	Axis Engineering	June 2013
Axis Fergusson and Axis Bledisloe shipping container cleaning areas: Repair existing bunds between trade waste slot drains and stormwater channels to isolate stormwater from cleaning discharges	Shipping container cleaning areas at Axis Fergusson and Axis Bledisloe (Shed 9)	June 2016
In-catch-pit filters	Shipping container maintenance areas	June 2016
Fill in rail slots on Freyberg, Jellicoe and B2 Wharves	Freyberg, Jellicoe and B2 Wharves	June 2018
Substation on Bledisloe Wharf: Secure substation against leaks	Bledisloe Wharf	June 2018
Transformers on wharf edge: Replace oil-filled transformers with dry transformers	Transformers at edge of wharf	June 2019 or earlier, depending on transformer life

12. The timeframes set out for implementation of the works set out in Conditions 10 and 11 are as per the tables unless otherwise agreed with the ARC

Post Construction Requirements

13. The consent holder or their agent shall arrange and conduct a post construction site meeting **within 30 working days** of completion of installation of each of the stormwater management works specified in Condition 10 and 11 between ARC and all relevant parties, including the consent holder's engineering advisor. As-Built Plans as specified in Condition 18 shall be available for this meeting.

Inspection and Maintenance Plan

14. An updated Inspection and Maintenance Requirement (contained in the *'Commercial Port of Auckland: Standard Operating Procedures and Inspection and Maintenance Requirements'* document) for the stormwater management works shall be submitted to the Manager **within 30 working days** of completion of the installation of each of the stormwater management works. The updated Inspection and Maintenance Requirement shall set out how the stormwater management works are to be operated and maintained to the design standard set out in Condition 10 so that adverse environmental effects are minimised.

15. The Inspection and Maintenance Requirement shall include:

i) a programme for regular maintenance and inspection of the stormwater management works authorised under Condition 10 of this Consent,

ii) a programme for the collection and disposal of debris and sediment collected by the stormwater management works or practices,

iii) a programme for post storm / post spill maintenance,

iv) general inspection checklists for all aspects of the stormwater management works,

v) details of the person or bodies whom will hold responsibility for long-term maintenance of the stormwater management works and the organisational structure which will support this process.

16. The stormwater management works shall be inspected and managed in accordance with the Inspection and Maintenance Requirement as required by Condition 14

Certification of Construction Works

17. As-Built plans for each of the stormwater management works specified in Condition 10 shall be certified as a true record of the stormwater management works by a Chartered Professional Engineer and shall be submitted to the Manager **within 30 working days** of the completion of installation of each of the stormwater management works.

18. The **As-Built plans** of the Stormwater Management Works shall include:

    i) The surveyed location (to the nearest 0.1m) and level (to the nearest 0.01m) of the discharge structure, with co-ordinates expressed in terms of the New Zealand Map Grid and LINZ datum.

    ii) Plans and cross sections of all stormwater management works, including confirmation of the water quality volume, storage volumes, and levels of any outflow control structure.

    iii) Documentation of any discrepancies between the design plans and the As-Built plans.

Stormwater monitoring

19. A stormwater monitoring programme to assess the maintenance requirements of the oil / water separators (required by Condition 10) shall be implemented over a period of three years for each device installed.

20. The stormwater monitoring programme shall include:

    i. Collection locations, methods, and procedures for stormwater discharge sampling on a quarterly basis;

    ii. Monitoring parameters for analysis shall include:

    - Total Petroleum Hydrocarbons mg/L
    - Poly Aromatic Hydrocarbons mg/L

iii. The methods and procedures for investigating and reporting stormwater discharge monitoring results to the Manager.

21. The stormwater monitoring programme shall begin upon completion of each stormwater management works set out in Condition 10.

22. That upon completion of each of the three year monitoring periods for the devices installed, the Consent Holder shall provide a monitoring report to the Manager. The contents of this report shall include:

i. stormwater management works monitoring programme results,

ii. a record of maintenance that has been undertaken on the stormwater management works,

iii. proposed long term maintenance programme of the stormwater management works.

Additional monitoring

23. That the quantity of material collected by sweeper truck will be recorded prior to disposal.

Annual Reporting Requirements

24. A report shall be forwarded **annually** to the Manager from the date of granting of this consent. The report shall include but not be limited to:

i) all aspects of the performance of the EMP:S relating to this consent, including results of any audits required by Condition 6 vii),

ii) all documentation associated with the updated EMP:S as required by Condition 8,

iii) details of all inspections and maintenance of the stormwater management works for the preceding 12 months,

iv) details of the person(s) or body responsible for maintenance of site,

v) Results and analysis of the past 12 months stormwater quality monitoring, along with an interpretation of those results and where identified, suggestions for improvement to the site operations,

vi) a summary of the records required by Condition 23.

Review Condition

25. The conditions of this consent may be reviewed by the ARC pursuant to Section 128 of the RMA, (with the costs of the review process being borne by the consent holder), by the giving of notice pursuant to Section 129 of the RMA, in one of the following years:

- June 2011
- June 2012
- June 2013
- June 2014

And/or at two yearly intervals after either the date of that review (if such review occurs) or after June 2014 whichever is earlier.

The purpose of the review may be for any of the following purposes, namely:

i) To deal with any adverse effect on the environment which may arise from the exercise of the consent or upon which the exercise of the consent may have an influence and which becomes apparent, or is found appropriate, to deal with at a later stage, and in particular but without limiting the ambit of this clause to:

a) insert conditions, or modify existing conditions, to require the consent holder to identify the character or nature of any discharges authorised by this consent and to report the results of that monitoring to the ARC; and/or

b) insert conditions, or modify existing conditions, to require the consent holder to monitor the effects of any discharges authorised by this consent on the local receiving environment and to report the results of that monitoring to the ARC;

c) the conditions may relate to the matters contained in s108(4) of the RMA or any Act in substitution thereof.

ii) Insert conditions, or modify existing conditions, to remedy, mitigate or minimise any adverse effects on the environment resulting from the discharges authorised by this consent, including remedying or mitigating any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.

4.3 ADVICE NOTES

1. The consent holder is advised that they will be required to pay to ARC any administrative charge fixed in accordance with Section 36(1) of the RMA, or any additional charge required pursuant to Section 36(3) of the RMA 1991 in respect of this consent.

2. The date of the commencement of this consent will be as determined by Section 116 of the RMA, unless a later date is stated as a condition of consent. The provisions of Section 116 of the RMA are summarised in the covering letter issued with this consent.

3. Section 124 of the RMA, which provides for the exercising of a consent while applying for a new consent for the same activity.

4. The consent holder is advised that, pursuant to Section 125 of the RMA, this resource consent lapses on the expiry of five years after the date of commencement of this consent unless the consent is given effect to or other criteria contained within Section 125 are met.

5. The consent holder is advised that, pursuant to Section 126 of the RMA, if this resource consent has been exercised, but is not subsequently exercised for a

continuous period of five years, the consent may be cancelled by the ARC unless other criteria contained within Section 126 are met.

6. Pursuant to Section 136 and 137 of the RMA, the consent holder may transfer the consent to another party by notifying ARC in writing of their intention to do so.

7. Unless the consent has lapsed, been surrendered or cancelled, or transferred to another party, the consent holder is responsible for compliance with all conditions of the consent for the duration of the consent.

8. If there is a change to processes or chemicals used within the subcatchment areas treated by the oil/water separators specified by Condition 10, the monitoring parameters set in Condition 20 will need to be re-evaluated.

9. Condition 19 requires each individual oil/water separator specified by Condition 10 to be monitored for three years to determine maintenance requirements. This is because each device may have different contaminant loading and therefore will need different frequency of maintenance.

10. The Manager will advise the consent holder in writing if any aspects of the environmental management plan or monitoring plan are inconsistent with achieving the provisions of this consent.

11. For the removal of doubt, purpose (ii) of review Condition 25 may include the need to:

    i) achieve consistency with performance measures implemented on catchment wide discharge consents for the area; and

    ii) investigate the necessity of modifying or enhancing existing treatment or management systems should the results of receiving environment monitoring indicate that the discharges authorised by this consent are causing or exacerbating the occurrence of adverse effects in the receiving environment.

4.4 ADVICE NOTES

12. The consent holder is advised that they will be required to pay to ARC any administrative charge fixed in accordance with Section 36(1) of the RMA, or any additional charge required pursuant to Section 36(3) of the RMA 1991 in respect of this consent.

13. The date of the commencement of this consent will be as determined by Section 116 of the RMA, unless a later date is stated as a condition of consent. The provisions of Section 116 of the RMA are summarised in the covering letter issued with this consent.

14. Section 124 of the RMA, which provides for the exercising of a consent while applying for a new consent for the same activity.

15. The consent holder is advised that, pursuant to Section 125 of the RMA, this resource consent lapses on the expiry of five years after the date of commencement of this consent unless the consent is given effect to or other criteria contained within Section 125 are met.

16. The consent holder is advised that, pursuant to Section 126 of the RMA, if this resource consent has been exercised, but is not subsequently exercised for a continuous period of five years, the consent may be cancelled by the ARC unless other criteria contained within Section 126 are met.

17. Pursuant to Section 136 and 137 of the RMA, the consent holder may transfer the consent to another party by notifying ARC in writing of their intention to do so.

18. Unless the consent has lapsed, been surrendered or cancelled, or transferred to another party, the consent holder is responsible for compliance with all conditions of the consent for the duration of the consent.

19. If there is a change to processes or chemicals used within the subcatchment areas treated by the oil/water separators specified by Condition 10, the monitoring parameters set in Condition 19 will need to be re-evaluated.

20. Condition 18 requires each individual oil/water separator specified by Condition 10 to be monitored for three years to determine maintenance requirements. This is because each device may have different contaminant loading and therefore will need different frequency of maintenance.

21. The Manager will advise the consent holder in writing if any aspects of the environmental management plan or monitoring plan are inconsistent with achieving the provisions of this consent.

22. For the removal of doubt, purpose (ii) of review Condition 24 may include the need to:

i) achieve consistency with performance measures implemented on catchment wide discharge consents for the area; and

ii) investigate the necessity of modifying or enhancing existing treatment or management systems should the results of receiving environment monitoring indicate that the discharges authorised by this consent are causing or exacerbating the occurrence of adverse effects in the receiving environment.

4.5 APPROVAL UNDER DELEGATED AUTHORITY

4.5.1 Adequacy of Information

It is considered the information submitted by the applicant is sufficiently adequate to enable the consideration of the following matters on an informed basis:

a) The level of information provides a reasonable understanding of the nature and scope of the proposed activity as it relates to the NZCPS, HGMPA, ARPS, and ARP:C.

b) The extent and scale of any actual and potential effects on the environment are able to be assessed

c) Persons who may be adversely affected by the effects of the proposed activities are able to be identified.

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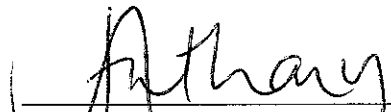
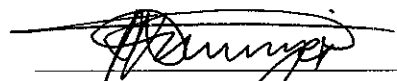
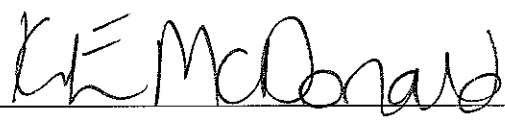
Report Prepared by:	Jacqueline Anthony
Title:	**Consents and Compliance Officer – Industrial and Trade Processes**
Signed:	
Date:	22 02 2010
Report Reviewed by:	Rod Dissmeyer
Title:	**Group Manager Consents & Compliance Land**
Signed:	
Date:	22/2/10

Consent Granted as **Recommended**.

Acting under delegated authority and for the reasons set out in the above recommendations, Consent Number 25179 shall be granted subject to the conditions set out in section 4.2.

Team Manager:	**Kirsteen McDonald**
Title	**Manager – Industrial and Trade Process**
Signed:	
Date:	19 February 2010

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SECTION 5 – DEFINITIONS

ARC:	means Auckland Regional Council
ARPS:	means Auckland Region Policy Statement
EMP:	means Environmental Management Plan
HGMPA:	means Hauraki Gulf Marine Park Act
ITP:	means Industrial Trade Processes
LGAAA:	means Local Government Amendment Act 2004
Manager:	means Group Manager, Consents & Consents Compliance – Land, ARC, or nominated ARC staff acting on the Manager's behalf
NZCPS:	means New Zealand Coastal Policy Statement 1994
RMA:	means Resource Management Act 1991 and further amendments
TARP:	means Transitional Auckland Regional Plan
WRHAA:	means Waitakere Ranges Heritage Area Act 2008

SCHEDULE 1

Relevant provisions from the Proposed NZCPS 2008

Objective 1

People and communities are able to provide for their social, economic, and cultural wellbeing through the use, development, and protection of natural and physical resources in the coastal environment.

Objective 2

Subdivision, use, and development in the coastal environment are managed to ensure they occur in places, in forms and within limits consistent with sustainable management.

Objective 3

The natural character of the coastal environment is preserved, through the protection or restoration of natural landscapes, features, processes and indigenous biological diversity.

Objective 4

Management of natural and physical resources in the coastal environment takes account of the principles of the Treaty of Waitangi and recognises the role of tangata whenua as kaitiaki.

Objective 7

Water quality in the coastal environment is maintained, or improved over time where it has deteriorated from its natural state

Objective 9

Historic heritage in the coastal environment is protected from inappropriate subdivision, use, and development.

Policy 2 The Treaty of Waitangi and tangata whenua

All persons exercising functions and powers under the Resource Management Act 1991 in relation to the coastal environment shall:

(a take into account the principles of the Treaty of Waitangi;

(b) undertake consultation with tangata whenua in accordance with the Act that is early, meaningful and ongoing and is appropriate with regard to tikanga Maori;

(c) involve iwi authorities on behalf of tangata whenua in the preparation of policy statements and plans, by consulting with iwi authorities in accordance with Schedule 1 to the Act. This consultation could reasonably include:

- *(i) considering ways in which to foster the development of iwi authorities' capacity to respond to invitations to consult;*
- *(ii) establishing and maintaining processes to provide opportunities for those iwi authorities to be consulted;*
- *(iii) enabling those iwi authorities to identify resource management issues of concern to them, and*
- *(iv) indicating how the resource management issues of concern to iwi have been or are to be addressed.*

(d) *take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority;*

(e) *recognise and provide for any relevant management plan for a foreshore and seabed reserve;*

(f) *where practicable, with the consent of tangata whenua and in accordance with tikanga Maori, incorporate matauranga Maori in policy statements and plans and in the consideration of applications for resource consents; and*

(g) *provide appropriate opportunities for tangata whenua involvement in decision making on resource consents.*

Policy 14 Location of subdivision and development

Policy statements and plans shall identify where, in the coastal environment (outside the coastal marine area)

(a) *subdivision, and the development of subdivided land, to provide dwellings or commercial premises, will be appropriate; and*

(b) *subdivision and development, of specified types, will not be appropriate. In identifying these areas, while giving effect to this policy statement as a whole, local authorities shall*

(c) *encourage a mixture of land uses along the coast, particularly along and near the coastal marine area, and discourage continuous urban development of the coast where it has not already occurred;*

(d) *generally set back subdivision, use, or development from the coastal marine area and other water bodies, to protect the open space character of the coast, its natural character, and its amenity values, and to provide for public access and avoid or reduce natural hazard risks;*

(e) *avoid urban sprawl, by encouraging development within existing urban areas and discouraging the agglomeration of separate urban areas;*

(f) *avoid ribbon development along transport corridors;*

(g) *make provision for papakainga and marae developments; and*

(h) *buffer or otherwise protect sites of significant indigenous biological diversity value*

Policy 15 Form of subdivision and development

Within areas identified under Policy 14(a) local authorities shall promote appropriate forms of subdivision and development, including by:

(a) *encouraging a mixture of densities of development;*

(b) *encouraging mixed commercial and residential development and a variety of housing types and densities;*

(c) *promoting forms of development that enable public transport, walking and cycling as transport choices;*

(d) *providing for and protecting public open space, particularly where new urban development occurs, and*

(e) *identifying where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable.*

Policy 16 Use and development of the coastal marine area

Policy statements and regional coastal plans shall identify where, in the coastal marine area, specified forms of use or development will and will not be appropriate. In identifying these areas, while giving effect to this policy statement as a whole, local authorities shall:

(a) *recognise the public utility of the coastal marine area as public open space and protect the cultural and amenity values of the coastal marine area as open space;*

(b) *recognise and make appropriate provision for activities important to the social, economic, and cultural wellbeing of people and communities that can, by nature, only be located in the coastal marine area;*

(c) *recognise that activities that do not, by nature, require location in the coastal marine area, generally should not be located there;*

(d) *avoid sprawling development, by encouraging efficient use of occupied space and discouraging the agglomeration of separate occupied areas; and*

(e) *buffer or otherwise protect sites of significant indigenous biological diversity value.*

Policy 17 Crown interest in particular activities on land of the Crown in the coastal marine area

Policy statements and regional coastal plans shall have regard to the Crown's interest in making land of the Crown in the coastal marine area available for:

(a) *infrastructure of national importance; and*

(b) *renewable energy generation;*

where such use and development would meet the purpose of the Act.

Policy 22 Precedent effects

In managing subdivision, use, and development in the coastal environment, regard shall be had to the potential for an activity, if approved, to set a precedent for approval of further, similar activities. Where the effects of the activity or such further activities would undermine the relevant plan or regional policy statement, or a national policy statement, the precedent should be avoided.

Policy 30 Integrity and functioning

To preserve the natural character of the coastal environment, it is a national priority to protect its integrity and functioning by maintaining:

(a) *the resilience and productivity of indigenous ecosystems;*

(b) *natural landscape and landform;*

(c) *the dynamic processes and features that arise from the natural movement of sediments, water and air;*

(d) *natural biotic patterns and movements;*

(e) *water and air quality; and*

(f) *natural substrate composition.*

Policy 33 Appropriate location, density and design of subdivision, use, and development

To preserve the natural character of the coastal environment, it is a national priority to:

(a) *promote, in appropriate locations, forms of subdivision, use, and development that avoid, remedy, or mitigate adverse effects on natural character through appropriate scale, density and design; and*

(b) *avoid subdivision, use and development in inappropriate locations.*

Policy 44 Maintaining water quality

Discharges of contaminants shall, after reasonable mixing, avoid adverse effects on high water quality in the coastal environment, and shall not cause deterioration in the quality of other water or substrate in the coastal environment.

Policy 45 Enhancement of water quality

Where the quality of water in the coastal environment has deteriorated it shall be enhanced, where practicable, with priority given where:

(a) adverse effects on natural character, ecology or habitat are significant; and/ or

(b) tangata whenua identify a particular interest in the affected waters; and/or

(c) water quality is unsuitable for, or constrains, existing uses.

Policy 46 Mixing zones

The management of discharges to water in the coastal environment shall have particular regard to the sensitivity and resilience of the receiving environment, and to the nature of the contaminants to be discharged and their associated risks, and shall:

(a) avoid the use of large mixing zones to dilute discharges with high contaminant loadings;

(b) avoid adverse effects on the life-supporting capacity of the water within a mixing zone; and

(c) avoid adverse effects that are more than minor after reasonable mixing.

'End of pipe' water quality standards shall be considered where necessary to avoid significant adverse effects at the point of discharge

Policy 47 Ecological effects of discharges

Discharges of contaminants to water in the coastal environment, singly or in combination with other discharges, shall not have more than minor adverse effects, after reasonable mixing, on the indigenous species, habitats, or ecosystems of those waters.

Policy 49 Stormwater discharges

Adverse effects of stormwater discharges to waters in the coastal environment shall be reduced, over time, including by:

(a) promoting design options that reduce inflows to stormwater reticulation systems at source,

(b) reducing contaminant loadings, including sediment, in stormwater through appropriate controls on land use activities;

(c) avoiding sewage entering stormwater systems;

(d) setting stormwater discharge standards; and

(e) promoting integrated management of stormwater catchments;

and priority should be given to improving management of stormwater discharges where:

(f) existing uses or values of the receiving waters are adversely affected; or

(g) the cumulative adverse effects of discharges on receiving waters are significant

Policy 50 Ports and other marine facilities

Local authorities shall:

(a) require port areas and other marine facilities to avoid adverse contamination of coastal waters and substrate;

(b) ensure that the disturbance or relocation of contaminated seabed material and the dumping or storage of dredged material does not result in significant adverse effects on water quality or the seabed; and

(c) require ports, marinas and other relevant marine facilities to provide sewage and waste collection facilities for vessels, and for residues from vessel maintenance.

Appendix A

Report:	Ports of Auckland Ltd *'Assessment of Environmental Effects: Stormwater Discharges with Existing Authorities – Commercial Ports Area'*. Prepared by Beca. 28 March 2001,
Memo:	From Chris Bailey and Earl Shaver to Geoff Higgins (POAL) sent 17 May 2007. Subject: *'ARC Inspection of Port facilities'*.
Report:	Ports of Auckland Ltd. *'Commercial Port of Auckland: Standard Operating Procedures & Inspection & Maintenance Requirements'*. Prepared by Beca. August 2008.
Report:	Ports of Auckland Ltd. *'Commercial Port of Auckland: Environmental Management Plan: Stormwater'*. Prepared by Beca. August 2008.
Plans:	Ports of Auckland Stormwater Management Figure 1 Sheets 1 & 2, drawn by Beca. Located in the *'Commercial Port of Auckland: Environmental Management Plan: Stormwater'*.
Letter:	From Francelle Lupis (Russell McVeagh) to Jacqueline Anthony (ARC) dated 13 November 2008. Subject: *'Ports of Auckland Ltd ("POAL") Applications for Permits to Discharge Contaminants and Divert and Discharge Stormwater'*.
Email:	From Jacqueline Anthony (ARC) to Jennifer Hart (Beca) sent 21 November 2008. Subject: *'Section 92 questions – review so far'*
Email:	From Jennifer Hart (Beca) to Jacqueline Anthony (ARC) sent 24 November 2008. Subject: *'Section 92 questions – review so far'*
Email:	From Jennifer Hart (Beca) to Jacqueline Anthony (ARC) sent 27 November 2008. Subject: *'POAL S/W: Informal discussion with J Anthony, ARC'*
Email:	From Jennifer Hart (Beca) to Jacqueline Anthony (ARC) sent 08 February 2009. Subject: *'POAL stormwater'*.
Email:	From Jennifer Hart (Beca) to Jacqueline Anthony (ARC) sent 22 July 2009. Subject: *'POAL stormwater'*. Attachment 20090721085045217.pdf

Appendix B

List of Cultural Heritage sites

Search results

CHI Places Number	995	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	02 Mar 1994
NZMS 260 map name	Auckland	**Type of site or area**	AVIATION | LANDING (SEAPLANE)
NZTM map sheet	BA32	**Name of site or area**	Mechanics Bay Seaplane Landing Ramp
Nature of Information:	Auckland Harbour Board Committee Minute Book - National Maritime Museum	**EIF application year:**	
Date of construction:	1956 to 1969	**Architect:**	
Builder:		**Engineer:**	
Reported by:	Graeme Murdoch | Stuart Bedford | Michael Butler	**Date reported:**	17 Feb 1994 | 02 Mar 1994 | 26 Apr 2002
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:	Auckland Regional Plan Operative: Coastal, 2004	**Listing status in district/ regional plan:**	
NZAA record status:	Brief | Significance evaluation sheet	**ArcView category:**	Maritime Site
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

Search results

CHI Places Number	540	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	Not visited
NZMS 260 map name	Auckland	**Type of site or area**	STRUCTURE | BREAKWATER
NZTM map sheet	BA32	**Name of site or area**	Eastern Breakwater | Eastern Tide Deflector
Nature of Information:	book | Not visited, reported only	**EIF application year:**	
Date of construction:	1919	**Architect:**	
Builder:		**Engineer:**	
Reported by:	Michael Taylor	**Date reported:**	28 Oct 1993
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:	Brief, recorded from document	**ArcView category:**	Maritime Site
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

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Search results

CHI Places Number	575	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	Not visited
NZMS 260 map name	Auckland	**Type of site or area**	WHARF
NZTM map sheet	BA32	**Name of site or area**	Fergusson Wharf
Nature of Information:	book | Not visited, reported only	**EIF application year:**	
Date of construction:	1971	**Architect:**	
Builder:		**Engineer:**	
Reported by:	Michael Taylor	**Date reported:**	28 Oct 1993
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:	Brief, recorded from document	**ArcView category:**	Maritime Site
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

Search results

CHI Places Number	16794	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	None	**Date of Visit**	Not visited
NZMS 260 map name	None	**Type of site or area**	HISTORIC BUILDING
NZTM map sheet	None	**Name of site or area**	PORTS OF AUCKLAND BUILDING
Nature of Information:		**EIF application year:**	
Date of construction:		**Architect:**	
Builder:		**Engineer:**	
Reported by:		**Date reported:**	
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:	Brief	**ArcView category:**	Historic Structure
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

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Search results

CHI Places Number	16978	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	None	**Date of Visit**	
NZMS 260 map name	None	**Type of site or area**	U.S AIRFORCE CAMP
NZTM map sheet	None	**Name of site or area**	Camp Mechanics Bay | Tasman Air Base
Nature of Information:		**EIF application year:**	
Date of construction:		**Architect:**	
Builder:		**Engineer:**	
Reported by:	Leah Stevens	**Date reported:**	18 Apr 2007
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:	Brief | Aerial photograph | Site location map	**ArcView category:**	Archaeological Site
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

Search results

CHI Places Number	676	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	Not visited
NZMS 260 map name	Auckland	**Type of site or area**	SEAWALL
NZTM map sheet	BA32	**Name of site or area**	Seawall constructed to cut off Mechanics Bay during reclamation
Nature of Information:	book	**EIF application year:**	
Date of construction:		**Architect:**	
Builder:		**Engineer:**	
Reported by:	Michael Taylor	**Date reported:**	1 Dec 1993
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:	Brief	**ArcView category:**	Maritime Site
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

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Search results

CHI Places Number	573	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	Not visited
NZMS 260 map name	Auckland	**Type of site or area**	WHARF
NZTM map sheet	BA32	**Name of site or area**	Freyberg Wharf
Nature of Information:	book | Not visited, reported only	**EIF application year:**	
Date of construction:	1961	**Architect:**	
Builder:		**Engineer:**	
Reported by:	Michael Taylor	**Date reported:**	28 Oct 1993
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:	Brief, recorded from document	**ArcView category:**	Maritime Site
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

Search results

CHI Places Number	530	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	Not visited
NZMS 260 map name	Auckland	**Type of site or area**	STRUCTURE | BREAKWATER
NZTM map sheet	BA32	**Name of site or area**	Breakwater and stonewall
Nature of Information:	book | Not visited, reported only	**EIF application year:**	
Date of construction:	<1871	**Architect:**	
Builder:		**Engineer:**	
Reported by:	Michael Taylor	**Date reported:**	28 Oct 1993
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:	Brief, recorded from document	**ArcView category:**	Maritime Site
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

Auckland Regional Council
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Search results

CHI Places Number	571	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	Not visited
NZMS 260 map name	Auckland	**Type of site or area**	WHARF
NZTM map sheet	BA32	**Name of site or area**	Jellicoe Wharf
Nature of Information:	book | Not visited, reported only	**EIF application year:**	
Date of construction:	>1900	**Architect:**	
Builder:		**Engineer:**	
Reported by:	Michael Taylor	**Date reported:**	28 Oct 1993
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:	Brief, recorded from document	**ArcView category:**	Maritime Site
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

Search results

CHI Places Number	561	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	Not visited
NZMS 260 map name	Auckland	**Type of site or area**	WHARF
NZTM map sheet	BA32	**Name of site or area**	Bledisloe Wharf
Nature of Information:	book | Not visited, reported only	**EIF application year:**	
Date of construction:	>1900	**Architect:**	
Builder:		**Engineer:**	
Reported by:	Michael Taylor	**Date reported:**	28 Oct 1993
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:	Brief, recorded from document	**ArcView category:**	Maritime Site
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

Auckland Regional Council
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Search results

CHI Places Number	519	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	Not visited
NZMS 260 map name	Auckland	**Type of site or area**	WHARF SITE
NZTM map sheet	BA32	**Name of site or area**	Wood Wharf
Nature of Information:	book | Not visited, reported only	**EIF application year:**	
Date of construction:	c 1870	**Architect:**	
Builder:		**Engineer:**	
Reported by:	Michael Taylor	**Date reported:**	28 Oct 1993
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:	Brief, recorded from document	**ArcView category:**	Maritime Site
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

Search results

CHI Places Number	513	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	Not visited
NZMS 260 map name	Auckland	**Type of site or area**	WHARF
NZTM map sheet	BA32	**Name of site or area**	Railway Wharf | Kings Wharf
Nature of Information:	book | Not visited, reported only	**EIF application year:**	
Date of construction:	1907	**Architect:**	
Builder:		**Engineer:**	
Reported by:	Michael Taylor	**Date reported:**	28 Oct 1993
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:	Brief, recorded from document	**ArcView category:**	Maritime Site
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

Auckland Regional Council
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Search results			
CHI Places Number	79	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	
NZMS 260 map name	Auckland	**Type of site or area**	SHIPWRECK SITE
NZTM map sheet	BA32	**Name of site or area**	RAINBOW WARRIOR
Nature of Information:		**EIF application year:**	
Date of construction:		**Architect:**	
Builder:		**Engineer:**	
Reported by:	Michael Taylor | Graeme Murdoch	**Date reported:**	17 Sep 1993
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:	Auckland Regional Plan Operative: Coastal, 2004	**Listing status in district/ regional plan:**	
NZAA record status:	Brief	**ArcView category:**	Maritime Site
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

Also an ARC scheduled archaeological site

92 Shipwreck Site RAINBOW WARRIOR Shipwreck Site

The site of the sinking of the Greenpeace vessel Rainbow Warrior by French secret service agents in July 1985. The vessel was a former trawler purchased by the international environmental action organisation Greenpeace in 1977. In 1984 Greeenpeace used the vessel to protest against the French nuclear testing programme in the South Pacific, causing international embarrassment for the French government. Just before midnight on 10 July 1985, agents of the French Secret Service of DGSE, detonated two limpet mines against the hull of the ship, sinking the vessel and drowning photographer Fernando Pereira. The Rainbow Warrior was subsequently refloated and in 1987 the hulk was stripped and sunk off the Cavalli Islands, Northland.

The bombing of the Rainbow Warrior was an event of political and historical significance as an infringement of New Zealand's sovereignty by a foreign nation. The site of the bombing, alongside Marsden Wharf, has considerable symbolic and commemorative value to both the New Zealand and the international community. Marsden Wharf, Auckland, Waitemata Harbour

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Search results

CHI Places Number	558	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	Not visited
NZMS 260 map name	Auckland	**Type of site or area**	WHARF
NZTM map sheet	BA32	**Name of site or area**	Northern Wharf | Marsden Wharf
Nature of Information:	book | Not visited, reported only	**EIF application year:**	
Date of construction:	1911	**Architect:**	
Builder:		**Engineer:**	
Reported by:	Michael Taylor	**Date reported:**	28 Oct 1993
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:	Brief, recorded from document	**ArcView category:**	Maritime Site
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

Search results

CHI Places Number	16793	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	None	**Date of Visit**	Not visited
NZMS 260 map name	None	**Type of site or area**	MEMORIAL
NZTM map sheet	None	**Name of site or area**	ROCK FROM BRITOMART POINT
Nature of Information:		**EIF application year:**	
Date of construction:		**Architect:**	
Builder:		**Engineer:**	
Reported by:		**Date reported:**	
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:	Brief	**ArcView category:**	Maritime Site
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

Auckland Regional Council
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Search results

CHI Places Number	557	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	Not visited
NZMS 260 map name	Auckland	**Type of site or area**	WHARF
NZTM map sheet	BA32	**Name of site or area**	Central Wharf | Captain Cook Wharf
Nature of Information:	book | Not visited, reported only	**EIF application year:**	
Date of construction:	>1900	**Architect:**	
Builder:		**Engineer:**	
Reported by:	Michael Taylor	**Date reported:**	28 Oct 1993
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:	Brief, recorded from document.	**ArcView category:**	Maritime Site
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

Search results

CHI Places Number	305	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	Aug 1993
NZMS 260 map name	Auckland	**Type of site or area**	STRUCTURE (HISTORIC) | FENCE | GATES
NZTM map sheet	BA32	**Name of site or area**	Ports of Auckland gates and fences
Nature of Information:	planning scheme	**EIF application year:**	
Date of construction:	>1900	**Architect:**	
Builder:		**Engineer:**	
Reported by:	Michael Taylor	**Date reported:**	30 Jul 1993
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:	Auckland City District Plan, Proposed Central Area Section	**Listing status in district/ regional plan:**	Scheduled
NZAA record status:	Brief	**ArcView category:**	Maritime Site
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

Auckland Regional Council
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Search results

CHI Places Number	1025	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	Not visited
NZMS 260 map name	Auckland	**Type of site or area**	LANDING | HISTORIC STRUCTURE
NZTM map sheet	None	**Name of site or area**	Admiralty Steps
Nature of Information:		**EIF application year:**	
Date of construction:		**Architect:**	
Builder:		**Engineer:**	
Reported by:	Michael Taylor	**Date reported:**	27 Apr 1994
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:	Brief	**ArcView category:**	Maritime Site
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

Search results

CHI Places Number	2694	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	
NZMS 260 map name	None	**Type of site or area**	OBJECT - GATES
NZTM map sheet	BA32	**Name of site or area**	Queens Wharf Gates
Nature of Information:		**EIF application year:**	
Date of construction:		**Architect:**	
Builder:		**Engineer:**	
Reported by:	New Zealand Historic Places Trust (Register)	**Date reported:**	
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:		**ArcView category:**	Historic Structure
NZHPT Register number:	632	**NZHPT Register name:**	Queens Wharf Gates
NZHPT Act section:		**NZHPT Registration type:**	Historic Places Category II

Auckland Regional Council
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Search results

CHI Places Number	789	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	
NZMS 260 map name	Auckland	**Type of site or area**	SHIPWRECK
NZTM map sheet	BA32	**Name of site or area**	ECLAIR
Nature of Information:	book	**EIF application year:**	
Date of construction:		**Architect:**	
Builder:		**Engineer:**	
Reported by:	Michael Taylor	**Date reported:**	6 Dec 1993
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:	Brief, recorded from document	**ArcView category:**	Maritime Site
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

Search results

CHI Places Number	517	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	Not visited
NZMS 260 map name	Auckland	**Type of site or area**	WHARF
NZTM map sheet	BA32	**Name of site or area**	Queen Street Wharf | Queens Wharf
Nature of Information:	book | Not visited, reported only | SE 1389 p 14 photograph 1864; p 21 photograph; pp 22,24,25 photographs 1870s; pp.30-1 photographs 1880s; p 60 photograph 1907; p 65 photograph 1912 | SE 1826 p | SE 1584 pp.203-8 | SE 1443 p.29 location map; p 36 sketch 1870;p 124	**EIF application year:**	
Date of construction:	1852	**Architect:**	
Builder:		**Engineer:**	
Reported by:	Michael Taylor	**Date reported:**	28 Oct 1993
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:	Brief, recorded from document	**ArcView category:**	Maritime Site
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

Search results

CHI Places Number	16792	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	None	**Date of Visit**	Not visited
NZMS 260 map name	None	**Type of site or area**	HISTORIC STRUCTURE
NZTM map sheet	None	**Name of site or area**	Queens wharf sheds
Nature of Information:	Reported only	**EIF application year:**	
Date of construction:		**Architect:**	
Builder:		**Engineer:**	
Reported by:	Peri Buckley	**Date reported:**	
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:	Brief	**ArcView category:**	Historic Structure
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None

Search results

CHI Places Number	304	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	
NZMS 260 map name	Auckland	**Type of site or area**	STRUCTURE (HISTORIC) | FENCE
NZTM map sheet	BA32	**Name of site or area**	Queens Wharf Gates and Fence
Nature of Information:	planning scheme	**EIF application year:**	
Date of construction:	>1900	**Architect:**	
Builder:		**Engineer:**	
Reported by:	Michael Taylor | Robert Brassey	**Date reported:**	30 Jul 1993
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	Scheduled
NZAA record status:	Brief visit	**ArcView category:**	Maritime Site
NZHPT Register number:	632	**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	Historic Places Category II

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Search results

CHI Places Number	332	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	10 Jul 1995
NZMS 260 map name	Auckland	**Type of site or area**	BUILDING (FERRY)
NZTM map sheet	BA32	**Name of site or area**	The Ferry Building
Nature of Information:	CRI | Scheme | The Auckland Ferry Building D. Johnson 1988	**EIF application year:**	
Date of construction:	>1900	**Architect:**	
Builder:		**Engineer:**	
Reported by:	Michael Taylor | Graeme Murdoch	**Date reported:**	30 Jul 1993 | 10 Jul 1995
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:	Auckland City District Plan, Proposed Central Area Section	**Listing status in district/ regional plan:**	
NZAA record status:	Brief, recorded here from documents	**ArcView category:**	Historic Structure
NZHPT Register number:	102	**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	Historic Places Category I

Search results

CHI Places Number	2544	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	
NZMS 260 map name	None	**Type of site or area**	BUILDING - COMMERCIAL
NZTM map sheet	BA32	**Name of site or area**	Launch shelters | Launch shelter (eastern) | Eastern and Western Public Shelters | Wharf Pavilions (Two Buildings)
Nature of Information:	Planning schemes | Book	**EIF application year:**	
Date of construction:	1915 | 1923 (moved to present site)	**Architect:**	
Builder:		**Engineer:**	
Reported by:	New Zealand Historic Places Trust (Register) | Robert Brassey	**Date reported:**	
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:	Auckland City District Plan, Proposed Central Area Section	**Listing status in district/ regional plan:**	Category B
NZAA record status:	Photos	**ArcView category:**	Historic Structure
NZHPT Register number:	670	**NZHPT Register name:**	Wharf Pavilions (Two Buildings)
NZHPT Act section:		**NZHPT Registration type:**	Historic Places Category II

Auckland Regional Council
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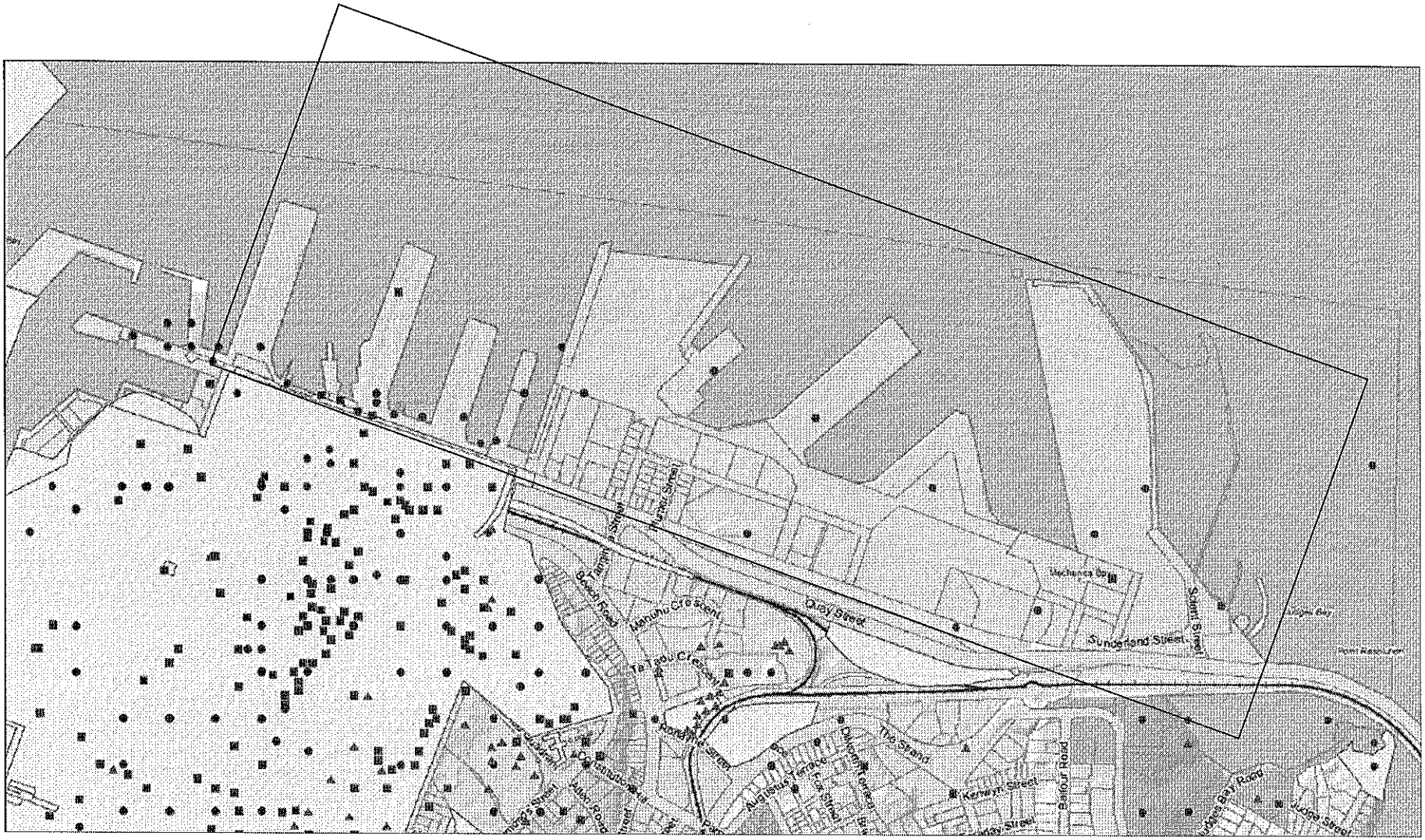
Search results

CHI Places Number	17516	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	Mar 2008
NZMS 260 map name	None	**Type of site or area**	BUILDING - COMMERCIAL
NZTM map sheet	BA32	**Name of site or area**	Launch shelters | Launch shelter (western) | Eastern and Western Public Shelters
Nature of Information:	Planning schemes	**EIF application year:**	
Date of construction:	1915 | November 1922 (moved to present site)	**Architect:**	
Builder:		**Engineer:**	
Reported by:	New Zealand Historic Places Trust (Register) | Robert Brassey	**Date reported:**	
Local authority:	Auckland Regional Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:	Photos	**ArcView category:**	Maritime Site
NZHPT Register number:	670	**NZHPT Register name:**	Eastern & Western Public Shelters
NZHPT Act section:		**NZHPT Registration type:**	Historic Places Category II

Search results

CHI Places Number	543	**NZAA Metric Site Number**	
ACC Heritage Number		**WCC Computer Number**	
NZMS 260 map number	R11	**Date of Visit**	Not visited
NZMS 260 map name	Auckland	**Type of site or area**	WHARF
NZTM map sheet	BA32	**Name of site or area**	Princes Wharf
Nature of Information:	book | Not visited, reported only	**EIF application year:**	
Date of construction:	1921	**Architect:**	
Builder:		**Engineer:**	
Reported by:	Michael Taylor	**Date reported:**	28 Oct 1993
Local authority:	Auckland City Council	**Date (*NZAA SRF Entry Date*)**	
District plan name:		**Listing status in district/ regional plan:**	
NZAA record status:	Brief, recorded from document.	**ArcView category:**	Maritime Site
NZHPT Register number:		**NZHPT Register name:**	
NZHPT Act section:		**NZHPT Registration type:**	None



Map to show the locations of the Cultural Heritage Sites in the CBD. The box indicates the approximate commercial ports area.

Appendix C

Notes further to the discussion on page 11 in section 2.2.2 'Assessment of Effects (to determine notification)':

The water content of deposited sediment is approximately 60 % and therefore, 740 m^3 year of dry sediment would have a wet volume after deposition of about **1840 m^3**.

This volume is an order of magnitude *less* than that estimated by POAL from either measured deposition rates under the wharfs, or from the volume removed by dredging.

There is no obvious explanation for this very large difference. It should be noted that the model estimate is a net annual load; not an estimate of the total amount of sediment moving in both directions along the channel with tidal flows. Based on an ebb tide mean flow of 7250 m^3/s, and an average TSS concentration of 10g/m^3 (ARC monitoring at Chelsea), Beca (in the dredging consent application number: 34673) estimated that on average that 1000 tonnes moved along the channel adjacent to the wharfs with each tide.

Potentially a high proportion of this sediment moved back into the harbour on the flood tide, however Beca implied that part of this flux of sediment was siphoned off and deposited under the wharfs. This is a possible conclusion, however the amount siphoned off is greatly in excess of the total catchment loads estimated by the USC-3 model. Beca estimated a total catchment load of 40,000 to 50,000 tonnes per year, which is well in excess of the 9200 tonnes per year estimated with the USC-3 model

Possible (minor) contributors to the large discrepancy include:

- A large proportion of the dredged sediment was deposited in previous years, i.e. dredging is still removing historical accumulation.
- Berths are being dredged deeper, i.e same as (a) but with a definite purpose.
- The wet volume of dredged sediment is being grossly overestimated. Some overestimation is possible because of the probable increased proportion of water in the dredged sediment.

Regardless of this discrepancy, the impact of the sediment loading from the POAL activities is deemed to be not more than minor when taking into account all other factors presented in the discussion in section 2.2.2.

Appendix D

Copy of letter providing authorisation for the continued use of the ACC owned reticulated system in the Commercial Ports area

Appendix E

Bibliography and references

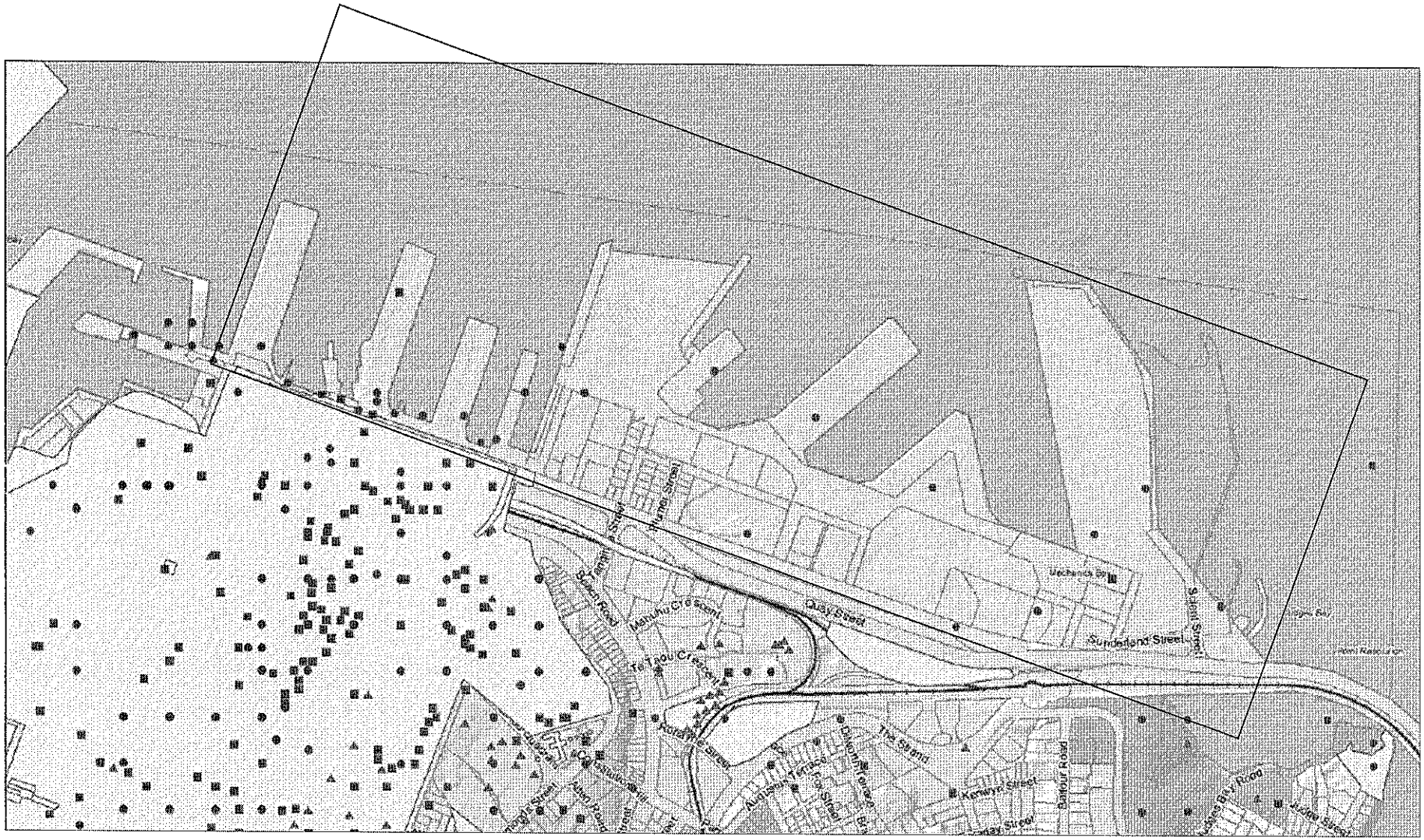
Ports of Auckland Ltd Environmental Studies. *35: Evaluation of sediment quality from the Port of Auckland*. Prepared by Knight Mitchell & Associates Ltd. March 1995

Ports of Auckland Ltd. *Coastal Permit Application, Dredging at the Port of Auckland*. Prepared by Beca Carter Hollings & Ferner Ltd in association with Knight Mitchell & Associates Ltd. September 1997.

Ports of Auckland Ltd *Assessment of Environmental Effects: Deepening of Berth FX at Fergusson Container Terminal*. Prepared by Beca Carter Hollings & Ferner Ltd. August 2000

Ports of Auckland Ltd Environmental Studies. *36: Sediment quality in the Port of Auckland* Prepared by Knight Mitchell & Associates Ltd. July 2000

Ports of Auckland Ltd. Coastal Permit Application Dredging at the Port of Auckland July 2007. Prepared by Beca Infrastructure. July 2007



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Appendix D

Copy of letter providing authorisation for the continued use of the ACC owned reticulated system in the Commercial Ports area.

Appendix E

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