AUCKLAND COUNCIL

Report for Certificate of Compliance

Section 139 Assessment and Determination in Accordance with the Resource Management Act 1991.

SUBJECT:	Application Number PA 52547 by Holcim (New Zealand) Limited for a Certificate of Compliance to permit the operation of a cement distribution depot at 57 Onehunga Harbour Road, Onehunga.
FROM:	Jacqueline Anthony, Team Leader – Stormwater, Natural and Specialist Input
TO:	Rod Dissmeyer, Manager - Land Group, Natural and Specialist Input

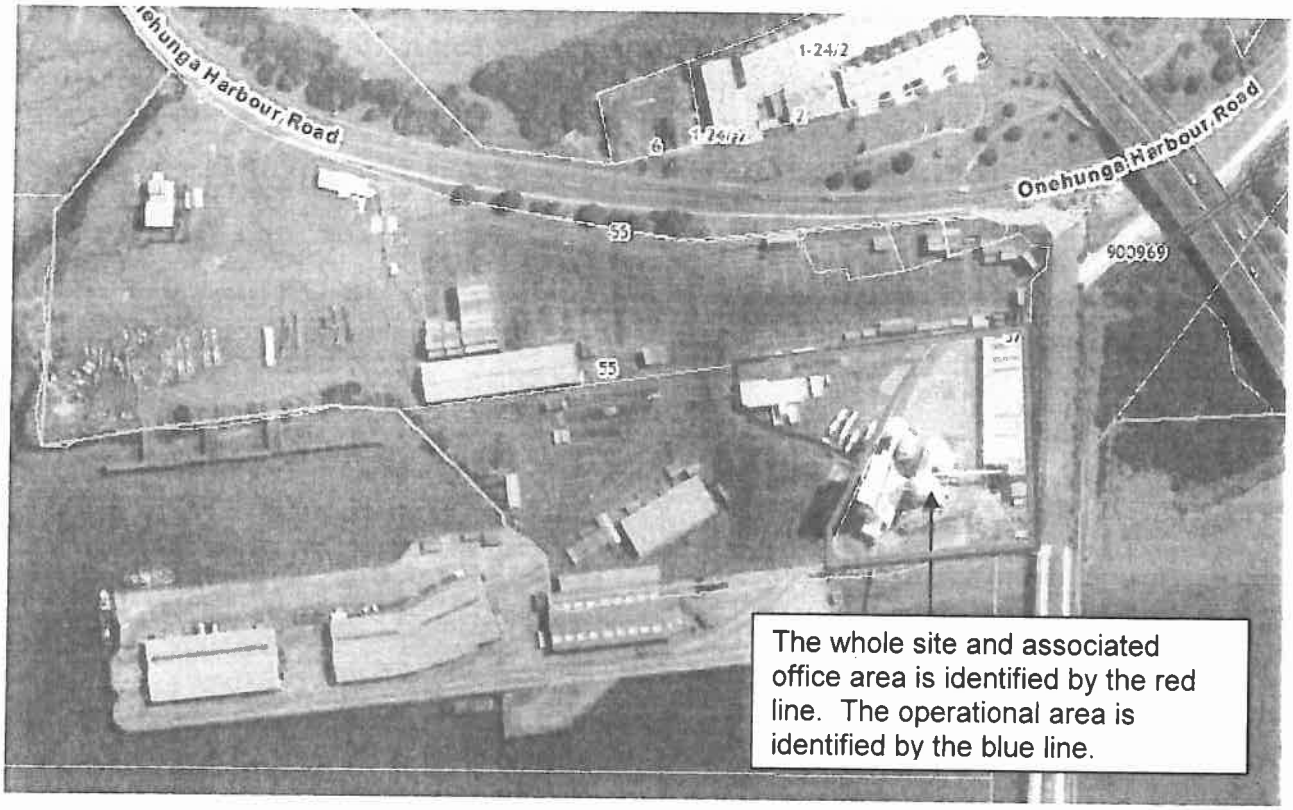
SECTION 1 – DESCRIPTION OF APPLICATION

1.1 APPLICATION DETAILS

Reporting Officer:	Jacqueline Anthony, Team Leader - Stormwater
COC Number:	PA 52547
File Numbers:	22319 (site file number 7-52-0871)
Date Application Received:	June 2010
Date Application Accepted:	June 2010
Applicant's Name:	Holcim (New Zealand) Limited
Site Address/Location:	57 Onehunga Harbour Road, Onehunga

Map Reference (NZTM):	1759047.69E 5911141.27N
Site Area:	4370 m^2
Legal Description:	Lot 1 DP 90709
Further Information Required:	No
Date Requested:	N/A
Date Received:	N/A
Significant/Cultural Heritage features:	Yes – see Appendix A
Tangata Whenua Significant Site:	No
Significant Natural Heritage Areas and Value Site: (refer to the ARPS – Appendix B)	No
Relevant Territorial Authority:	Auckland Council

1.2 LOCATION MAP



1.3 DESCRIPTION OF PROPOSAL

The applicant requests a Certificate of Compliance (CoC) to undertake the operation of a cement distribution depot at 57 Onehunga Harbour Road, Onehunga. The site is leased by Holcim (New Zealand) Limited from the Ports of Auckland Limited (POAL) and the depot is located alongside the main wharf on the Manukau Harbour. The map in section 1.2 of this report identifies the whole site area; this includes parking and offices. The actual operational area where cement handling takes place is also identified on the same map.

The site comprises facilities for the discharge of bulk cement from Holcim New Zealand owned ships, storage in silos, dispatch in bulk by road or rail, a bagging plant, storage for bagged cement, offices and staff facilities. There are a total of five silos on the site, with the latest being constructed during 1996.

Cement is received at the facility by ships and is transferred to the silos via a sealed pneumatic system. This process is automatically monitored and once in the silos, the cement is completely contained. From the silos, the cement is transferred to the trucks via a sealed network of pipes. To receive the cement, the trucks drive along a paved driveway and under a canopy. From this

canopy, cement is dispensed into the trucks via a closed system. Trucks then drive off to a wash bay where the vehicle is rinsed and all wash water is directed to trade waste.

All cement distribution operations on the site are undertaken in the designated area and this CoC is specifically for these nominated operations.

1.4 SITE AND NEIGHBOURHOOD / CATCHMENT / ENVIRONS DESCRIPTIONS

The site is located on the wharf structure to the west of the POAL – Onehunga operations. To the north of the site, there are recently constructed apartments, and light commercial areas in a mixed use development. To the east, the prominent feature is the motorway flyover which spans the narrow reaches of the Manukau harbour and to the west, POAL operations. The site's southern boundary is the Manukau harbour. Also located on the site is a large electricity pylon.

The area is zoned Business 5a in Auckland City Council District Plan and has been significantly modified over time resulting in very limited natural features around the site.

1.5 BACKGROUND / SITE HISTORY

The area is historically significant in terms of the history of shipping and industry in Auckland. It has been associated with industrial or trade processes since the mid 1800s and the site is recognised in the Regional Cultural Heritage Inventory as a historic industrial maritime area (see appendix A). The site has been developed and increased in size through reclamation activities throughout the last two centuries.

The entire wharf area, including both the POAL area and the cement batching site is completely impervious, however the reticulated stormwater system in the area is minimal due to the nature and structure of the wharfs. The Holcim cement batching site is an area that is serviced with a reticulated network.

SECTION 2 – STATUTORY CONSIDERATIONS

2.1. RESOURCE MANAGEMENT ACT 1991

Section 139 of the Resource Management Act sets out the matters in respect of certificates of compliance:

2.1.1 Section 139 - Consent authorities to issue certificates of compliance

1. This section applies if an activity could be done lawfully in a particular location without a resource consent.

2. A consent authority may require the applicant to provide further information if it considers that the information is necessary to determine whether the particular activity could be done lawfully in a particular location without a resource consent.

3. The consent authority must issue the CoC within 20 working days of the receipt by the consent authority of the request or of requested further information, whichever is the later.

4. The issued CoC must describe the activity and the location and state that the activity can be done lawfully in the particular location without a resource consent as at the date of the authority received the request.

5. A CoC must not be issued if the request was made after a proposed plan is notified and the activity could not be done lawfully in the particular location without a resource consent under the proposed plan.

6. Subject to sections 10, 10A and 20A(2), a CoC shall be deemed to be an appropriate resource consent issued subject to any conditions specified in the applicable plan, except that the only sections in Part 6 of the Act that apply to it are sections 120, 121, 122, 125, 134, 135, 136 and 137.

2.2. EVALUATION AGAINST REGIONAL PLAN

2.2.1. Proposed Auckland Regional Plan: Air, Land and Water

The Auckland Council has considered the request by Holcim (New Zealand) Limited for a CoC for the stated activity and has concluded the proposed environmental management techniques are considered best practicable options for the site and in accordance with the Auckland Regional Plan: Air, Land and Water (ARP:ALW).

The ARP:ALW was made operative in part on 22 October 2010. However, outstanding appeals affecting the whole of Chapter 5 remain unresolved, and thus, the provisions cannot be considered to have reached a stage where they are beyond challenge.

Under section 86F of the RMA a rule in a proposed plan becomes operative only once all submissions in opposition have been withdrawn, and all appeals withdrawn or dismissed. In this instance outstanding appeals remain and as such this application is assessed under the provisions of the proposed ARP:ALW.

Schedule 3 of the proposed ARP:ALW sets out different types of industrial and trade activities and their associated risk level dependent upon the size of the activity area they occupy. These terms are defined in schedule 3, however for the purposes of this report, the activity undertaken by Holcim (New Zealand) Limited at the Onehunga site is not specifically identified in the schedule. The closest description is:

Product storage or handling centres - Bulk chemicals

Therefore, under the explanation notes for schedule 3, the activity this report relates to can be classified as complying with this note:

3. *Activities not identified as moderate or high risk in Schedule 3: Industrial or Trade Processes must meet the conditions of Permitted Activity Rule 5.5.14, otherwise they will be assessed under Controlled Activity Rules 5.5.17 if lawfully established at the time of Plan notification or under Discretionary Activity Rule 5.5.19.*

As such, Holcim (New Zealand) Limited have requested a Certificate of Compliance (CoC) to demonstrate their compliance with rule 5.5.14.

The rules considered relevant to this application are set out as follows:

Rule 5.5.14: *The use of land for the purposes of an Industrial or Trade Process, other than those activities listed as moderate risk and high risk in Schedule 3: Industrial or Trade Processes is a Permitted Activity, subject to the following conditions:*

(a) Storage containers shall be covered to prevent rainwater entry;

(b) Waste compactors and bins shall be located and operated in such a manner as to prevent leachate/wastes leaking from the bins and entering the stormwater system;

(c) Wastewater produced on-site shall be collected either for recycling, or disposal to a system or facility with all the appropriate authorisations to accept material of that type. For the purposes of this rule wastewater shall also include:

i. *boiler blow down and condensate;*

ii. *all waste and process liquids generated or collected as part of an Industrial or Trade Process;*

iii. *cooling tower water excluding vapour; and*

iv. *condensate from three phase air compressors*

(d) *Washwater produced on-site shall be:*

i. *collected for recycling or disposal to a consented waste disposal system; or*

ii. *discharged to land in a manner that does not result in the overland flow of the washwater entering stormwater, and does not result in accumulation of contaminants onto or into land.*

(e) *Where any environmentally hazardous substance is stored on site, at a greater quantity than used for domestic purposes an Emergency Spill Response Plan shall be developed. Such plans shall include:*

i. *a schedule of inspection to ensure environmentally hazardous substances are stored and bunded appropriately;*

ii. *a protocol/method for identifying and stopping any discharge and ensuring that future events of this nature do not occur;*

iii. *emergency containment and clean-up procedures;*

iv. *appropriate spill kits to allow containment and/or absorption of spilled material and the identification of their locations;*

v. *appropriate signage to identify the location of spill kits and the actions to be taken in the event of a spill;*

vi. *action to minimise any adverse effects on the environment, public health and safety;*

vii. *methods for disposal of spilled materials and any other contaminated materials used in the spill clean-up;*

viii. *training of personnel in adequate identification of materials and correct operating procedures to avoid or minimise the likelihood of spills;*

ix. *up-to-date and accurate copies of all site drainage plans showing the location of the final discharge point of the site stormwater system to any public stormwater system and/or any watercourse; and*

x. *a procedure for notifying as soon as practicable the ARC's 24 hour emergency response service in the event of any spill on site that*

results in contamination of any stormwater system, waterbody, or into land.

(f) *Environmentally hazardous substances shall be stored in a manner that prevents the entry of rainwater into the container, and when the quantity exceeds that used for domestic purposes, in a secondary containment device (such as a bund) where:*

i. *the device is constructed of impervious materials that are resistant to chemical attack from the substances contained therein;*

ii. *the device is designed, constructed and managed so that uncontaminated stormwater runoff is prevented from flowing into the contained area;*

iii. *there shall be a mechanism/protocol for determining, prior to draining, if any fluid collected in the containment device is contaminated; and*

iv. *in the event of a leak or spill within the containment device, a procedure shall be prepared to dispose of all contaminated water and leaked product in accordance with Rule 5.5.14(c);*

(g) *A procedure shall be developed and implemented to ensure reconciliation measurements are recorded by the site operator for any environmentally hazardous substance stored in an underground storage tank;*

(h) *On-site vehicle re-fuelling facilities with a total storage capacity of greater than 5000 litres shall be contained and housed under cover, and/or surrounded by a drain that drains to an appropriately designed and sized stormwater treatment and spill containment device fitted with a shut-off valve; and*

(i) *Any stormwater treatment devices shall be designed in accordance with ARC guideline document Technical Publication Number 10 "Stormwater management devices: Design guidelines manual" Second edition, May 2003 (TP10) and installed and maintained in accordance with either the manufacturer's recommendations or the best practicable option.*

In assessing the application documents, it has been identified on page 5 of the application that the requirements of 5.5.14 have been addressed through the provision of both structural and procedural controls. In addition, an Environmental Management System (equivalent of an Environment Management Plan) which meets the requirements of rule 5.5.15 has been submitted.

5.5.15 *The use of land for the purposes of an Industrial or Trade Process listed as moderate risk in Schedule 3: Industrial and Trade Processes is a Permitted Activity, subject to the following conditions:*

(a) *The activity shall be managed and operated in accordance with a site specific environmental management plan which:*

i. *complies with all the appropriate matters listed as conditions for Rule 5.5.14;*

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

iii. *sets out the methods to be used to ensure that stormwater does not become contaminated*

(b) *The site Environmental Management Plan and compliance with the conditions in Rule 5.5.14 shall be inspected on an annual basis by an environmental assessor certified by the ARC. The results of this assessment shall be forwarded to the ARC within three months of completion.*

Where an assessment of the Environmental Management Plan meets the conditions of Permitted Activity Rule 5.5.14 consecutively for three years, the requirement for an assessment will be changed to a biennial basis. In the event of non-compliance at any time with the condition(s) specified in Rule 5.5.14 the assessment shall revert back to an annual basis.

Contaminants and stormwater discharges

The stormwater is discharged to both the Manukau Coastal Marine Area (CMA) via a 150 mm pipe and to the trade waste network. A trade waste agreement with Watercare (number 739) is held by the site and the water quality volume of stormwater from the cement handling areas is discharged via this connection. This water quality has the potential to contain contaminants and as a result is contained and discharged to the trade waste. All other stormwater flows discharge into the CMA. These flows arise from areas where the main contaminant of concern, cement, is not handled and therefore not likely to entrain contaminants.

2.2.2. Auckland Regional Coastal Plan

For the purpose of promoting sustainable management, this Plan has divided the coastal marine area into a number of Management Areas. The site is identified in the Plan as Port Management Area 1B in Chapter 2. The rules relating to the discharges to the Coastal Marine Area are contained in Chapter 20 to 31 of Part IV: Use & Development.

20.5.4 *Discharges into the coastal marine area, which are not covered by another permitted activity rule, subject to the following conditions:*

(a) *the discharge does not contain contaminants that will cause more than minor adverse effects on the receiving waters and the marine environment; and*

(b) *the discharge does not contain human sewage or hazardous substances as defined by the Hazardous Substances & New Organisms Act 1996, and any regulations made under section 75 of that Act; and*

(c) *the discharge will not, after reasonable mixing, 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; or*

ii. *any conspicuous change in the colour or visual clarity of water in the coastal marine area; or*

iii. *any emission of objectionable odour; or*

iv. *any significant adverse effects on aquatic life, and*

(d) *the discharge does not change the natural temperature of the receiving water, after reasonable mixing by more than 3 degrees Celsius; and*

(e) *the discharge does not involve the disturbance of foreshore and seabed that cannot be remedied by natural processes within 48 hours of the disturbance occurring in any Coastal Protection Area 1, and 7 days in other parts of the coastal marine area; and*

(f) *that public access to and along the coast is not restricted by the volume or movement of the discharge; and*

(g) *the discharge does not modify, damage or destroy any site, building, place or area scheduled for preservation or protection in Cultural Schedules 1 and 2;*

NB: This rule includes the discharge of water from the washing down of structures, sullage, and other discharges that will have either no adverse effect, or minor adverse effects on water quality.

It is considered that in accordance with the assessment in 2.2.1, the activity will be compliant with Permitted Activity rules in the Coastal Plan above.

2.2.3. Summary

The application and supporting documents identify the potential risks to the environment and how the operation of the facility will be managed to avoid and prevent uncontrolled spills or the discharge of contaminants into the environment. Holcim (New Zealand) Limited have also supplied a site specific spill response plan which is adhered to at all times in the event of a spill; spill kits are located around the site as a part of this response plan.

In addition to meeting the above rules, Holcim (New Zealand) Limited have modernised equipment and refined operating procedures to mitigate the effects from dust. There is an alarm system installed to monitor the discharge of cement into the silos and displaced air from the silos is filtered prior to discharge during filling operations.

2.3. LAPSING OF CONSENT

Under section 139 of the RMA, once a CoC is issued, it is deemed a resource consent and will lapse if the certificate is not given effect to **within five years** after the date of commencement of the CoC.

2.4. CONCLUSION

Having assessed this request in terms of Section 139 of the Resource Management Act 1991, it is considered that the Holcim (New Zealand) Limited cement distribution depot at 57 Onehunga Harbour Road, Onehunga is a permitted activity in accordance with rule 5.5.15 of the Proposed Auckland Regional Plan: Air, Land and Water and rule 20.5.4 of the Auckland Regional Plan: Coastal on the date of receipt of the request for a CoC.

SECTION 3 – RECOMMENDATION

It is recommended that pursuant to section 139 of the Resource management Act 1991 a certificate of compliance can be issued to Holcim (New Zealand) Limited to undertake the operation of a cement distribution depot in accordance with the plans and information submitted on 14 June 2010 with the application dated 09 June 2010 at 57 Onehunga Harbour Road, Onehunga.

3.1 ADEQUACY OF INFORMATION

It is considered the information submitted by the application is sufficiently comprehensive to enable the consideration of the nature and scope of the proposed activity as it relates to the regional plans on an informed basis.

Report Prepared by: Jacqueline Anthony

Title: Team Leader - Stormwater

Signed:

Date: 10 February 2011

Acting under delegated authority the issue of this Certificate of Compliance is duly authorised.

Team Manager: Rod Dissmeyer

Managers Title: Manager - Land Group

Signed:

Date: 10/2/11

Auckland Council

Appendix A

Significant / cultural heritage features identified:

CATEGORY:	Maritime Site
CHI NUMBER:	471
NAME:	MANUKAU CUNNINGHAM WILLIAM HOLMES
NZAA SITE NUMBER:	Null
SITE TYPE:	INDUSTRIAL/SHIPYARD SITE