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Sent: Monday, 17 December 2018 3:57 p.m.
To: RRegulatorysupport central
Cc: mark.vinall@tattico.co.nz; Haylee Minoprio (AT)
Subject: BUN60327622 - Queens Wharf West: submission on behalf of Fullers Group Limited and 360 Discovery Limited

To whom it may concern,

Please find **attached** submission on behalf of Fullers and 360 Discovery.

Kind regards,
Daniel

Daniel Sadlier PARTNER

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The Resource Management Act 1991

Submission on resource consent application

To: Auckland Council
Private Bag 92300
Auckland 1142

By email: rcregulatorysupportcentral@aucklandcouncil.govt.nz

Name of submitters: Fullers Group Limited and 360 Discovery Limited (together the “**Submitters**”), c/ Ellis Gould, solicitors at the address for service set out below.

Introduction

1. The Submitters make the following submission on the resource consent application (BUN60327622 - CST60327623 and DIS60327717) by **Auckland Transport (“AT”)**, C/- Tattico, PO Box 91562, Victoria Street 1142 (for: Mark Vinall) to Auckland Council to construct, operate and maintain six new ferry berths on the western side of Queens Wharf within the Downtown Ferry Basis (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 (“**Proposal**”).
2. The Submitters are not trade competitors of AT and could not gain an advantage in trade competition through this submission. In any event, the Submitters will be directly affected by effects of the Proposal that:
 - (a) Adversely affect the environment; and
 - (b) Do not relate to trade competition or the effects of trade competition.

Scope of submission

3. This submission relates to the Proposal in its entirety.

Background to the Submitters

4. Fullers Group Limited (“**Fullers**”) is the principal operator of commuter and tourist ferry services on Auckland Harbour and between Auckland and the Hauraki Gulf

islands. Fullers has operated these services since 1981 and has steadily built them up through the purchase of large new purpose-built ferries and the introduction of services to new destinations. This investment resulted in substantial growth in patronage and was instrumental in facilitating (for example) the residential and commercial development of Waiheke Island.

5. 360 Discovery Limited (“**360**”) became a “sister company” of Fullers in 2009, and adds a unique focus on eco-based tourism ferry services. 360 has seen its own substantial growth and has expanded to offer commuter services to Beach Haven, Hobsonville Point and Gulf Harbour communities.
6. Together the Submitters’ fleet currently totals 21 vessels which link the central Auckland ferry basin to 16 destinations and carry 5.5 million passengers per annum on a mix of commuter and tourist services, out of a total of approximately 6.3 million ferry passengers overall. The ferry basin, and the way that it operates currently, is barely able to accommodate the competing needs of commuters, visitors and cruise activities which share the ferry basin waterspace and associated land and wharfside spaces.

Context for the Proposal

7. The Proposal forms part of the wider Downtown Infrastructure Development Programme, which includes (in summary):
 - (a) The Quay Street Seawall Replacement Project (“**QSSRP**”);
 - (b) Mooring dolphins at the end of, and structural upgrades to, Queens Wharf to facilitate berthing of larger cruise vessels on the wharf (“**QW North Application**”);
 - (c) A new public open space in the Ferry Basin (“**Downtown Public Space**”);
 - (d) Streetscape works in Quay Street West; and
 - (e) The Britomart East Bus Interchange in Quay Street.Together, the (“**DIDP**”).
8. Some, but not all, of these proposals are subject of resource consent applications lodged with the Council. Some aspects may not be subject of resource consent processes at all, as they may be governed by different legislative frameworks.

9. Part of the context for the DIDP is the confirmation of Auckland as the venue for both the 36th America's Cup regatta (including the Christmas Cup and Prada Cup series), and the Asia-Pacific Economic Cooperation (APEC) 2021 Leaders' Week. These events appear to be driving constrained timeframes for delivery of the projects that form part of the DIDP. This is reflected in the Assessment of Environmental Effects supporting the Proposal.
10. As many elements of the DIDP will need to be delivered together or contemporaneously, it is necessary to consider the effects of all relevant projects in an integrated and holistic manner. This is not achieved within the documents supporting those applications that have been lodged to date, including this Proposal.
11. There is a clear future need for new, expanded and enhanced ferry facilities to accommodate projected increased ferry passenger numbers, and larger ferry vessels that will be needed on a number of routes to facilitate increased service offering for the benefit of Auckland. The Submitters conservatively estimate that ferry passenger numbers may move from 6.3 million currently to 8.6 million by 2025, all remaining equal to today's current services. Expansion of the network will lead to more growth. The Proposal, both when assessed in isolation and within the broader DIDP context, should prioritise projected growth in ferry passengers. The safe and effective carriage of these passengers must not be precluded or otherwise foreclosed.

Nature of Submitters' submission

12. The Submitters generally support the policy intent of the DIDP, particularly insofar as it intends to create a resilient and attractive waterfront, and enhance public transport, waterfront access and public realm outcomes. The Submitters' activities on the waterfront will be integral to the delivery of those outcomes, through provision of excellent public transport links by ferry to other parts of Auckland, the North Shore and the Hauraki Gulf islands.
13. In particular, the Submitters are generally supportive of this Proposal, as it expresses intent to provide enhanced ferry infrastructure with the ability to accommodate increased ferry passenger volumes in future in a safe, efficient and attractive operating environment. However, the Submitters are concerned that the Proposal in its current form, and particularly when considered in conjunction with other identified DIDP projects, will not achieve its expressed intent.

14. The Proposal must deliver the following:
 - (a) Sufficiently safe navigable waterspace for all users of the Ferry Basin;
 - (b) Appropriate CMA and land-based facilities to meet the functional and operational requirements of ferry operators;
 - (c) Safe and efficient transition spaces between land and vessels;
 - (d) Appropriate areas for layover berthage of vessel that require maintenance, repair or reprovisioning;
 - (e) High quality people movement and queueing areas; and
 - (f) Good connectivity for pedestrians and land-based public transport users.

15. While AT has constructively engaged with the Submitters on numerous occasions, the engagement process has had unreasonable time constraints, and has proven insufficient at crucial times. For example, the Submitters were unable to participate in simulation of the reverse sawtooth design for berthage set out in the Proposal, prior to the application being lodged. As at the date of this submission, a further simulation process has been completed in which the Submitters have been involved, but the outcome is still in “draft” form. At this stage, while the Submitters have some comfort that the Proposal enables safe navigation and berthage when each vessel movement is viewed in isolation, the Submitters are concerned that it has not been demonstrated that the ferry basin can operate efficiently and safely with multiple vessels queueing, berthing and disembarking passengers concurrently. The Submitters are accordingly concerned about potential congestion and/or navigation safety effects, which would significantly reduce the capacity of ferry facilities in terms of the number and efficiency of services, as thereby the number of passengers that can be carried.

16. The Submitters were not involved in the design of the proposed redeveloped ferry terminal buildings and associated facilities, despite them being the primary user and leaseholder of many parts these buildings. Having seen these designs after finalisation of the application for the Proposal, the Submitters have concerns that said designs are insufficient in some cases, particularly insofar as these require the Submitters to share some facilities with other ferry operators (in many cases competitors), or involve significant changes to the location and area available for key operational requirements.

17. Other aspects of the design are also of concern including, but not limited to, lack of any layover berthage (currently located on Queens Wharf West) for maintenance and repair of ferry vessels, lack of flexibility in terms of design of transition spaces, people movement and queuing areas to accommodate unforeseen operational issues, and adverse effects on connectivity for pedestrians to and from the CBD and land-based public transport as a result of the sheer distance of redeveloped facilities when compared with the status quo.
18. Cumulative effects of the Proposal when taken with other DIDP proposals, in particular the QW North Application, are of major concern. The documents supporting the Proposal refer to the QW North Proposal and simply adopt the conclusion that it will have negligible effects on ferry operations. That is an erroneous conclusion, which is challenged in the Submitters' submission in opposition to the QW North Application, which may have significant impacts upon ferry operations and timetabling both in terms of the existing and future environment. Effects identified within the documents supporting the Proposal must also address these cumulative effects.

Reasons for submission

19. The Submitters are determined to ensure that implementation of the Proposal, together with the broader DIDP, appropriately manages potential effects on the Submitters' continued efficient operations.
20. The Submitters' submission is that the Proposal in its current form has the potential to:
 - (a) Generate significant short-term, long-term and permanent adverse effects on the environment.
 - (b) Be contrary to the sustainable management of natural and physical resources.
 - (c) Not promote the efficient use and development of resources.
 - (d) Be otherwise inconsistent with the purpose and principles in Part 2 of the Resource Management Act 1991 ("**the Act**").
 - (e) Be inconsistent with objectives, policies and other provisions in relevant planning instruments.

21. In particular, but without limiting the generality of the above, the Submitters are concerned based on the information currently available to them, that:
- (a) The Proposal may create a congested environment within the Ferry Basin which will create significant timetabling delays for the Submitters and other ferry operators, which will mean that projected ferry passenger volumes are unable to be safely accommodated in the future;
 - (b) The facilities proposed within the CMA and on land are insufficient in a number of respects to meet the functional and operational requirements of ferry operators including the Submitters, and may accordingly have significant adverse effects on efficient ferry operators and passengers;
 - (c) Transition spaces between land and vessels may not operate in a safe and efficient manner for either ferry operators or passengers;
 - (d) People movement and queueing areas may operate inefficiently, are likely to require greatly increased shore-based staffing levels, and are otherwise operationally inflexible insofar as moving people between berthage areas to accommodate unforeseen operational changes;
 - (e) The Proposal moves ferry facilities away from Quay Street and the CBD, further along Queens Wharf which may have significantly adverse effects on pedestrian connectivity, access to land-based public transport, and proximity of crew to shore-based facilities during “down time” between services;
 - (f) The Proposal removes all existing layover berthage used by the Submitters, and does not deliver any alternative layover areas, which are a clear operational requirement. Given recent changes to employment legislation, the need for layover berthage in close proximity to shore-based facilities (ie, break-rooms) is increased, yet the Proposal both moves active berths further from shore-based facilities and results in removal of layover berthage on Queens Wharf west;
 - (g) When considered in conjunction with other DIDP projects, such as the QW North Application and the yet to be lodged Downtown Public Open Space, the Proposal results in a facilitation of Cruise Industry and public amenity outcomes at the disproportionate expense of safe, efficient and effective ferry operations, this will result in:

- (i) Significantly adverse effects in terms of social wellbeing and amenity values of the waterfront and broader Auckland area, including the Submitters' ability to deliver frequent, punctual ferry services for over 6 million passengers per year;
 - (ii) Net adverse economic effects in terms of the waterfront's contribution to the Auckland and national economies; and
 - (h) Delivery of the Proposal, together with the QW North Application, have the potential to generate significant adverse effects on efficient and effective ferry operations and on the amenity values associated with the Submitters' ferry services during the construction period.
22. The Submitters note that discussions with AT are proposed to continue after receipt of submissions. There may be an opportunity to receive further and better information from it, and applicants for other DIDP projects, which enables a more integrated and cohesive consideration of the Submitters' concerns in respect of the Proposal and broader DIDP initiatives. The Submitters welcome the opportunity to continue working with AT with the aim of ensuring that the Proposal can deliver high quality outcomes for all stakeholders.

Relief sought

23. The Submitters seek the following relief:
- (a) That the Proposal is declined consent in its entirety unless:
 - (i) Further technical work is undertaken in conjunction with the Submitters that demonstrates that the Proposal, both alone and when considered cumulatively with other relevant DIDP projects, will not inappropriately adversely affect the Submitters' operations, including their ability to deliver efficient passenger transport services from the ferry basin in line with current growth projections;
 - (ii) The Proposal is modified accordingly and appropriate conditions are imposed on any consent granted to address the concerns expressed by the Submitters in this submission to their satisfaction; and
 - (b) Such alternative or other relief or consequential amendments as are considered appropriate or necessary to address the concerns set out in this submission.

24. The Submitters wish to be heard in support of their submission.
25. If others make a similar submission, the Submitters will consider presenting a joint case with them at a hearing.

DATED this 17th day of December 2018



Daniel Sadler

Counsel for **FULLERS GROUP LIMITED** and **360 DISCOVERY LIMITED**

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