

From: NotifiedResourceConsentSubmissionOnlineForm@donotreply.aucklandcouncil.govt.nz
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Sent: Monday, 17 December 2018 11:45 a.m.
To: Central RC Submissions <CentralRCSubmissions@aucklandcouncil.govt.nz>
Cc: Haylee Minoprio (AT) <Haylee.Minoprio@at.govt.nz>
Subject: [ID:3397] Submission received on notified resource consent

We have received a submission on the notified resource consent for 85-89 Quay Street, Queens Wharf and water space of the Waitemata Harbour adjacent to the western side of Queens Wharf.

Details of submission

Notified resource consent application details

Property address: 85-89 Quay Street, Queens Wharf and water space of the Waitemata Harbour adjacent to the western side of Queens Wharf

Application number: BUN60327622

Applicant name: Auckland Transport

Applicant email: haylee.minoprio@at.govt.nz

Application description: Auckland Transport has applied for resource consent to construct, operate and maintain six new ferry berths on the western side of Queens Wharf within the Downtown Ferry Basin (Piers A-F), undertake modifications to the existing ferry terminal buildings (located at existing Pier 1 and Pier 2) and historic shelter, and remove existing Piers 3 and 4. The construction, establishment, operation and maintenance of Piers A-F will require the installation of a concrete piled breakwater located immediately adjacent to the west of Queens Wharf, the installation of reverse saw-tooth shaped pontoons, three gangways, three fixed shelter structures, piles, pile guard markers and fenders. Street furniture will be installed along Queens Wharf to demarcate pedestrian-only and vehicle zones between the western edge of Queens Wharf and the Cloud. Modifications to the existing ferry terminal building at Pier 1 include the removal of the East Annexe Building, construction of new façades, removal of the ticket gates, replacement of the upper louvres, and the construction of new retail/food and beverage facilities within the existing terminal building. Modifications to the historic shelter include modification of the northern face and the insertion of skylights in the roof. Modifications to the open spaces to the east and south of the building are also proposed. Modifications to the terminal building at Pier 2 include relocating ancillary office space and repositioning passenger waiting space. Demolition of existing Piers 3 and 4 will involve the removal of gangways, pontoons and piles. The timing of the demolition is dependent on the new berths being fully operational and whether additional layover/decant space may be required for future Stage 2 works. Overall the proposal is a discretionary activity.

Submitter contact details

Full name: Mike Doesburg

Organisation name: Ports of Auckland Limited

Contact phone number: 09 300 5755

Email address: mike.doesburg@wynnwilliams.co.nz

Postal address:

Wynn Williams, Level 25 Vero Centre, 48 Shortland Street Auckland Central Auckland 1010

Submission details

This submission: opposes the application in whole or in part

Specify the aspects of the application you are submitting on:

The whole application.

What are the reasons for your submission?

See attached submission.

What decisions and amendments would you like the council to make?

See attached submission.

Are you a trade competitor of the applicant? I am not a trade competitor of the applicant.

Do you want to attend a hearing and speak in support of your submission? Yes

If other people make a similar submission I will consider making a joint case with them at the hearing: Yes

Supporting information:

Submission on Ferry Basin consent application - Ports of Auckland Limited.pdf

Submission on Application for Resource Consent

To: Auckland Council
Private Bag 92300
Victoria Street West
Auckland 1142

Application details:

Application number: BUN60327622
Name of applicant: Auckland Transport
Applicant's email address: haylee.minoprio@at.govt.nz
Site address: 85-89 Quay Street, Queens Wharf and waterspace of the Waitemata Harbour adjacent to the western side of Queens Wharf
Description: Application for resource consents to construct, operate and maintain six new ferry berths on the western side of Queens Wharf within the Downtown Ferry Basin (Piers A-F), undertake modifications to the existing ferry terminal buildings (located at existing Pier 1 and Pier 2) and historic shelter, and remove existing Piers 3 and 4.

Submitter details:

Name: Ports of Auckland Limited
Contact person: Alistair Kirk
Contact phone number: 09 348 5279
Email address: kirka@poal.co.nz
Postal address: PO Box 1281
Auckland 1140
Attn: Alistair Kirk

1. Introduction

- 1.1 Ports of Auckland Limited (**POAL**) is a port company established under the Port Companies Act 1988. POAL owns and operates the Port of Auckland in downtown Auckland, as well as a network of inland freight hubs throughout the North Island. POAL owns Princes Wharf and has a long-term lease over the waterspace beneath and surrounding Princes Wharf.
- 1.2 POAL prides itself on being a future-looking port and has adopted a wide range of innovative solutions to the problems faced by it and other maritime logistics companies. For example, POAL has worked hard to improve its systems and

processes and has a number of world-class initiatives underway to improve its operations – notably this includes the initiative to automate its container terminal yard.

- 1.3 POAL's drive for innovation extends to Auckland's cruise ship facilities, which POAL operates out of three cruise berths at Queens Wharf east, Queens Wharf west and Princes Wharf east. The cruise ship terminals at Queens Wharf and Princes Wharf are operated in a highly efficient and successful manner. POAL's pursuit of success has paid off – POAL has received the following international awards:
 - a. Best Seaport in Oceania 2016, 2017 and 2018 – Asian Freight Logistics and Supply Chain Awards; and
 - b. Cruise Terminal Operator of the Year 2017 and 2018 – Global Ports Forum Awards.
- 1.4 Following the sale of Queens Wharf to Auckland Regional Council (now Auckland Council) and the Crown in 2010, the operation of Queens Wharf and associated waterspace is governed by a number of documents and agreements, including:
 - a. POAL's coastal occupation consent granted under section 384A of the Resource Management Act (**RMA**);
 - b. a Waterspace Management Agreement between POAL, Auckland Council (**Council**) and the Crown;
 - c. a Perimeter Strip Licence between POAL, the Council and the Crown; and
 - d. a Cruise Ship Licence between POAL, the Council and the Crown.
- 1.5 Pursuant to those documents, POAL has agreed to surrender the licence for the cruise berth at Queens Wharf west, to enable the development of the expanded ferry facility. POAL will cease to have access to the Queens Wharf west berth from April 2019.
- 1.6 Despite surrendering the Queens Wharf west berth, POAL will continue to provide cruise berthing and bunkering (refuelling by ship) in Auckland for the foreseeable future. Of particular relevance to the Application, the Princes Wharf east cruise berth will become more important to POAL's cruise berthing and bunkering activities over time.
- 1.7 Cruise ship bookings in Auckland have been growing in response to additional cruise passenger demand. Cruise ship bookings are projected to continue growing over the next three seasons and beyond. Bookings have increased from 90 in the 2014/15 season to 110 in the 2018/2019 season, and 145 ships are booked so far for the 2019/2020 season.
- 1.8 In addition to cruise passenger growth, cruise ships themselves are also growing. There is an ongoing trend towards longer and wider cruise ships (which can carry more passengers). Cruise ships berthing at Princes Wharf east are up to 330m in length. Ships berthing at Queens Wharf east are up to 295m in length and will be increasing to 350m.
- 1.9 The cruise industry has a significant economic benefit for Auckland and New Zealand. In the 2017/18 season, the cruise industry was estimated to have contributed \$184 million in GDP value added, while the forecast for the 2018/19 season is a contribution of \$249 million as a result of the significant increase in cruise visits.

- 1.10 Auckland is New Zealand's cruise hub. Auckland has around 20% of the passenger and crew voyage days in New Zealand and 37% of the value added that is generated by the industry. Auckland has many appealing characteristics as a destination for cruise lines and their customers, as well as the International Airport which makes Auckland attractive as a New Zealand's only turn around port. Anything that reduces the attractiveness of Auckland as a cruise hub and the absence of a major city on an itinerary reduces the appeal of a country as a whole. Potential constraints on Auckland's ability to host cruise vessels may affect port calls across the rest of New Zealand.
- 1.11 Given the loss of the Queens Wharf west berth, the increase in cruise ships visiting and the increase in ship size, it is critical that cruise ship and bunker vessels can safely manoeuvre in the basin between Princes Wharf and Queens Wharf. It is also essential that any activity that may impact on cruise or bunkering operations in the basin or at Queens Wharf is strictly controlled. Appropriate maritime traffic management, vehicle traffic management and people management is crucial at Queens Wharf and in the Ferry Basin.
- 1.12 POAL is interested in the Application to ensure that it does not have adverse effects, including on POAL's current and future operation of Auckland's cruise facilities, and as a consequence on New Zealand's entire cruise industry.
- 1.13 While POAL supports Auckland Transport's aspirations with the Application, POAL has some concerns and therefore opposes the application in part.

2. Submission

- 2.1 POAL is interested in the whole application, but has a specific interest in coastal occupation, traffic, and maritime safety issues.

Coastal occupation

- 2.2 The Application seeks coastal permits, including a coastal occupation permit for a 240 metre by 50 metre strip of waterspace west of Queens Wharf, for construction of the new ferry facilities as well as for berthing and manoeuvring ferries.
- 2.3 The waterspace in the basin between Princes and Queens Wharf is a busy area used by a number of vessels including cruise ships berthing at Princes Wharf, bunkering vessels and POAL's tugboats. POAL's section 384A coastal occupation permit covers this area.
- 2.4 It is unclear from the Application and proposed conditions whether the Applicant is seeking exclusive occupation rights for its proposed new coastal occupation permit. To the extent that the Applicant is seeking exclusive occupation, POAL is concerned that such occupation may interfere with safe navigation of the basin (as the Applicant could exclude all others from that waterspace).
- 2.5 The objectives and policies of the Auckland Unitary Plan direct that exclusive occupation is limited to where it is necessary for the efficient functioning of the development or use and will enable the most efficient use of space.¹
- 2.6 Accordingly, POAL seeks that the extent of any coastal occupation permit should be limited to the smallest area possible. It considers that any exclusive coastal occupation permit should be limited to the immediate area occupied by the new berthing structures.

¹ Auckland Unitary Plan, F2.14 Use Development and Occupation of the Coastal Marine Area: Objective 3 and Policy 2.

Traffic

- 2.7 The AEE and associated Integrated Transport Assessment addresses environment effects relating to traffic management on Queens Wharf when cruise ships are in port as well as access to Queens Wharf from Quay Street.
- 2.8 The Integrated Transport Assessment identifies potential transportation effects on cruise operations associated with the construction and operation of the ferry facilities. In particular, the Integrated Transport Assessment addresses issues associated with bus, taxi and heavy vehicle movements that occur when a cruise ship is berthed at Queens Wharf east.
- 2.9 The Integrated Transport Assessment proposes that these effects are managed via a Construction Traffic Management Plan (**CTMP**) and (when an event is occurring on Queens Wharf at the same time as a cruise ship is berthed) an Event Management Plan (**EMP**).
- 2.10 POAL is concerned that the potential for adverse transportation effects due to conflicts with cruise traffic is left to be addressed through the development of a CTMP, to be submitted to Council 10 working days prior to commencement of the Project. The future development of a management plan, without engagement with POAL, does not provide certainty that the potential effects of the Application will be appropriately avoided, remedied or mitigated.²
- 2.11 POAL is also concerned with how transport effects will be managed post-construction as the CTMP, by its name, suggests it will cease to apply once construction is completed.
- 2.12 Further, POAL is concerned that the proposed CTMP condition does not specifically require consideration of cruise ship traffic or access to Queens Wharf from Quay Street when cruise ships are in port.³ It is unclear whether POAL will be involved in the development of any CTMP. As drafted, the proposed CTMP condition does not require the Applicant to engage with POAL during the development of the CTMP.⁴
- 2.13 Finally, the Integrated Transport Assessment identifies that the CTMP will need to work with an EMP when cruise ships are berthed at the same time as an event on Queens Wharf. The proposed conditions do not require such integration between the CTMP and any EMP.
- 2.14 POAL seeks amendments to the proposed conditions to address the concerns identified above. In particular, POAL seeks that the Applicant provide a solution with better traffic management on Queens Wharf, which clearly demarcates a separation between ferry traffic and passengers, and cruise traffic (including taxis, coaches, provisioning trucks and private vehicles).

² For example, the Integrated Transport Assessment identifies that an option currently being considered is the use of the central road between the Cloud and Shed 10 for the splicing and storage of pile casings and reinforcing steel cages for the piles during construction. No real detail is given about how potential effects on POAL will be managed if this option is used.

³ In respect of access, the condition is only concerned with maintaining satisfactory access during peak commuter periods.

⁴ The proposed conditions include a Communication and Consultation Plan, which includes POAL. However, that Plan is simply to provide updates to stakeholders and provide an avenue for complaints. It does not require that the Applicant engage with stakeholders in the preparation of management plans.

Maritime safety

- 2.15 The Application includes a report on Maritime Operation and Navigational Safety prepared by Navigatus. Navigatus suggests that the Applicant engages with POAL to assess and manage interactions and risks arising from other maritime activities in the basin (i.e. cruise ship berthing and bunkering) in order to improve and maintain operational efficiency.
- 2.16 POAL is concerned with the potential for adverse effects on navigation safety, including effects on POAL's current and future cruise and bunkering operations. The Application proposes to address and manage these effects by way of a Maritime Safety Management Plan (**MSMP**) that, like the CTMP, is to be developed after a decision has been made on the resource consent.
- 2.17 POAL has two concerns regarding this:
- a. First, Navigatus recommends that the MSMP is developed in consultation with key stakeholders (e.g. POAL, Auckland Harbourmaster, Auckland Police Maritime Unit) as this will expose any specific concerns and issues the stakeholders may have and, assuming the plan addresses these, increase confidence in the viability of the MSMP. Despite this, the proposed conditions do not require the Applicant to engage with any other parties in the development of the MSMP.
 - b. Secondly, the MSMP appears to be intended to operate during the construction phase only. POAL considers that the MSMP should be developed to guide general operation in the post-construction phase also.
- 2.18 Accordingly, POAL seeks that the proposed MSMP condition is amended to require engagement with key stakeholders (including POAL) and requires that a MSMP is developed for operational phase (i.e. post-construction). POAL considers it critical that the Application is appropriately managed (including through the MSMP) to ensure that there are no restrictions on POAL's operations at Princes Wharf and Queens Wharf and in the basin between those wharves.
- 2.19 In addition to the concerns above, POAL notes that Navigatus recommended the establishment of a basin control source for the duration of the construction activities to manage the interface between construction activities and ferry operation activities. This does not appear to have been provided for in the proposed conditions.
- 2.20 POAL seeks that a basin control source is required by a condition on the consent for the duration of the construction activities, and that this control source also manages the effect of construction and ferry activities on the berthing and bunkering of cruise ships at Princes Wharf east.
- 2.21 More generally, the Navigatus report comments that maritime safety and operational management are complementary. POAL supports that comment. To ensure optimal maritime safety and operational management is achieved, POAL considers that the ferry operators need to become more efficient and innovative in the way they operate. Operators should strive for constant improvement in systems and processes (including investment in ferry stock) in order to improve the efficiency and safety of the Ferry Basin. Without such change, the basin is at risk of becoming an unsafe bottleneck of marine activities.

General submission

- 2.22 Without limiting the specificity of the above, POAL considers that, without amendment, the proposal:

- a. will not achieve, and is inconsistent with, the purpose and principles set out in Part 2 of the Resource Management Act 1991;
- b. will result in unacceptable adverse effects on the environment; and
- c. is inconsistent with the provisions of the relevant statutory documents, including the Auckland Unitary Plan.

3. Relief sought

3.1 POAL seeks that the Application is granted, subject to amendments to the Application or appropriate conditions to address POAL's concerns set out in section 2 above.

4. Conclusion

4.1 POAL wishes to be heard in support of this submission.

4.2 POAL could not gain an advantage in trade competition through this submission.

4.3 If others make a similar submission, consideration would be given to presenting a joint case with them at any hearing.

PORTS OF AUCKLAND LIMITED

Date: 17 December 2018

Signature: A. G. Kirk

Alistair Kirk
General Manager – Infrastructure and Property
Ports of Auckland Limited