

## Coastal Occupation Permit

### Onehunga Wharf



### Application for Coastal Permit

### Assessment of Environmental Effects

March 2025

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Supporting Documents Provided

- A. Proposed Occupation Area
- B. Ports of Auckland s384A Deemed Coastal Permit
- C. Summary of Mana Whenua Hui
- D. MACA Engagement Letter
- E. Ports of Auckland Correspondence
- F. Pre-app Minutes
- G. Coastal Processes/Ecological Report
- H. Traffic Assessment

## 1 INTRODUCTION

This report is prepared and submitted in support of an application by Eke Panuku Development Auckland (“EPDA or the applicant”) for consent to enable the exclusive occupation of water space associated with Onehunga Wharf in part of the Manukau Harbour (“the occupation area”) shown in blue in **Figure 1** and included in **Attachment A**. Onehunga Wharf occupies waterspace under Port of Auckland’s (“Ports”) s384A Deemed Coastal Permit which expires in 2026. The wharf is owned by Auckland Council and is operated by Eke Panuku, on behalf of Auckland Council.



**Figure 1: Proposed Occupation Area (blue outline/purple shading)**

The applicant seeks a new coastal permit to enable the continued occupation of Onehunga Wharf and associated waterspace, including existing structures and activities. This includes the existing structures and building located on the wharf.

The occupation area is located within the General Coastal Marine Zone and Coastal Minor Port Zone in the Auckland Unitary Plan (Operative in Part) (“AUP”). The proposal requires resource consent pursuant to sections 12(1), 12(2) and 12(3) of the Resource Management Act 1991 (“RMA”) to authorise the ongoing use and operation, maintenance and occupation of the buildings/structures and activities (including ancillary activities) within those parts of the Coastal Marine Area (“CMA”) occupied by Onehunga Wharf. The proposed occupation area is 50,238m<sup>2</sup>. Overall, the proposal is a restricted discretionary activity in the AUP.

The proposal has been discussed with Council at two separate pre-application meetings and the feedback provided has been incorporated into this application. Ports has provided their written support for the proposal. The proposal has also undergone comprehensive engagement through the Mana Whenua Forum and engagement with Iwi (some overlap) as part of the Marine and Coastal Areas (Takutai Moana) Act 2011 (“MACA”), details of which are included in this report.

This report has been prepared in accordance with the requirements of Section 88 and the fourth schedule of the RMA and is intended to provide the information necessary for a full understanding of the proposal and any actual or potential effects the proposal may have on the environment.

In accordance with Section 95A(2)(b) of the RMA, the applicant requests that this application is publicly notified.

## 2 EXISTING ENVIRONMENT

### 2.1 PORTS OF AUCKLAND S384A DEEMED COASTAL PERMIT

Ports has a s384A deemed coastal occupation permit granted by the Minister of Transport on 28<sup>th</sup> July 1994 for 35 years (expiring 30<sup>th</sup> September 2026) for the water space previously managed by the Auckland Harbour Board (“AHB”) (under the previous Harbour Boards Act). The extent of the permit is illustrated in **Figure 2** below and covers the Onehunga Wharf. A copy of the original Port’s occupation consent is in **Attachment B**.

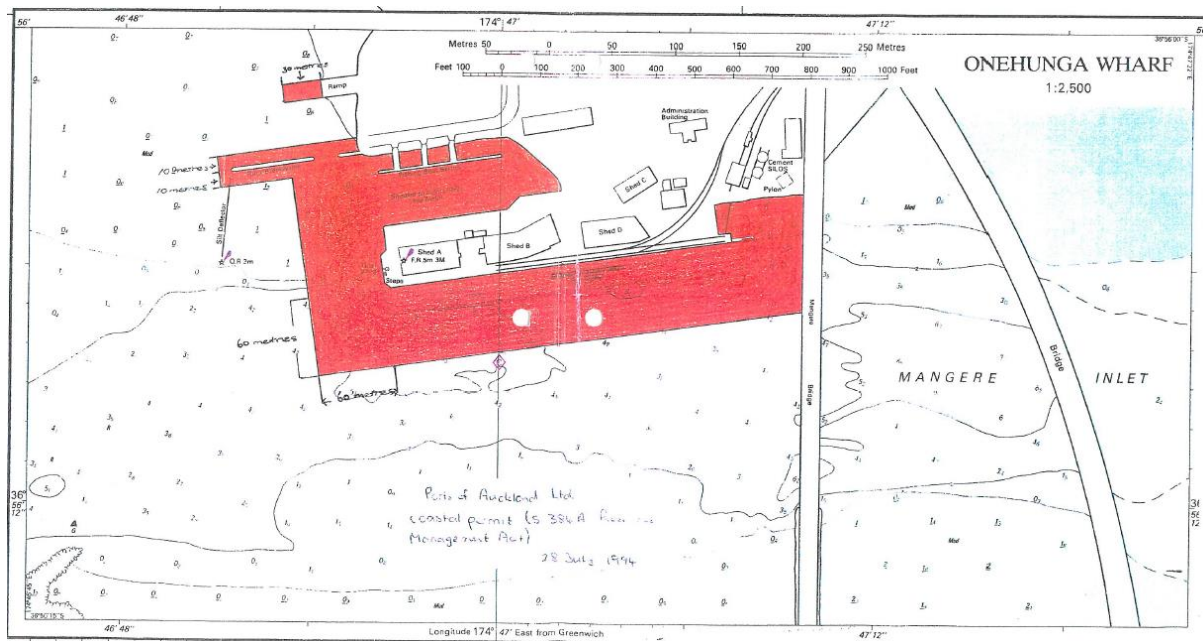


Figure 2: Extent of POAL s384A coastal occupation permit for Port of Onehunga (shown in red)



### 3 PROPERTY AND PLANNING INFORMATION

#### 3.1 APPLICANT AND PROPERTY DETAILS

APPLICANT AND PROPERTY DETAILS	
Applicant	Eke Panuku Development Auckland on behalf of Auckland Council
Address	55 Onehunga Harbour Road, Coastal Marine Area (CMA)
Legal Description	PT ALLOT 17 SEC 30 Village ONEHUNGA, PT ALLOT 18 SEC 30 Village ONEHUNGA, Land on DP 702, Lot 5 DP 135212, Lot 7 DP 135212, Lot 6 DP 135212
Occupation Area	50,238m <sup>2</sup>
Auckland Unitary Plan: Operative in Part	
Zone	General Coastal Marine zone – See Figure 5 Coastal Minor Port Zone
Precinct	N/A
Overlays	<ul style="list-style-type: none"> <li>Natural Resources: High-Use Aquifer Management Areas Overlay [rp] - Onehunga Volcanic Aquifer</li> <li>Natural Resources: Quality-Sensitive Aquifer Management Areas Overlay [rp] - Onehunga Volcanic Aquifer</li> <li>Natural Heritage: Outstanding Natural Features Overlay [rcp/dp] - ID 46, Hopua explosion crater and tuff exposure</li> <li>Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - M6, Mount Mangere, Viewshafts</li> <li>Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - M5, Mount Mangere, Viewshafts</li> <li>Historic Heritage and Special Character: Historic Heritage Overlay Extent of Place [rcp/dp] - 2736, Onehunga Wharf</li> <li>Infrastructure: National Grid Corridor Overlay - National Grid Yard Uncompromised</li> <li>Infrastructure: National Grid Corridor Overlay - National Grid Subdivision Corridor</li> </ul>
Controls	<ul style="list-style-type: none"> <li>Controls: Vehicle Access Restriction Control - Motorway Interchange Control</li> </ul>

	<ul style="list-style-type: none"> <li>Controls: Coastal Inundation 1 per cent AEP Plus 1m Control - 1m sea level rise</li> <li>Controls: Macroinvertebrate Community Index - Urban</li> </ul>
Road Classification	<ul style="list-style-type: none"> <li>Onehunga Harbour Road – Strategic Arterial Road</li> </ul>
Designations	<ul style="list-style-type: none"> <li>Designations - 6774, East West Link, Designations, New Zealand Transport Agency</li> <li>Designations: Airspace Restriction Designations - ID 1102, Protection of aeronautical functions - obstacle limitation surfaces, Auckland International Airport Ltd</li> </ul>
Treaty Settlements - Statutory Acknowledgements	<ul style="list-style-type: none"> <li>The water space surrounding Onehunga Wharf is identified as being statutory acknowledgement areas for Ngāi Tai ki Tāmaki, Te Kawerau a Maki and Ngāti Tamaoho.</li> </ul>

#### Council GeoMaps

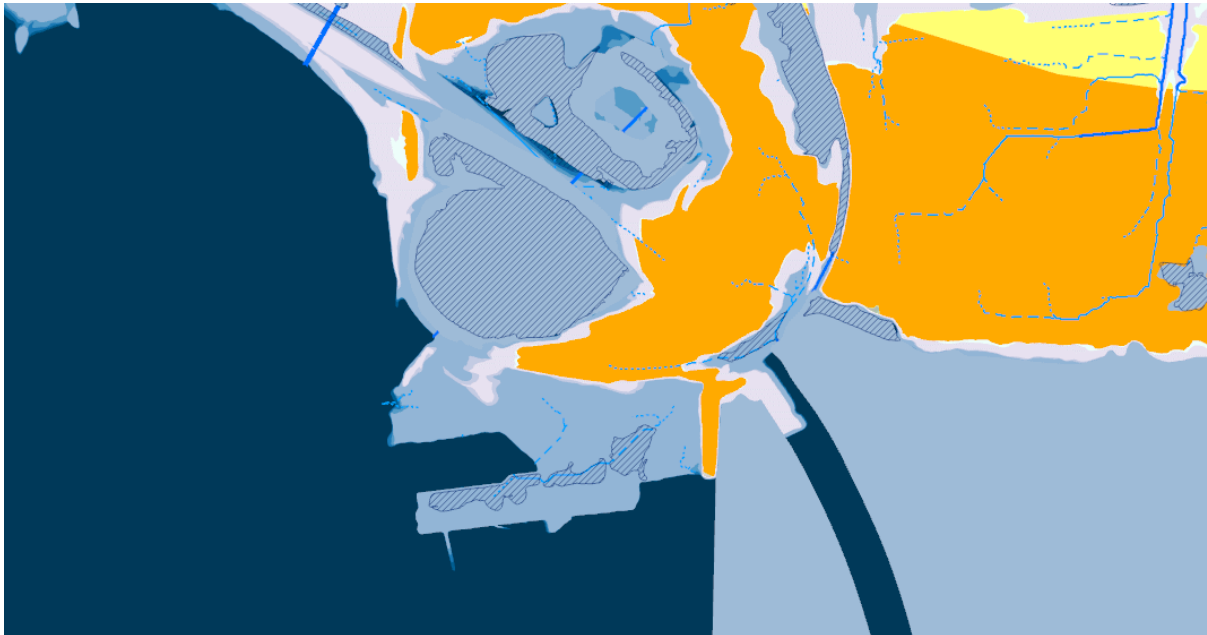
- |                 |  |
|-----------------|--|
| Natural Hazards | <ul style="list-style-type: none"> <li>Flood Prone Areas - see <b>Figure 6</b></li> <li>Overland Flow Paths – see <b>Figure 6</b></li> </ul> |
|-----------------|--|



Figure 5: Zoning Map



Some localised flood prone areas and overland flow paths are identified in Council's Geomaps (non-statutory mapping), see **Figure 6** below.



**Figure 6: GeoMaps Natural Hazards Map**

The wharf itself is a Category B historic heritage extent of place, see **Figure 7** below. The primary features include the substructure, deck, bollards rail and tracks. Specific exclusions include all fendering and any works associated with repair and maintenance to ensure the integrity of the wharf structure for port purposes. The repair and maintenance methodology for piles includes the removal of defective concrete either by mechanical means or hydro demolition, replacement of corroded reinforcement, coating of reinforcement and reinstatement with new concrete either by spraying or recasting with concrete or mortar. The repair and maintenance methodology for pavements involves excavation and repair of the cement stabilised asphalt surfaced pavements.

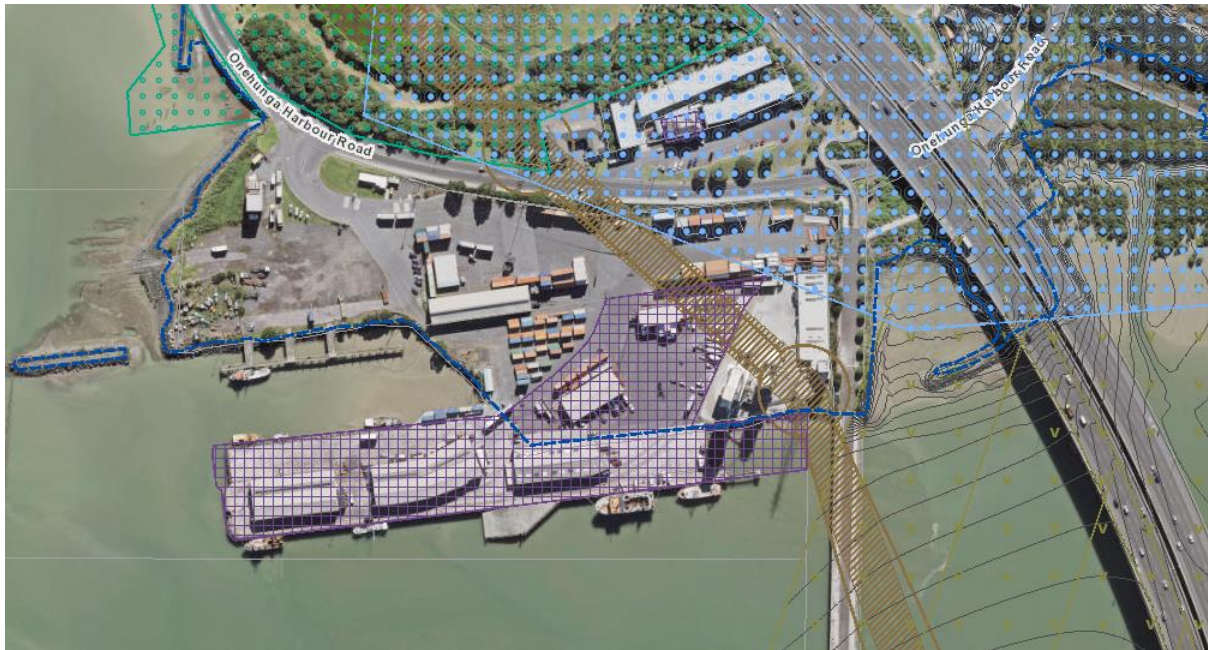


Figure 7: Historic Heritage Extent of Place

## 4 SITE AND LOCALITY DESCRIPTION

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### 4.1 SITE

The Port of Onehunga sits on the eastern edge of the Manukau Harbour at the entrance to the Māngere Inlet. The Manukau Harbour coastline is fringed with recreational parks and reserves, coastal walkways, mangroves, rocky outcrops and sandy beaches, with both rural and urban coastal settlements, and a highly modified coastal area of the Port and industrial areas of Onehunga.

The Onehunga Port comprises an area of 38,000 m<sup>2</sup> of coastal reclaimed land and three wharf structures. Berths A and B are in the order of 250m long and 50m wide. Based on Auckland Council GIS, the reclaimed land and wharf structures have an elevation of around 3m above msl.

The Onehunga Port was constructed on reclaimed land in the 1860s, and was utilised for timber trading, with kauri and kahikatea brought down the Manukau Harbour to local sawmills on the Onehunga Foreshore. Infrastructure in the area expanded with the construction of wharves (1858 and 1865), railway connections to Auckland (1873), and the first Māngere Bridge in 1875 (replaced by what is now known as the Old Māngere Bridge in 1915).

Due to cheap flat land and easy access to ports, roads and railways, Onehunga developed as an area for heavy industry through the 1900s. The development of industrial and residential Onehunga was linked to the port.

### 4.2 WHARF STRUCTURES

The image below shows the existing wharf structures, consisting of two berths and the 'northern extension' and a number of existing sheds and buildings. Berth A is the oldest part of the wharf, with Berth B and the Northern Extension constructed in the 1950s and 1960s. Sheds A, B and D are located on the wharf and are within the historic heritage extent of place. There is also a RO-RO (roll-on roll-off) ramp on the southern side of the wharf between the two berths.

The wharf structures generally comprise reinforced concrete piles and headstocks with beams in two directions and diagonal bracing providing lateral constraints. A timber fender system extends around the perimeter of the wharf face. The reclamation and shoreline are protected with a rock armoured edge and grouted rock seawalls. The surrounding area has a mixture of different coastal protections in place ranging from rock armouring to grouted rock wall as well as unmodified sections undergoing erosion.



Figure 8: Wharf Structure and Buildings

#### 4.3 SURROUNDING LOCALITY

Within the wider area are important historical sites, including the Te Hōpua tidal lagoon that was used in pre and early European times for boating. The former Manukau yacht and boating club (now the Aotea Sea Scouts Hall) was built on the tuff between the lagoon and harbour in 1911. The Aotea Sea Scouts Hall at 1 Orpheus Drive is the second-oldest boating club in Auckland. The lagoon was reclaimed in the 1930s to create Gloucester Reserve playing fields. In the 1970s motorway infrastructure dissected the crater. It is scheduled in the AUP(OP) as an ONF - Hopua explosion crater and tuff exposure. Within the vicinity of the wharf there is also the historic former Manukau Tavern (now the Landing).



4.4 OCCUPATION AREA DESCRIPTION

A new coastal permit is sought to enable the continued occupation of the CMA by Onehunga Wharf and associated activities and structures located on the wharf. The water space forming the proposed occupation area shown in **Figure 9** below and includes the wharf, breakwater and boat ramp. Onehunga Wharf is managed by Eke Panuku on behalf of Auckland Council under Ports s384A Deemed Coastal Permit (which expires in 2026). The occupation area is 50,238m<sup>2</sup>.



Figure 9: Proposed Occupation Area

4.5 ACTIVITIES:

The wharf includes the following existing activities and structures (in addition to those described above).

Location	Activity and structures
Wharf / Wharf Activities	<p>The Onehunga Wharf is included within the proposed coastal permit area and includes various buildings used for activities including:</p> <ul style="list-style-type: none"><li>▪ Carparking associated with marine and port activities</li><li>▪ Cement operator</li><li>▪ Fishing activities</li><li>▪ Transport operation.</li></ul>

Berthing for Fishing (and marine) Industry	Within the coastal permit area there are 13 berths of varying length, depth and width. The vessels that berth at the Onehunga Wharf include those used for fishing and dredging. Typical activities undertaken in relation to the berthed vessels include loading/unloading, re-fitting and repair / maintenance.
Waterspace	The water space within the coastal permit area allows for berth access and the ability for vessels to manoeuvre.
Breakwater	The breakwater located off the coastline on the north-western corner of the coastal permit area. This protects the coastline from erosion and act as a sand trap.
Boat Ramp	A boat ramp located in the north-western side of the proposed coastal permit area is used to launch and retrieve vessels.
Pipe Bridge	This pipe bridge used by Holcim to transport cement product from the wharf to vessels. The pipe bridge is currently not under operation as the section across the roadway has been removed.

#### 4.6 EXISTING TRANSPORT ENVIRONMENT

The Assessment of Transport Effects prepared by Beca provides a detailed description of existing transport environment including vehicle, pedestrian and cycle access and parking. The following serves as a summary of the existing transport environment.

##### Vehicle, Pedestrian and Cycle Access:

- There is currently no public vehicle, pedestrian or cyclist access to the proposed coastal permit area. Vehicle access to Onehunga Wharf is controlled and restricted.

##### Road Network and Access:

- Access is gained via the access road, located off Onehunga Harbour Road. This access forms a priority-controlled intersection with raised traffic islands. The access road, provided off a horizontal compound curve, is wide to allow trucks to manoeuvre and provides a left and right give way onto Onehunga Harbour Road.
- Onehunga Harbour Road is classified as a Strategic Arterial Road and provides connection onto the Southern Motorway, Stage Highway 20 (SH20), and Orpheus Drive. The typical width of this road is approximately 7.5m with the cross-section width increasing adjacent to Onehunga Wharf for the development of a right turn lane. The traffic volume of Onehunga Harbour Road is around 19,930 vehicles per day.



- Onehunga Harbour Road serves as a Level 1A freight network and overweight route.

Surrounding Pedestrian and Cycle Connections:

- Onehunga Wharf is well connected to adjacent pedestrian and cycling facilities. Onehunga Harbour Road, Onehunga Mall and Ngā Hua Māngere Bridge are classified as primary and regional walking and cycling networks respectively, connecting to local and leisure routes in the area.
- On the southern side, this path connects into the Ngā Hua Bridge, a 4.0m wide shared path overbridge over Onehunga Harbour Road and the SH20 on Onehunga Harbour Road underpass. These provide connection across the Manukau Harbour to Māngere, to the Manukau Foreshore Walkway, the Onehunga Town Centre and Train Station. Additionally, there is an access for cyclists and pedestrians at the cul-de-sac on Onehunga Mall that provides connection onto Onehunga Harbour Road, the overbridge and the footpaths on either side of Manukau Tavern Road.

## 5 PROPOSAL

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### 5.1 OVERVIEW

The following section contains an outline and description of the activities associated with the use, operation, maintenance and occupation parts of the CMA in the proposed occupation for marine passenger operations, public amenities and public art.

### 5.2 ACTIVITIES, USES AND STRUCTURES

For the avoidance of doubt the proposal includes the following activities, uses and structures:

- To provide for the use, operation and maintenance of Onehunga Wharf and surrounding waterspace for marine and port activities, marine and port accessory structures and services and marine and port facilities (as defined in the AUP). This includes general port operations (including for cargo handling and general wharf operations), fishing fleet operations, and marine services (such as towage, pilotage, and line handling), storage and warehousing. These activities are supported by a range of services including, logistics, port infrastructure, and port security.
- To provide for the existing breakwater located off the coastline on the north-western corner of the coastal permit area.
- To provide for the exclusive occupation of the common marine and coastal area as identified in the map in **Figure 10** below.

\*Note:

The definition of Marine and port activities is “Activities associated with:

- the navigation, anchoring, mooring, berthing, manoeuvring, refuelling, storage, servicing, maintenance and repair of vessels;
- embarking and disembarking of passengers;
- loading, unloading and storage of cargo and containers;
- operation, maintenance, repair, cleaning, and refuelling of associated plant and equipment;
- educational activities associated with these activities; and
- the use of buildings and structures associated with these activities, including accessory offices, seafood processing and parking.”

The definition of Marine and port accessory structures and services is “Structures and services accessory to marine and port activities and marine and port facilities.

Includes:

- *fenders;*
- *piles;*
- *pontoons;*
- *gangways;*
- *handrails;*
- *hardstands;*
- *wash-down facilities;*
- *ramps and other boat launching facilities;*
- *canopies;*
- *lighting poles and fittings;*
- *refuse facilities;*
- *dinghy racks;*
- *dinghy locker and storage facilities;*
- *power and telecommunication cables;*
- *water and sewer reticulation;*
- *floating oil booms and barriers;*
- *fuelling and sewage pumpout facilities; and*
- *navigational aids.”*

The definition of Marine and port facilities is *“Facilities and structures that are associated with marine and port activities and serve more than an accessory role.*

*Includes:*

- *drydocks;*
- *travel lifts;*
- *shiplifts;*
- *cranes;*
- *cargo stacking and lifting devices;*
- *conveyors;*
- *derricks;*
- *gantries;*
- *landings;*
- *wharves;*
- *jetties;*
- *piers; and*
- *dolphin structures (a structure that extends above the water level and is not connected to land above mean high water springs other than for access purposes and is used for the berthing of vessels).*

Excludes:

- buildings.”

For the avoidance of doubt, this application does not relate to the existing cement operations which are authorised under separate resource consent approvals.

### 5.3 COASTAL OCCUPATION IN THE CMA.

The proposal includes the exclusive occupation of the CMA by activities, uses and marine structures outlined in Section 5.2 above and as illustrated in **Figure 8** below (in blue outline). The total area proposed for this coastal occupation permit is 50,238m<sup>2</sup>.



Figure 10: Proposed Occupation Area

### 5.4 CONSENT DURATION

Consent is sought for all coastal marine uses, activities and structures for a period of 35 years. This provides for the maximum duration possible under section 123 of the RMA.

## 6 CONSULTATION AND ENGAGEMENT

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This section outlines the consultation and engagement undertaken in the preparation of this resource consent application.

### 6.1 MANA WHENUA ENGAGEMENT

#### Mana Whenua

In terms of Mana Whenua, engagement has been undertaken with iwi identified on Auckland Council's Mana Whenua website, with hui held on 6 November 2023, 25 March 2024 and 20 May 2024. EPDA also engaged with Iwi Chairs on 21 November 2023. A summary of engagement and feedback from Mana Whenua is provided in **Attachment C**.

#### Marine and Coastal Area (Takutai Moana) Act 2011

The purpose of the Marine and Coastal Area (Takutai Moana) Act 2011 ("MACA") is to establish a durable scheme to ensure the protection of the legitimate interests of all New Zealanders in the marine and coastal area of New Zealand. It recognises the mana tuku iho exercised in the marine and coastal area by iwi, hapū, and whānau as tangata whenua and provides for the exercise of customary interests in the common marine and coastal area.

Section 62(3) of the MACA requires that any person making an application under the RMA for a proposal within the marine and coastal area must notify and seek the views of any applicant for customary marine title prior to lodging the application.

The applicant notified applicants for customary marine title applicable to this part of the CMA on 20 May 2024 seeking views on the proposal, which is contained in **Attachment D**.

Ngati Te Ata provided feedback advising that *"Ngati Te Ata have never ceded its Te Tiriti o Waitangi affirmed tino rangatiratanga to the waterways within its traditional boundaries, nor do we accept that our interests therein have been extinguished. Our traditional boundaries include all of the areas within the proposed application occupational permit. We are aggrieved at the way the mana whakahaere of these waters have been unilaterally taken from us, the way they are being used and impacts on their mauri. We view your application as being inconsistent with the principles upon which we were guaranteed rangatiratanga in their regard and our capacity to exercise rangatiratanga and kaitiakitanga thereto. Until such time as these issues, the Ngati Te Ata rangatiratanga and kaitiakitanga of its waters are addressed in a meaningful way, we hereby give notice that we oppose your proposed consent."*

EPDA is continuing engagement with Ngati Te Ata on this issue. No other feedback has been received at the timing of writing this application.

## 6.2 PORTS OF AUCKLAND

As Ports holds a s384A deemed coastal occupation permit for part of the occupation area, its approval has been requested for this application. Approval has been provided for the application by Ports General Manager Infrastructure & Property, Alistair Kirk, contained in **Attachment E**.

## 6.3 AUCKLAND COUNCIL

A number of pre-application meetings were held with Auckland Council to discuss the proposal to renew the existing coastal permits. The minutes of these meetings are provided in **Attachment F**. The information and guidance provided has been considered in the preparation of this application.



## 7 CONSENT REQUIREMENTS

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### 7.1 INTRODUCTION

Without limiting this application being for all necessary resource consents triggered by the proposal, resource consent appears to be required for at least those matters identified below. Resource consent is being sought to enable the proposal (as described in this report and supporting material) and the application intends to include all necessary consents for those activities to occur. The list of reasons for consent may not be an exhaustive list and if further consent matters identified post-lodgement of the application, those should also be considered as forming part of this application.

### 7.2 AUCKLAND UNITARY PLAN – OPERATIVE IN PART (“THE UNITARY PLAN”)

The General Coastal Marine Zone and Coastal Minor Port Zone contain provisions regulating activities and structures in, and occupation of, the parts of the CMA identified in **Figure 11** above. In addition, as Onehunga Wharf is a Category B scheduled item, the provisions in Historic Heritage overlay also apply.

For clarification purposes, the following points are noted:

- The provisions in Chapter D17 Historic Heritage Overlay are not triggered as the application does not seek to undertake any work to the scheduled features including buildings and structures. Maintenance and repair of features including building and structures is a permitted activity under D17.4.1(A6).

Resource consent is required for the following reasons:

#### Coastal consent (s12) - Regional plan rules (operative)

##### Chapter F2 Coastal – General Coastal Marine Zone

- Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be a permitted activity unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity is a discretionary activity under F2.19.8 (A114A).

##### Chapter F5 Minor Port Zone

- The wharf structure is a restricted discretionary activity under F5.4.3(A30).

- Hard protection structures are a restricted discretionary activity under F5.4.3(A35). The application include breakwater structures.
- Coastal marine area structures or building not otherwise provided for are a discretionary activity under F5.4.3(A36). The application includes existing buildings located on the wharf (Sheds A, B and D).
- Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be permitted unless it is within the area of an existing coastal permit for occupation and that permit allows for exclusive occupation by that type of structure or activity is a restricted discretionary activity under F5.4.3(A42). The application is for the exclusive occupation of the CMA for marine and port activities that will take place within the water space of the Minor Port Zone, including navigation, berthing, repair of vessel, loading and unloading of cargo.

### 7.3 PERMITTED ACTIVITIES

Schedule 4 of the RMA requires that where an application is relying on a permitted activity as part of the proposal, a description of the permitted activity that demonstrates that it complies with the requirements, conditions and permissions for the permitted activity must be provided.

This application relies on the following permitted activities.

#### Coastal consent (s12) - Regional plan rules (operative)

##### Chapter F2 Coastal – General Coastal Marine Zone

- (A88) Marine and port activities other than accessory offices or maintenance and servicing of vessels.
- (A89) Maintenance and servicing of vessels.
- (A93) Parking on coastal marine area structures for loading and unloading passengers and cargo to vessels.
- (A95) Vehicle use, other than parking, on existing lawful coastal marine area structures.

##### Chapter F5 Minor Port Zone

- (A8) Marine and port activities. This includes activities associated with navigation, anchoring, berthing, refuelling and the storage of vessels.
- (A11) Industrial activities accessory to marine and port activities. This includes the storage of fish.
- (A22) Car parking accessory to permitted activities.

- (A29) Marine and port facilities (excluding wharves, landings and drydocks). This includes cranes, cargo stacking, conveyors, landings, gantries.
- (A31) Marine and port accessory structures and services excluding new pile moorings. This includes ramps, refuse facilities, navigation aids, water and sewer reticulation, fenders, pontoons and gangways.

#### 7.4 MINOR PORT ZONE STANDARDS

The following standards are applicable in the Minor Port Zone:

- F5.6.1.1. Building height – the existing sheds are up to 8m (above wharf at 3.7m) and well within the height limit of 18m above MSL (approx. 2.5m).
- F5.6.1.3 Yards – there are no yard requirements applying to the structures in the CMA.
- F5.6.5. Lighting – the application will comply with the Lighting standard. The applicant offers the following Augier condition: *All activities authorised by the coastal permit shall comply with the Lighting Standard in F5.6.5 of the 2016 Auckland Unitary Plan Operative in Part.*
- F5.6.6. Occupation of common marine and coastal area - the Ports of Auckland have provided their approval via email correspondence.

#### 7.5 REASONS FOR CONSENT CONCLUSION

Overall, resource consent for a **Discretionary Activity** is required.

## 8 ENVIRONMENTAL EFFECTS ASSESSMENT

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The following assessment is an analysis of both positive and adverse actual and potential effects arising from the proposed development. In terms of the existing environment, although the structures and uses are existing and the coastal permits are due to expire in 2026 and 2032, *Ngāti Rangi Trust v Manawatu-Whanganui Regional Council* [2016] NZHC 2948 indicates that where a coastal permit is renewed the existing environment should usually be treated as though the structures and activities authorised by the existing permit do not exist. The following assessment is undertaken on this basis.

Although the application is for a discretionary activity, the following assessment criteria for restricted discretionary activities have been taken into account in the assessment of effects:

### F2.23.1 Matters of discretion

#### *(1) All restricted discretionary activities:*

- (a) the effects of construction or works methods, and the timing and hours of operation;*
- (b) the effects of the location, extent, design and materials;*
- (c) effects on coastal processes, ecological values, water quality and natural character and landscape values;*
- (d) effects on public access, navigation and safety;*
- (e) effects on existing uses and activities (including infrastructure);*
- (f) effects on Mana Whenua values;*
- (g) consent duration and monitoring.*
- (h) effects on historic heritage;*

#### *(9) Occupation::*

- (a) whether occupation of the common marine and coastal area has been limited in spatial and temporal extent to minimise:*
  - (i) the extent to which people will be excluded from using a structure, or by the activity, from the coastal marine area;*
  - (ii) the effect the proposal may have on existing resource consent holders of occupation within the same locality or the vicinity; and*
  - (iii) cumulative effects of the occupation.*
- (b) whether occupation of the common marine and coastal area has been limited to circumstances where it can be demonstrated that:*
  - (i) there are no similar areas, structures or activities nearby which could be utilised for the same or similar purpose;*

- (ii) it is not practicable to locate the structure or activity on land outside the coastal marine area;*
  - (iii) the use or development has a functional or operational need to locate in the coastal marine area; or occupation of the common marine and coastal area:*
  - (iv) it is necessary to provide for the cultural and traditional needs of Mana Whenua. it is necessary to provide for the cultural and traditional needs of Mana Whenua.*
  - (c) whether or not exclusive occupation of the common marine and coastal area that will have a significant adverse effect on public access and recreational use of the coastal marine area should be granted; and*
  - (d) the extent to which the duration of rights of occupation are determined having regard to the following:*
    - (i) extent of public use and access to the area and the impact of restrictions;*
    - (ii) level of investment in the development and need for security of tenure to ensure the financial and economic viability;*
    - (iii) land use and coastal development changes proposed in the vicinity through any statutory management strategies or plans; and*
    - (iv) term of other consents in the vicinity, and the strategic benefit of all consents in an area expiring simultaneously.*
- whether the proposal has had particular regard to policy F2.14.3(2) and policy F2.14.3(4).*

## 8.1 POSITIVE EFFECTS

The proposal will result in a number of positive social and economic effects derived from the continued use of the wharf for marine and port related activities. The wharf facility and associated waterspace offers an alternative location to the Downtown port and waterfront accessed by vessels using the Manukau Harbour.

## 8.2 SOCIAL AND RECREATIONAL EFFECTS

In terms of the waterspace currently occupied by Onehunga Wharf, the application will authorise the continued operation of the wharf and associated uses and structures for a further 35 years. Given that the management of this waterspace is controlled and managed by the applicant (Auckland Council and Eke Panuku), it is logical that the applicant holds the occupation permit. Granting consent will give greater certainty and enable comprehensive and integrated planning of this part of the waterfront taking account of the level of investment in existing infrastructure and to ensure the continued operation of marine and port activities on the Manukau Harbour.

The wharf is not publicly accessible due to the operational and maintenance requirements associated with the uses on the wharf and adjacent waterspace. This does not change as a result of this application.

### 8.3 NATURAL CHARACTER, LANDSCAPE AND VISUAL AMENITY EFFECTS

The RMA defines amenity values as those natural or physical qualities and characteristics of an area that contribute to peoples' appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes. The shape and form of the Downtown Waterfront has transformed over many years, particularly to the west of the city centre.

The reclamations, wharves, coastal edges, piles, berths, boats and coastal structures have all shaped the character and amenity of this part of the waterfront. Onehunga Wharf was built in the early 1900s and formed an important part of the working waterfront with warehouse sheds located either side of a central street. The wharf was used for the loading and distribution of goods and produce. Today the Downtown Waterfront is wharf is best described as a highly modified coastal environment characterised by a wide range of recreation, leisure, retail, entertainment, and community activities centred around finger wharves, a harbour basin, and marine-related activities within the waterspace.

When considered against this context and in terms of the existing character and landscape of the area the following observations are made:

- The Manukau Harbour is a significant natural feature, important to the city's history and character.
- The wharf and associated waterspace has been an important hub for coastal shipping and fishing vessels on the west coast of New Zealand.
- The wharf contains warehouse structures used for the handling of cargo. These form part of the historic fabric of the wharf.
- The original topography of this part of the coastal edge has been modified through successive reclamations.
- This part of the harbour has highly modified natural character, with a geometric shape, an original landform transformed by reclamation and wharf structures.
- Waves and tidal currents influenced by wharf structures, no natural terrestrial vegetation and low ecological values.
- Despite the degraded characteristics and qualities of this part of the waterfront, it retains aspects of natural character, including being characterised by water, including the rise and fall of the tides, the sight and smell of the sea and the visual connections to the wider harbour.

The relevant provisions of the General Coastal Marine Zone encourage activities and structures within the Coastal Marine Area to demonstrate a functional need to be located in this area. The activities and structures proposed within this application have a functional need to be located in or over this area of waterspace and are not uncommon features in the CMA. The activities, uses and structures forming part of



this application have been operating for many years and are an integral part of the existing landscape. The continued operation of the wharf and waterspace for marine and port activities provides an alternative port facility and will not alter the existing landscape and visual character of the area and will cause no additional adverse effects to natural character and landscape values. Overall, any adverse natural landscape, landscape and visual effects are less than minor.

## 8.5 ECOLOGY AND COASTAL PROCESSES

Tonkin & Taylor Ltd (“**T+T**”) has undertaken an environmental assessment in relation to coastal processes, marine ecology and stormwater to support the application. The report is provided in **Attachment G**.

The report outlines that the coastal environment is highly modified with areas of the seabed occupied by a variety of structures including wharves and reclamations, outfalls, pontoons and piles.

The coastal environment is highly modified with areas of the seabed occupied by a variety of structures including wharves and reclamations, pontoons and piles. The current coastal processes in Manukau Harbour encompass two key dynamics. The dominant process is from the tide, in which the water is exchanged in and out of the harbour driving strong currents. The second is the generation of relatively small, wind-induced waves. These waves interact with the structures surrounding the harbour, resulting in complex and confused sea states. With the existing structures, occupation and activities remaining as they are currently there will be no change to the existing coastal processes.

The Port of Onehunga has been a location subject to industrial use throughout history and this has had impact on sediment and water quality through time. Overall, the sediment quality and water quality is ‘poor’ due to the high level of fine sediments and high nutrient levels and exceedances, (particularly of total and dissolved reactive phosphorus) respectively.

The report outlines a range of ecological values for ecological features within the proposed occupation area, including values for marine mammals, fish, coastal birds and benthic fauna and flora. These values range from ‘**Low**’ to ‘**Very High**’. Potential effects on ecological values have been assessed in the context of existing uses, maintenance and management within the footprint of the Port of Onehunga and occupation permit area, and the baseline for assessment. A limited envelope of effects has been considered, given the Permitted Activity status of existing structures and activities, and an overarching ‘**Negligible**’ magnitude of effect applied. Overall, there is a ‘**Very Low**’ to ‘**Low**’ ecological effect associated with the proposed occupation area and no further effects management is considered necessary.

Adherence to biosecurity management protocols, maintaining best practice approach to management of vessel antifouling, and upgrades to stormwater infrastructure in line with best practice are recommended to continue to limit effects to marine ecological values associated with existing structures and activities on the Port of Onehunga.

As a result, any adverse ecological/environmental effects resulting from the proposal are considered to be less than minor.

## 8.6 NAVIGATION AND SAFETY

This application relates to the continued occupation of the waterspace by the wharf structure, associated structures and uses in the adjoining waterspace, including the berthage of vessels. EPDA has been managing the activities on Onehunga Wharf since 2018 and this sets a strong foundation for the ongoing management of operational risk related to the use of the waterspace surrounding the wharf.

In terms of navigation and safety effects resulting from existing uses and structures, all vessels' movements are carried out under operational management plans and Navigation and Safety Bylaws. Provided all operational rules and bylaws are adhered to by vessel masters, owners and crews, the overall effect of the proposal on navigational safety is assessed as being less than minor.

## 8.7 TRANSPORT EFFECTS

An Assessment of Traffic Effects has been prepared by Beca and is provided in **Attachment H**. The report includes a detailed description of the existing transport environment and trip generation of the existing activities and infrastructure. This report includes a description of the area and existing activities/uses, identification of typical traffic, pedestrian and cycle movements, assessment of the likely effects of the activities on the transport environment and consider how existing effects are currently managed.

The report concludes that:

- *Onehunga Wharf is well located to the public, cycling and walking network.*
- *The trips generated by the typical activities are low and can be managed on the existing transport network (less than 0.5% of daily Onehunga Harbour Road volume). Any minor changes in traffic demands would have no discernible impact on the adjacent transport network.*
- *There is no adverse crash history at the intersection with Onehunga Harbour Road and there are marked pedestrian walking area, hence safe access is provided*

- *No public access is provided to Onehunga Wharf and vehicle access is managed through restrictions and low speed (20km/h). Visitors are required to complete, and pass, mandatory health and safety inductions before entry to Onehunga Wharf.*
- *Parking on Onehunga Wharf is provided and managed through restrictions on where vehicles can park on Onehunga Wharf and restrictions on vehicles entering Onehunga Wharf.*
- *Activities and infrastructure are sufficiently managed:*
  - *Wharf / Wharf Activities: No direct public access to Onehunga Wharf. Vehicles managed through restriction access and low-speed environment. Parking provided on site. Mandatory health and safety inductions.*
  - *Berthing: Likely to generate a low number of daily trips and can be accommodated on Onehunga Harbour Road. Access to Onehunga Wharf is managed through restrictions.*
  - *Water space: Requirement on vessels berthing at Onehunga Wharf.*
  - *Breakwater / Pipe Bridge: Not in operation. Unlikely to generate specific trips unless maintenance required.*
  - *Boat Ramp: Majority of vessels too large to use boat ramp. Boat ramp accessed from Onehunga Wharf is managed through restrictions.*
- *The activities and infrastructure are consistent with the objectives and policies in the AUP for transport and Coastal – General Coastal Marine and Minor Port Zones.*
- *The management of these activities does not have any identified adverse effects on the safe and efficient operation of the adjacent transport network.*

Overall, any adverse transport and traffic effects are less than minor.

## 8.8 CULTURAL EFFECTS

Maori settlement at Onehunga included occupation along its pre-colonial waterfront. At this time, the Manukau Harbour formed an important communication route and source of food. The volcanic crater known as Te Hopua formed a sheltered, tidal harbour and was a tauranga waka, or berthing place for canoes.

The CMA is subject to statutory acknowledgements to Ngāi Tai ki Tāmaki, Te Kawerau a Maki and Ngāti Tamaoho. The applicant has engaged with mana whenua and notified applicants for customary marine title applicable to this part of the CMA and sought their views on the proposal.

No iwi requested to undertake a Cultural Impact Statement, nor did they express opposition to the proposal. Issues relating to stormwater quality and treatment were raised for structures in the CMA. The proposal aims to minimise impacts on the CMA and seabed as far as is practicable.

Although stormwater treatment is not required for existing structures within the CMA, EPDA has advised iwi that they acknowledge the importance of improving the quality of stormwater run-off and are working through EPDA's asset team to make practical improvements where possible and as part of asset renewals and upgrades.

Further engagement has been undertaken with all parties that have claimed customary title or a protected customary right under the Marine and Coastal Area (Takutai Moana) Act 2011. A list of the parties consulted, and a record of each hui is provided in this application. Ngati Te Ata has provided feedback that they oppose renewal of coastal permits until claims for customary marine title are resolved. EPDA is continuing engagement with Ngāti Te Ata on this issue.

#### **8.10 HERITAGE EFFECTS**

Onehunga Wharf was constructed in the early 1900s, with additions in the 1950s and 1960s and unsurprisingly the area contains a number of objects and places of heritage value, include the wharf itself and warehouse sheds. This application does not propose any change or modification to any scheduled structures or buildings and therefore will have negligible effects of the values of scheduled historic heritage items.

#### **8.11 MAINTENANCE EFFECTS**

Maintenance is routinely undertaken to ensure that existing structures are in good condition. It is anticipated that effects of maintenance works will be contained to the wharf, and traffic management measures put in place, where required, to ensure any temporary disruption is minimised.

#### **8.12 EFFECTS CONCLUSION**

Overall, it is considered that any adverse effects resulting from the proposal, except for cultural effects, will be less than minor. Overall, and due to cultural effects, the proposal is likely to have adverse effects on the environment that are more than minor.

## 9 STATUTORY ASSESSMENT

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Section 104 of the RMA sets out the matters for consideration when assessing a resource consent.

Under section 104(1) of the RMA, when considering an application for resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to:

- (i) Any actual and potential effects on the environment of allowing the activity.
- (ii) The relevant provisions of a national policy statement.
- (iii) A New Zealand Coastal Policy Statement.
- (iv) A regional policy statement.
- (v) A plan or proposed plan; and
- (vi) Any other matter that the consent authority considers relevant and reasonably necessary to consider the application.

Overall, the proposal is to be considered as a discretionary activity. Section 104B states that a consent authority may grant or refuse an application for a discretionary activity. If granted, the consent authority may impose conditions.

### 9.1 SECTION 104(1)(A) – ACTUAL OR POTENTIAL EFFECTS ON THE ENVIRONMENT

Section 104(1)(a) of the RMA requires that a council have regard to any actual or potential effects on the environment of allowing an activity.

Pursuant to section 104(3)(a), a council must not have regard to any effect on a person who has given written approval to the proposal, nor any trade competitor or effects of trade competition.

In the assessment of environmental effects of the proposal set out in Section 8 of this report, it is concluded that the adverse effects of the proposal will be less than minor.

### 9.2 SECTION 104(1)(B)(I) – NATIONAL ENVIRONMENTAL STANDARD

No national environmental standards are relevant to the proposed development.

### 9.3 SECTION 104(1)(B)(IV) – NEW ZEALAND COASTAL POLICY STATEMENT

The New Zealand Coastal Policy Statement (“NZCPS”) is a national policy statement under the RMA. The purpose of the NZCPS is to state policies to achieve the purpose of the RMA in relation to the coastal environment of New Zealand. Lower order policy documents formulated under the RMA are required to give effect to the NZCPS provisions. In addition, section 104(1)(b)(iv) requires that a consent authority, when considering an application for a resource consent, must, subject to Part 2 of the RMA, have regard to any relevant provisions of the NZCPS. The proposal includes occupation, structures, and activities within the CMA. In terms of the proposed application, the NZCPS provisions that are relevant to the proposal include (but are not limited to):

#### *Objective 1*

*To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:*

- *maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;*
- *protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand’s indigenous coastal flora and fauna; and*
- *maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.*

#### *Objective 2*

*To preserve the natural character of the coastal environment and protect natural features and landscape values through:*

- *Recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;*
- *Identifying those areas where various forms of subdivision, use and development would be inappropriate and protecting them from such activities; and*
- *Encouraging restriction of the coastal environment*

#### *Objective 3*

*To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:*

- *Recognising the ongoing and enduring relationship of tangata whenua over their lands, rōhe and resources;*



- *Promoting the meaningful relationships and intersections between tangata whenua and persons exercising functions and powers under the Act;*
- *Incorporating matauranga Māori into sustainable management practices; and*
- *Recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.*

#### *Objective 4*

*To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:*

- *Recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;*
- *Maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this not practicable providing alternative linking access close to the coastal marine area; and*
- *Recognising that the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marina area advances inland.*

#### *Objective 5*

*To ensure that coastal hazard risks taking account of climate change, are managed by:*

- *Locating new development away from areas prone to such risks;*
- *Considering responses, including managed retreat, for existing development in this situation; and*
- *Protecting or restoring natural defences to coastal hazards.*

#### *Objective 6*

*To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use and development, recognising that:*

- *The protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*
- *Some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- *Functionally some uses and developments can only be located on the coast or in the coastal marine area;*
- *The coastal environment contains renewable energy resources of significant value;*

- *The protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;*
- *The potential to protect, use and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;*
- *The protection of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and*
- *Historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use and development.*

The policies relevant to this proposal include Policies 1, 2, 4, 6, 11, 13, 14, 15, 18, 19, 20, 21 and 23.

The relevant objectives and policies that relate to the proposal have been addressed in the above sections of this report, in particular the following matters:

- Characteristics of the natural character and processes of the coastal environment subject to this application.
- The Treaty of Waitangi and Mana Whenua consultation and engagement.
- Activities in the coastal environment and functional need to locate in the CMA.
- Ecology and coastal processes.
- Public access to and along the coast.

It is considered that the proposal is complementary to the objectives and policies of the NZCPS and does not affect any of the national issues set out in the NZCPS based on the following comments:

- Onehunga Wharf is located in a modified coastal environment, altered through successive reclamations and the construction of wharves, fenders, breakwaters and other marine structures within the surrounding waterspace. There are no remnants of naturalness (abiotic or biotic) and the area is not a pristine coastal environment, rather it is assessed as having low ecological value.
- The proposed locality, particularly in regard to the impacts on the seabed and water quality of the locality, can accommodate the proposal without significantly altering the ecology, habitats or water quality. The proposed coastal structures will not significantly impact the harbour hydrology and will maintain flushing of the harbour.
- The proposal will have a minimal impact on the natural character as the wharf and structures have a functional need to be located in the CMA and are a common feature of urban waterfront areas.

- The proposed activities, uses and structures are consistent with uses that are provided within the waterfront and which are anticipated by the regional and district planning documents.
- The applicant has engaged with Mana Whenua through EPDA's Mana Whenua Forum. Matters raised in discussion with iwi to date include enhancement of water quality in the harbour. Stormwater from the structures in the CMA is confined to the wharf structure which generate small amounts of run-off and has no high contaminant activities, and no discharge consent is required.
- Public access to the coast is maintained and the proposed activities and uses are compatible with and do not compromise the open space outcomes sought.
- The proposal provides for the social, economic, and cultural wellbeing of the community by providing activities, structures and infrastructure that support port and marine activities making efficient use of existing structures located in the CMA.

Overall, the proposal will not compromise the character of the existing landscape of the coastal environment and is considered to be appropriate within this highly modified coastal context. As a result, the application is considered to be consistent with the NZCPS.

#### **9.4 SECTION 104(1)(B)(V) – AUCKLAND REGIONAL POLICY STATEMENT**

The Auckland Unitary Plan: Regional Policy Statement identifies nine issues of regional significance for resource management in Auckland. The following issues are relevant to this application.

- B6 - Significance to Mana Whenua
- B8 - Coastal Environment

##### **9.4.1 B6 Mana Whenua**

These objectives and policies relate to recognising the principles of the Treaty of Waitangi and providing for the sustainable management of natural and physical resources including ancestral lands, water, air, coastal sites, wāhi tapu and other taonga and Mana Whenua participation in resource management processes. The relevant objectives and policies are noted as follows:

B6.2.1 & B6.2.2 – Recognition of Te Tiriti O Waitangi partnerships and participation

B6.3.1 & B6.3.2 – Recognising Mana Whenua Values

B6.4.1 & B6.4.2 – Māori Economic, Social & Cultural Development

B6.5.1 & B6.5.2 – Protection of Mana Whenua Cultural Heritage

The coastal environment is a natural resource of high value to tangata whenua, the protection of which is identified in the Treaty of Waitangi and Onehunga Wharf is in an area of the CMA which is subject to

statutory acknowledgements to Ngāi Tai ki Tāmaki, Te Kawerau a Maki and Ngāti Tamaoho. Engagement with iwi is being continuously undertaken by the applicant. The applicant has also undertaken consultation requirements required under the MACA and has written to all iwi that have applied for customary title of the CMA.

#### **9.4.2 B8 Coastal Environment**

The relevant objectives and policies are identified below:

- B8.2 – Natural Character.
- B8.3 – Subdivision, use and development.
- B8.4 – Public access and open space.
- B8.5 – Managing the Hauraki Gulf/Te Moana Nui o Toi/Tīkapa Moana.

The RPS sets an objective to preserve areas of the coastal environment with outstanding and high natural character and seeks that development is otherwise designed, located, and managed to preserve the characteristics and qualities that contribute to natural character.

The objectives and policies relating to the above topics have been considered throughout this report within the effects assessment, the assessment of the NZCPS and Hauraki Gulf Marine Park Act (“HGMPA”). The assessment undertaken in these sections also applies to the above RPS objectives and policies. Assessment of the HGMPA provisions is provided below and it is considered that the proposal is consistent with the provisions of both the RPS and that Act.

##### B8.2.1 & B8.2.2 – Natural Character

##### **B8.2.1. Objectives**

*(1) Areas of the coastal environment with outstanding and high natural character are preserved and protected from inappropriate subdivision, use and development.*

*(2) Subdivision, use and development in the coastal environment are designed, located and managed to preserve the characteristics and qualities that contribute to the natural character of the coastal environment.*

...

##### **B8.2.2. Policies**

...

*(3) Preserve and protect areas of outstanding natural character and high natural character from inappropriate subdivision, use and development by:*

- (a) avoiding adverse effects of activities on natural character in areas of the coastal environment scheduled as outstanding natural character; and*

*(b) avoiding significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment.*

*(4) Avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on natural character of the coastal environment not identified as outstanding natural character and high natural character from inappropriate subdivision, use and development.*

The proposal is located in a modified area of the coast which is not identified as an area of outstanding natural character, landscape, nor an area of high natural character. The proposal will have minimal adverse effects on the natural character or landscape values of the area and is considered appropriate given the functional need to be located in the CMA.

#### B8.3.1 & B8.3.2 – Subdivision, Use & Development

##### **B8.3.1. Objectives**

*(1) Subdivision, use and development in the coastal environment are located in appropriate places and are of an appropriate form and within appropriate limits, taking into account the range of uses and values of the coastal environment.*

*(2) The adverse effects of subdivision, use and development on the values of the coastal environment are avoided, remedied or mitigated.*

*(3) The natural and physical resources of the coastal environment are used efficiently and activities that depend on the use of the natural and physical resources of the coastal environment are provided for in appropriate locations.*

*(4) Rights to occupy parts of the coastal marine area are generally limited to activities that have a functional need to locate in the coastal marine area, or an operational need making the occupation of the coastal marine area more appropriate than land outside of the coastal marine area.*

...

*(6) Conflicts between activities including reverse sensitivity effects are avoided, remedied or mitigated.*

...

##### **B8.3.2. Policies**

###### *Use and development*

*(1) Recognise the contribution that use and development of the coastal environment make to the social, economic and cultural well-being of people and communities.*

*(2) ...*

*(3) Provide for use and development in the coastal marine area that:*

*(a) have a functional need which requires the use of the natural and physical resources of the coastal marine area;*

...

*(c) have an operational need making a location in the coastal marine area appropriate and that cannot practicably be located outside the coastal marine area; or*

*(d) enable the use of the coastal marine area by Mana Whenua for Māori cultural activities and customary uses.*

*(4) Require subdivision, use and development in the coastal environment to avoid, remedy or mitigate the adverse effects of activities above and below the mean high water springs, including the effects on existing uses and on the coastal receiving environment.*

*(5) Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown or little understood, but could be significantly adverse.*

...

The proposal represents a logical utilisation of an area already used for port and marine activities. The wharf and marine activities consistent with the existing character and amenity of the harbour. The continued use of the wharf and waterspace for these activities will contribute positively to the social and economic well-being of people and communities. The infrastructure has a functional need to be located in the CMA.

#### B8.4.1 & B8.4.2 – Public Access & Open Space

##### **B8.4.1. Objectives**

*(1) Public access to and along the coastal marine area is maintained and enhanced, except where it is appropriate to restrict that access, in a manner that is sensitive to the use and values of an area.*

*(2) Public access is restricted only where necessary to ensure health or safety, for security reasons, for the efficient and safe operation of activities, or to protect the value of areas that are sensitive to disturbance.*

*(3) The open space, recreation and amenity values of the coastal environment are maintained or enhanced, including through the provision of public facilities in appropriate locations.*

##### **B8.4.2. Policies**

*(1) Subdivision, use and development in the coastal environment must, where practicable, do all of the following:*

*(a) maintain and where possible enhance public access to and along the coastal marine area, including through the provision of esplanade reserves and strips;*

*(b) be designed and located to minimise impacts on public use of and access to and along the coastal marine area;*

...

*(d) take into account the likely impact of coastal processes and climate change, and be set back sufficiently to not compromise the ability of future generations to have access to and along the coast.*

*(2) Provide for a range of open space and recreational use of the coastal environment by doing all of the following:*

- (a) identifying areas for recreational use, including land-based facilities for those uses, where this ensures the efficient use of the coastal environment;*
- (b) enabling the provision of facilities in appropriate locations that enhance public access and amenity values;*
- (c) enabling Māori cultural activities and customary use; and*
- (d) managing uses to avoid conflicts and mitigate risks.*

*(3) Restrict public access to and along the coastal marine area, particularly walking access, only where it is necessary to do any of the following:*

- (a) protect public health and safety;*
- ...*
- (f) have a level of security necessary to carry out an activity or function that has been established or provided for;*

Public access to the wharf and waterspace is restricted for operational, health or safety and security reasons, and to ensure efficient and safe operation of berthage port activities. Other parts of the Onehunga waterfront are fully accessible to the public.

#### B8.5.1 & B8.5.2 – Managing the Hauraki Gulf/ Te Moana Nui o Toi/Tikapa Moana

##### **B8.5.1. Objectives**

...

*(3) Economic well-being is enabled from the use of the Hauraki Gulf's natural and physical resources without resulting in further degradation of environmental quality or adversely affecting the life-supporting capacity of marine ecosystems.*

##### **B8.5.2. Policies**

###### *Integrated Management*

...

*(2) Require the integrated management of use and development in the catchments, islands, and waters of the Hauraki Gulf to ensure that the ecological values and life-supporting capacity of the Hauraki Gulf are protected, and where appropriate enhanced.*

*(3) Require applications for use and development to be assessed in terms of the cumulative effect on the ecological and amenity values of the Hauraki Gulf, rather than on an area-specific or case-by-case basis.*

...

*(5) Avoid use and development that will compromise the natural character, landscape, conservation and biodiversity values of the islands, particularly in areas with natural and physical resources that have been scheduled in the Unitary Plan in relation to natural heritage, Mana Whenua, natural resources, coastal, historic heritage and special character.*

...

*(10) Work with agencies and stakeholders to establish an ecological bottom line, or agreed target, for managing the Hauraki Gulf's natural and physical resources which will do all of the following:*

- (a) provide greater certainty in sustaining the Hauraki Gulf's ongoing life supporting capacity and ecosystem services;*
- (b) assist in avoiding incremental and ongoing degradation;*
- (c) co-ordinate cross-jurisdictional integrated management and effort to achieve agreed outcomes;*
- (d) better measure the success of protection and enhancement initiatives;*
- (e) assist in establishing a baseline for monitoring changes;*
- (f) enable better evaluation of the social and economic cost-benefits of management; and*

...

*Maintaining and enhancing social, cultural and recreation values*

*(15) Identify, maintain, and where appropriate enhance, areas of high recreational use within the Hauraki Gulf by managing water quality, development and potentially conflicting uses so as not to compromise the particular values or qualities of these areas that add to their recreational value.*

...

*Providing for the use of natural and physical resources, and for economic activities*

*(17) Provide for commercial activities in the Hauraki Gulf and its catchments while ensuring that the impacts of use, and any future expansion of use and development, do not result in further degradation or net loss of sensitive marine ecosystems.*

...

The current operations and technical reports confirm that the proposal can operate in this location and ensure that the ecological values and life-supporting capacity of the Manukau Harbour are protected and without further degradation of the environmental quality and life supporting capacity of the marine ecosystems of the Manukau Harbour.

#### **9.4.3 RPS Summary**

Overall, the proposal is considered to be complementary to the relevant AUP RPS objectives and policies. The proposal enables the continued use and development of this part of the CMA for marine and port activities in a location identified for such activities.



## 9.5 SECTION 104(1)(B)(VI) – AUCKLAND UNITARY PLAN (DISTRICT PLAN PROVISIONS)

### 9.5.1 Objectives and policies

The following is an assessment of the relevant objectives and policies of the AUP. The Regional Coastal Plan is contained in Chapter F of the Unitary Plan. The objectives and policies of the Regional Coastal Plan give effect to the NZCPS and RPS and as such the assessment contained above is relevant to and forms part of the evaluation of the proposal on the objective and policies set out below.

### 9.5.2 Chapter F5 Coastal Minor Port Zone

#### F5.2 Objectives

*(1) Efficient and safe operation is continued for the following water transport facilities for freight and business:*

*(a) Port of Onehunga;....*

*in a manner which:*

*(i) minimises the exposure of people and the natural environment to risks arising from hazardous activities and hazardous substances; and*

*(ii) avoids, remedies or mitigates significant adverse effects from these facilities on the surrounding environment.*

*(2) Existing water transport facilities for freight and business are protected from inappropriate subdivision, use and development that may compromise their ability to operate safely and efficiently, or adversely affect their connections with other transport modes.*

*(3) Public access, use and enjoyment of the coastal marine area is maintained and where practicable enhanced, provided this does not adversely affect the efficient and safe operation of marine and port activities and marine and port facilities.*

*(4) Structures and the water space of the coastal marine area in and adjacent to water transport facilities for freight and business are used efficiently.*

*(5) Potential adverse effects of Coastal – Minor Port Zone activities on neighbouring areas are avoided, remedied or mitigated.*

*(6) Activities on land that are not light industrial in nature and which do not require proximity to the harbour and marine and port facilities are directed to other areas of Auckland.*

#### F5.3 Policies

*(1) Avoid subdivision, use, or development which adversely affects the safe and efficient operation of water transport facilities for freight and business located within the Coastal – Minor Port Zone or their connections with other transport modes.*

*(2) Restrict public access to the coastal marine area only where necessary to protect human health, safety or security or the efficient and safe operation of activities, particularly to areas where hazardous substances are being transferred, off-loaded, or stored within the zone.*

*(3) Enable the intensification, development and maintenance of buildings, structures and works for marine and port activities, subject to avoiding, remedying or mitigating potential adverse effects on the environment.*

*(4) Require activities within the zone to avoid, remedy or mitigate adverse effects on the land and coastal environment, particularly noise, lighting and amenity effects and effects on coastal processes, water quality, biosecurity, historic heritage and the surrounding road network.*

*(5) Design and locate buildings and other significant structures to avoid, remedy or mitigate significant adverse effects on landscape values and visual amenity, and to contribute positively to the visual quality of the area while having regard to the function and context of those buildings and structures.*

*(6) Require port operators to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that is more than minor.*

*(7) Require the provision of adequate and convenient facilities for: (a) the collection of rubbish from vessels; (b) sewage from vessels; and (c) the containment and disposal of residues from vessel maintenance.*

*(8) Require structures in the coastal marine area used for handling hazardous substances to be maintained at all times to a standard that minimises potential risks to people and the environment.*

*(9) Require the off-loading or transfer of hazardous substances on structures in the coastal marine area to be done at all times in a manner that minimises potential risks to people and the environment.*

- The proposal gives effect to the objectives and policies related to the use of the wharf for marine and port related activities and vessel berthage.
- The uses and structures add to the distinctive character of this part of the Manukau Harbour, complimenting the maritime and port functions of the area.
- Public access to the wharf and waterspace is restricted to ensure the efficient and safe operation of port and marine activities.
- Overall, the proposal provides for general port operations (including for cargo handling and general wharf operations), fishing fleet operations, and marine services (such as towage, pilotage, and line handling), storage and warehousing. These activities are supported by a range of services including, logistics, port infrastructure, and port security and achieve the objective and policies of the Minor Port zone.

### **9.5.3 E18 Natural Character of the Coastal Environment & E19 Natural Features and Natural Landscapes in the Coastal Environment**

Chapters E18 and E19 contain policy direction which gives effect to Policy 13(1)(b) of the NZCPS and RPS Objective B8.2.1.(2) and Policy B8.2.2.(4). Chapter E19 gives effect to Policy 15(b) of the NZCPS and RPS Objectives B4.2.1 and the policies in B4.2.2. These chapters of the AUP are considered to apply to activities in the coastal environment in areas which are not identified as having outstanding or high natural character or Outstanding Natural Features Overlay or the Outstanding Natural Landscapes Overlay. The proposal is not subject to any of these overlays but is located in the coastal environment.

### **E18.2 Objectives**

- (1) The natural characteristics and qualities that contribute to the natural character of the coastal environment are maintained while providing for subdivision, use and development.*
- (2) Where practical the natural character values of the coastal environment are restored or rehabilitated.*

### **E18.3 Policies**

*...(3) Manage the effects of subdivision, use and development in the coastal environment to avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects, on the characteristics and qualities that contribute to natural character values, taking into account:*

- (a) the location, scale and design of the proposed subdivision, use or development;*
- (b) the extent of anthropogenic changes to landform, vegetation, coastal processes and water movement;*
- (c) the presence or absence of structures, buildings or infrastructure;*
- (d) the temporary or permanent nature of any adverse effects;*
- (e) the physical and visual integrity of the area, and the natural processes of the location;*
- (f) the intactness of any areas of significant vegetation, and vegetative patterns;*
- (g) the physical, visual and experiential values that contribute significantly to the wilderness and scenic values of the area;*
- (h) the integrity of landforms, geological features and associated natural processes, including sensitive landforms such as ridgelines, headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs, streams, rivers and surf breaks;*
- (i) the natural characteristics and qualities that exist or operate across mean high water spring and land in the coastal environment, including processes of sediment transport, patterns of erosion and deposition, substrate composition and movement of biota, including between marine and freshwater environments; and*
- (j) the functional or operational need for infrastructure to be located in a particular area.*

### **E19.2. Objective**

*(1) The characteristics and qualities of natural landscapes and natural features which have particular values, provide a sense of place or identity, or have high amenity value, are maintained while providing for subdivision, use and development in the coastal environment.*

### **E19.3 Policies**

*....(2) Manage the effects of subdivision, use and development in the coastal environment to avoid significant adverse effects, and avoid, remedy or mitigate other adverse effects on the characteristics and qualities of natural landscapes and natural features which have particular values, provide a sense of place or identity, or have high amenity values, taking into account:*

- (a) the location, scale and design of the proposed subdivision, use or development;*
- (b) the extent of anthropogenic changes to the natural characteristics and qualities;*
- (c) the presence or absence of structures, buildings or infrastructure;*
- (d) the temporary or permanent nature of any adverse effects;*
- (e) the physical and visual integrity and the natural processes of the location;*
- (f) the intactness of any areas of significant vegetation, and vegetative patterns;*
- (g) the physical, visual and aesthetic values that contribute significantly to the natural landscape's values;*
- (h) the integrity of landforms, geological features and associated natural processes, including sensitive landforms such as ridgelines, headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs, streams, rivers and surf breaks; and*
- (i) the functional or operational need for infrastructure to be located in a particular area.*

In relation to the relevant objectives and policies, the following comments are made:

- This part of the waterfront is a modified coastal environment with a man-made geometric shape, and original landform transformed by reclamation and wharf structures. Waves and tidal currents are influenced by wharf structure and there is no natural terrestrial vegetation and low ecological values. The natural characteristics and qualities that contribute to the natural character of this area of the waterfront include the area of open water, the rise and fall of the tides, the sight and smell of the sea and the visual connections to the wider harbour. As such, the proposal accords with the general characteristics of the environment and the modified nature of this part of the waterfront.
- While the wharf is located near the Hopua explosion crater and tuff exposure, an Outstanding Natural Feature, the proposal does not adversely affect this feature. The proposal has a functional need to be located in the CMA in a manner that provides direct access to water, makes efficient use of existing infrastructure and is reflective of the current uses and marine structures of the existing environment.

- The existing warehouse buildings are of a simple design reflective of the design aesthetic of early waterfront warehousing structures. They are modest scale and integrate with the built form of surrounding buildings located on the wharf and reclamation.

#### **9.5.4 F2 General Coastal Zone**

##### *F2.14 Use, Development and Occupation of the CMA*

##### **F2.14.2 Objectives**

- (1) The high public value of the coast and coastal marine area as open space area with free public access is maintained.*
- (2) Occupation rights are provided for in appropriate locations, and in appropriate circumstances for use and development that has a functional need to be located in the common marine and coastal area, and for infrastructure that has an operation need to be located below mean high water springs and cannot be practicably located on land.*
- (3) Limit exclusive occupation to where it can be demonstrated it is necessary for the efficient functioning of the use and development or is needed for public safety, and any loss of public access and use as a result is minimised and mitigation is provided where practicable.*
- (4) Efficient use is made of coastal marine area by consolidating use and development within appropriate areas, where practicable.*
- (5) Activities that do not have a functional or operational need to be undertaken in the common marine and coastal area are provided for within zones or precincts only where they can demonstrate:*
  - (a) the need for a common marine and coastal area location;*
  - (b) they cannot practicably be located on land outside of the coastal marine area; and*
  - (c) they are consistent with the use and value of the area, including the adjacent land area, and do not compromise natural character, ecological, public access, Mana Whenua, historic heritage, or amenity values.*
- (6)....*
- (7) Use and development in the coastal marine area is supported by all necessary land-based access and infrastructure.*
- (8).....*

##### **F2.14.3 Policies**

- (1) Enable use and occupation of the common marine and coastal area to provide for use and development that:*

- (a) has a functional or operational need to be below mean high water springs and may require public access to be restricted; or*
  - (b) is necessary to provide for the use of the coastal marine area by Mana Whenua for Māori cultural activities and customary uses; and*
  - (c) will not compromise or limit the operation of existing activities that have occupation rights within the common marine and coastal area.*
- (2) Provide for exclusive occupation rights in the common marine and coastal area only where it can be demonstrated this is necessary for the efficient functioning of the use and development or is needed for public safety, and will enable the most efficient use of space by activities in the common marine and coastal area and require that the loss of public access and recreational use is mitigated.*
- (3)....*
- (4) Avoid granting rights of exclusive occupation in areas with high public use and where it will have a significant adverse effect on public access and recreational use of the common marine and coastal area.*
- (5) Provide for use and occupation of the common marine and coastal area by infrastructure, where it does not have a functional need to locate in the common marine and coastal area but has an operational need, and only where it cannot be practicably located on land and avoids, remedies, or mitigates other adverse effects on:*
- (a) the existing use, character and value of the area;*
  - (b) public access, recreational use and amenity values;*
  - (c) natural character and scenic values, from both land and sea; (d) water quality and ecological values;*
  - (e) coastal processes including erosion;*
  - (f) other lawfully established use and development in the coastal marine area or on adjoining land;*
  - (g) the anticipated future use of the area for marine activities; and*
  - (h) Mana Whenua or historic heritage values.*
- (6)...*
- (7)...*
- (8)....*
- (9)....*
- (10) Require any proposed use and development for activities in the common marine and coastal area to demonstrate that any necessary land-based access and infrastructure can be appropriately provided for.*
- (11) Determine the appropriate duration for granting rights of occupation having regard to the:*
- (a) extent of public use and access of the area and the impact of restrictions on the loss of public use and access;*
  - (b) level of investment in the development and need for security of tenure to ensure its financial and economic viability and/or long term public benefit;*

- (c) land use and coastal development changes proposed in the vicinity through any statutory management strategies or plans that anticipate a change in public use and access in the area; and*
- (d) term of other consents in the vicinity, and the strategic benefit of all consents in an area expiring simultaneously.*

*(12)....*

In relation to the relevant objectives and policies, the following comments are made:

- Occupation of the CMA by the proposed uses represents an obvious operational and functional need to be located within the CMA. Exclusive occupation of the CMA is required to operate ensure the effective functioning and management of the wharf and waterspace.
- Public access to the wharf and waterspace is restricted to ensure the efficient and safe operation of port and marine activities.
- Onehunga Wharf provides for marine and port functions. The proposed uses and structures are consistent and compatible functions and activities in this locality.
- Consent is sought for the coastal marine structures including the wharf and other structures for a period of 35 years to provide for the maximum duration possible under section 123 of the RMA for this infrastructure. This provides certainty for these activities to continue to operate.

#### F2.16 Structures.

The relevant objectives and policies for structures within the CMA are located in sections F2.16.2 and F2.16.3 of the AUP. The objectives and policies relate to the functional need for structures in the CMA, providing public access onto the structures, ensuring appropriate design to minimise adverse visual amenity, ecological, landscape, natural character, and coastal hazard effects.

##### **F2.16.2 Objectives**

- (1) Structures are generally limited to those that have a functional need to be located in the coastal marine area, or those that have an operational need and that cannot be practicably located outside of the coastal marine area.*
- (2) Structures provide for public access and multiple uses where practicable, other than those restricted by location or functional requirements.*
- (3) Structures are appropriately located and designed to minimise adverse effects on the ecological, natural character, landscape, natural features, historic heritage and Mana Whenua values of the coastal marine area, and avoid to the extent practicable the risk of being adversely affected by coastal hazards.*
- (4) Structures are provided in appropriate locations to enable Māori cultural activities and customary use.*

### **F2.16.3 Policies**

#### *Efficient use of coastal space*

*(1) Limit structures to the following:*

- (a) those that generally have a functional need to be located in the coastal marine area, or that have an operational need and cannot be practicably be located outside of the coastal marine area;*
- (b) where the proposed purpose or use cannot practicably be accommodated on existing structures or facilities;*
- (c) those that are necessary to provide access to land where there are no practicable land-based access options, and there is no existing structure in close proximity that could provide reasonable access; and*
- (d) locations where the purpose and frequency of use warrants the proposed structure, and an alternative that would have lesser effects is not a practicable option.*

*(2) Avoid adverse cumulative impacts from structures in the Coastal – General Coastal Marine Zone taking into account the number of structures in the immediate and surrounding area.*

*(3) Limit the impacts from structures associated with infrastructure by:*

- (a) requiring an assessment of any practicable alternative sites, routes or designs where it is likely that the proposed structure will result in any significant adverse effect on the environment, including land-based alternatives, to demonstrate that the chosen option is appropriate taking into account the purpose and use of the structure and that the adverse effects will be avoided to the extent practicable, and will otherwise be remedied or mitigated;*
- (b) concentrating infrastructure structures, including pipelines, cables and transmission structures, in locations where similar, or other infrastructure, already exists where reasonably practicable;*
- (c) ensuring that where practicable cables and transmission structures are located beneath the seabed to avoid the need for anchoring or fishing restrictions; and*
- (d) encouraging structures for infrastructure to be multifunctional where practicable.*

*(4) Enable the maintenance, repair, reconstruction and upgrade of existing lawful structures, including where necessary to comply with applicable standards and codes.*

*(5) Enable the extension or alteration of existing structures in locations where they will:*

- (a) not have significant adverse effects on other uses and values;*
- (b) result in greater, more efficient, or multiple use of the structure; or*
- (c) reduce the need for new structures elsewhere. Ensuring structures are appropriately located and designed*

*(6) Require structures to be located to avoid significant adverse effects and avoid, remedy or mitigate other adverse effects on the values of areas identified as:*

- (a) D17 Historic Heritage Overlay;*
- (b) D21 Sites and Places of Significance to Mana Whenua Overlay;*



- (c) D11 Outstanding Natural Character and High Natural Character overlays;*
  - (d) D10 Outstanding Natural Features Overlay; and Outstanding Natural Landscapes Overlay; and*
  - (e) significant surf breaks identified in Appendix 4 Surf breaks, including the recreation, amenity and economic values, and taking into account any effects on coastal processes, currents, water levels, seabed morphology and swell corridors that contribute to significant surf breaks.*
- (7) Require structures in the Coastal – General Coastal Marine Zone to be located to minimise:*
- (a) impacts on other coastal activities, including activities provided for in zones or resource consents;*
  - (b) adverse effects on recreational use, including popular anchorage areas;*
  - (c) adverse effects on public access to and along the coastal marine area;*
  - (d) visual impacts, particularly in areas sensitive to effects such as headlands or the outer edges of enclosed bays, as seen from both land and water;*
  - (e) the size of the structure, including its size in relation to wharves and jetties and consider providing for partial rather than all-tide access, unless this is not a practicable option given the function and frequency of use;*
  - (f) the risk of being affected by coastal hazards including sea level rise;*
  - (g) the need for dredging, including ongoing dredging to maintain water access; and*
  - (h) adverse effects on scheduled sites and places of significance to Mana Whenua*
- (8) Require structures to be designed to:*
- (a) be the minimum size reasonably necessary to provide for the proposed use;*
  - (b) be multi-purpose where practicable and where it will not conflict with operational or safety requirements;*
  - (c) minimise impacts on natural character and amenity values and generally fit with the character of any existing built elements, including in the use of materials and colours having regard to safety requirements;*
  - (d) not increase rates of coastal erosion; and*
  - (e) take into account dynamic coastal processes, including the expected effects of climate change and sea level rise.*
- (9) Have regard to the value of retaining the natural character of areas where structures are absent, taking into account the area's uniqueness and value because of the absence of structures.*
- (10) Require the building material used for structures to be appropriately marine treated, or if relocated or recycled building material or structures are used, that it is treated or cleaned to prevent the transference or introduction of harmful aquatic organisms.*
- (11) Require buildings in the coastal marine area to be of a scale, location and design that is appropriate to its context. Structures that enhance public use and access and enable traditional and cultural use.*
- (12) Enable structures in appropriate locations where the structure is to provide, or enhance:*
- (a) public access, use or amenity values, including artworks in the coastal marine area; and*

*(b) access to the coast by Mana Whenua for customary uses and cultural activities, and for access to the coast from papakāinga, marae or Māori land.*

*(13) Require structures to provide for public access and reasonable use, except in exceptional circumstances, or where public use needs to be restricted or excluded for operational, or health and safety reasons. Foreshore protection works – hard protection structures*

*(14) Avoid a proliferation of hard protection structures in the coastal marine area by requiring:*

- (a) hard protection structures to be located landward of mean high water springs where practicable, particularly if the structure is for the purpose of protecting private assets;*
- (b) evidence to demonstrate that the adjoining landward area, or development in the coastal marine area, is at risk from a coastal hazard, and the degree of risk;*
- (c) evidence to demonstrate that the options of non-intervention, managed retreat, abandonment or relocation of any landward development or structures are not practicable; and*
- (d) evidence to demonstrate that the proposed structure is the most appropriate method for remedying or mitigating a coastal hazard having regard to the entire area affected or potentially affected by the hazard, and taking into account alternative methods, including soft engineering works.*

*(15) Avoid hard protection structures that are likely to result in:*

- (a) undermining of the foundations at the base of the structure;*
- (b) erosion behind or around the ends of the structure;*
- (c) settlement or loss of foundation material;*
- (d) movement or dislodgement of individual structural components;*
- (e) the failure of the coastal protection structure should overtopping by seawater occur;*
- (f) piping or hydraulic pumping of fine material or backfill;*
- (g) offshore or long-shore loss of sediment from the immediate vicinity; and*
- (h) any increase in the coastal hazard posed to the coastline elsewhere.*

*(16) Require the design and location of hard protection structures to:*

- (a) minimise adverse effects on natural character and amenity values;*
- (b) avoid restricting public access to or along the coastal marine area; and*
- (c) take into account dynamic coastal processes, including the effects of climate change, sea level rise, assessed at least over a 100 year timeframe, including the potential for inundation or for the coastal marine area to advance inland.*

*(17) Encourage a comprehensive and integrated land-sea management approach to be taken in considering new foreshore protection works, including:*

- (a) the erosion effects from any on-site stormwater discharges;*
- (b) whether the discharge method is lawful and the most appropriate option; and*
- (c) the extent that the hazard risk is being increased as a result of the location and method of stormwater discharges or drainage.*

*(18) Require consideration to be given to any relevant management strategy, strategic plan or hazard risk assessment relating to the area where foreshore protection works are proposed Ensuring integrated management between land and sea*

*(19) Require applications for structures in the coastal marine area to demonstrate that any landward component, development, or use of land-based infrastructure or facilities can be appropriately provided for.*

*(20) Require applications for structures in the coastal marine area to demonstrate how any significant adverse effects on the use of adjoining land, including reverse sensitivity effects on existing use or development of that land, can be avoided, remedied or mitigated. Ensuring safe navigation*

*(21) Enable structures required to ensure safe navigation or for health and safety purposes.*

*(22) Ensure that structures in the coastal marine area do not pose a risk to navigation or to public health and safety by:*

- (a) requiring structures to be maintained to an appropriate standard;*
- (b) requiring structures to be appropriately located and lit; and*
- (c) enabling the removal of structures, where they are no longer functional or required, or have been abandoned.*

*(23) Enable the removal of unlawful, abandoned, unsafe and redundant structures where the structure has been assessed as:*

- (a) not being a site scheduled in the Historic Heritage Overlay;*
- (b) a potential risk to navigation or public health and safety;*
- (c) restricting public access and use of the area;*
- (d) having an adverse effect on the natural character or visual amenity of the area;*
- (e) having an adverse effect on coastal processes or ecological values;*
- (f) having poor structural integrity; and*
- (g) likely to result in anchoring or fishing restrictions if it remained in the coastal marine area.*

*(24) Avoid structures that will limit the ability to moor vessels in the Coastal – Mooring Zone, other than those structures necessary for infrastructure that have a functional or operational need to be located in the coastal marine area and that cannot practicably be located outside the Coastal – Mooring Zone.*

In terms of the above objectives and policies, the following comments are made:

- The proposed use and development of this part of the coastal marine area will make a contribution to the social and economic wellbeing of people and communities through provision of maritime and port activities, including general port operations (for cargo handling and general wharf operations), fishing fleet operations, and marine services (such as towage, pilotage, and line handling), storage and warehousing. These activities are supported by a range of services including, logistics, port infrastructure, and port security.

- While the proposal does result in the retention of marine structures, the proposal allows the continued and efficient use of existing infrastructure and avoids sprawling or sporadic patterns of use within the CMA.
- The location and design of the marine structures minimises their impact on the waterspace within the harbour and are in keeping with the character of uses typically located on wharf structures.
- The scale of development on Onehunga Wharf is compatible and in keeping with the scale and character of surrounding built development. The warehouse buildings have a maritime aesthetic which integrates with this part of the waterfront.
- The proposal promotes the efficient use of water space occupied by structures.
- The proposal does not pose a navigational risk or a risk to public health and safety.

#### **9.5.4 E27 Transport**

##### **E27.2 Objectives**

*(1) Land use and all modes of transport are integrated in a manner that enables:*

*(a) the benefits of an integrated transport network to be realised; and*

*(b) the adverse effects of traffic generation on the transport network to be managed.*

*(2) An integrated transport network including public transport, walking, cycling, private vehicles and freight, is provided for.*

*(3) Parking and loading supports urban growth and the quality compact urban form.*

*(4) The provision of safe and efficient parking, loading and access is commensurate with the character, scale and intensity of the zone.*

*(5) Pedestrian safety and amenity along public footpaths is prioritised.*

##### **E27.3 Policies**

*(15) Require access to loading facilities to support activities and minimise disruption on the adjacent transport network.*

*(17) Require parking and loading areas to be designed and located to:*

*(a) avoid or mitigate adverse effects on the amenity of the streetscape and adjacent sites;*

*(b) provide safe access and egress for vehicles, pedestrians and cyclists;*

*(c) avoid or mitigate potential conflicts between vehicles, pedestrians and cyclists; and*

*(d) in loading areas, provide for the separation of service and other vehicles where practicable having regard to the functional and operational requirements of activities.*

*(18) Require parking and loading areas to be designed so that reverse manoeuvring of vehicles onto or off the road does not occur in situations which will compromise:*

*(a) the effective, efficient and safe operation of roads, in particular arterial roads;*

*(b) pedestrian safety and amenity, particularly within the centre zones and Business – Mixed Use Zone; and*  
*(c) safe and functional access taking into consideration the number of parking spaces served by the access, the length of the driveway and whether the access is subject to a vehicle access restriction.*

*(20) Require vehicle crossings and associated access to be designed and located to provide for safe, effective and efficient movement to and from sites and minimise potential conflicts between vehicles, pedestrians, and cyclists on the adjacent road network.*

In terms of the above objectives and policies, the following comments are made:

- Parking, loading and access to the berths is provided in a safe and efficient manner. Parking is provided within the Onehunga Wharf for staff members and visitors. Visitors are required to complete, and pass, mandatory health and safety modules before entry to Onehunga Wharf. Alternative public transport options are available, and Onehunga Wharf is within proximity to the strategic walking and cycling network. No adverse safety effects have been identified with the current access arrangements.
- Parking areas are provided within the Onehunga Wharf. Impact is minimised on adjacent transport network through management of vehicles accessing the Onehunga Wharf. Visitors are required to complete, and pass, mandatory health and safety modules before entry to Onehunga Wharf.
- Parking and loading areas are controlled through sole access / egress, supplemented with signage. No reported accidents at the intersection with Onehunga Harbour Road.
- Conflicts avoided between vehicles and pedestrians / cyclists through health and safety protocols, which restrict cyclists on site and designate pedestrian walk areas.
- Parking / loading areas are provided on the north side of Shed A within the coastal permit area.
- Internal visitors are required to complete, and pass, mandatory health and safety modules before entry to Onehunga Wharf. No cycling is allowed on the Wharf.
- External provision of cycle paths and footpaths at access road to Onehunga Wharf with no reported accidents.

It is considered that the activities and infrastructure can continue and are considered acceptable from a traffic, transport and safety perspective.

#### **9.5.5 Objectives and Policies Conclusion**

Overall, the proposal is considered to satisfy the relevant objectives and policies of the AUP.

### 9.5.6 *Assessment criteria*

The proposal is subject to a number of restricted discretionary activities over which the Council has reserved its control or restricted its discretion of the matters that may be considered in the assessment of the application. Although the application is a discretionary activity overall, it is appropriate to consider the relevant assessment criteria in each case. The preceding environmental effects assessment and the specialist technical reports compliance address the matters covered by the assessment criteria. In terms of the relevant assessment criteria the following overarching comments are made:

- The uses and structures have a functional need to locate in the CMA.
- There will be no change to the existing coastal processes and water quality from the structures remaining where they are. There is a very low to low ecological effects associated with the proposed occupation.
- Public access to the wharf and waterspace is restricted for operational and safety reasons.
- The proposed activities, uses and structures are consistent with the uses that are already provided for and which are anticipated by the regional and district planning documents.
- The proposal represents a logical utilisation of an area already used for maritime and port activities.
- The scale of buildings located on Onehunga Wharf is in keeping with the built form character of this part of the Onehunga waterfront.
- The location, scale and design of infrastructure is influenced by the need to provide for the safe and efficient movement of vessels. The design responds to these requirements by facilities that are functional, safe and legible in a manner that minimised visual effects in this waterfront environment.
- Exclusive occupation of the CMA is required to operate ensure the effective functioning and management of the wharf and associated. Consent is sought for the coastal marine structures including the wharf structure, buildings and other structures for a period of 35 years to provide for the maximum duration possible under section 123 of the RMA for this infrastructure. This provides certainty for these activities to continue to operate.
- The applicant has also undertaken consultation requirements required under the MACA Act and has written to all iwi that have applied for customary title of the coastal marine area. While the AUP does not specifically identify any sites or areas of significance to iwi within the coastal waters, the proposal aims to minimise impacts on the coastal marine area and seabed as far as is practicable. The coastal processes and marine ecology reports conclude that the ecological and water quality effects of the proposed development fall within the low to very low range. The applicant is continuing to engage on issues relating to occupation.

### **9.5.7 Plan Change 78**

Plan Change 78 proposes no changes to the Regional Coastal Plan, with submissions and further submissions lodged but not yet heard. As a result, none of the changes proposed have legal effect. Overall, the proposal is not affected by Proposed Plan Change 78.

## 10 SECTION 104(1)(c) – OTHER MATTERS

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### 10.1 HAURAKI GULF MARINE PARK ACT 2000

The HGMPA requires a consent authority to have regard to sections 7 and 8 of the HGMPA when considering an application for a resource consent for the Hauraki Gulf, its islands, and catchments. The relevant parts of sections 7 and 8 of the HGMPA that relate to this application are:

#### **7. Recognition of national significance of Hauraki Gulf—**

- (1) The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance.*
- (2) The life-supporting capacity of the environment of the Gulf and its islands includes the capacity —*
  - (a) to provide for —*
    - (i) the historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its islands; and*
    - (ii) the social, economic, recreational, and cultural well-being of people and communities:*
  - (b) to use the resources of the Gulf by the people and communities of the Gulf and New Zealand for economic activities and recreation:*
  - (c) to maintain the soil, air, water, and ecosystems of the Gulf.*

#### **8. Management of Hauraki Gulf—**

*To recognise the national significance of the Hauraki Gulf, its islands, and catchments, the objectives of the management of the Hauraki Gulf, its islands, and catchments are—*

- (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:*
- (c) the protection and, where appropriate, the enhancement of those natural, historic, and physical resources (including kaimoana) of the Hauraki Gulf, its islands, and catchments with which tangata whenua have an historic, traditional, cultural, and spiritual relationship:*
- (d) the protection of the cultural and historic associations of people and communities in and around the Hauraki Gulf with its natural, historic, and physical resources:*
- (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.*

Overall, it is considered that the proposal is consistent with the provisions of the HGPMMA. The proposal is utilising the physical resources of the waterspace to provide maritime passenger, recreation and event uses that will be beneficial to the social and economic well-being of the public. The proposal does not impact coastal processes and marine ecology, and any adverse effects are considered to be negligible or less than minor, while positive effects will also be achieved through the provision of important tourist and recreation infrastructure.

Safeguarding the life supporting capacity of water is identified as a purpose of the RMA (section 5(2)(b)) and is recognised as a matter of national significance under the HGMPA (section 7 and 8). Further, the RPS and the AUP also recognise the life supporting capacity of marine ecosystems particularly within the Hauraki Gulf and require integrated management of use and development to ensure ecological values and life supporting capacity are protected and where appropriate, enhanced (Chapter B8.5 – Objectives and Policies).

In terms of the proposal, the relevant consideration is whether it affects the life supporting capacity of the environment of the Hauraki Gulf to an extent where it will not be sustained. The proposed uses and structures are considered an appropriate use of this part of the CMA as they will be appropriately managed and will not adversely affect the sustainable life supporting capacity of the CMA. The coastal processes and marine ecology report confirms that any effects on the CMA and its life supporting capacity will be negligible or less than minor.

In terms of the provision of the historic, traditional, cultural, and spiritual relationship of the tangata whenua of the Gulf with the Gulf and its island, the applicant has engaged with mana whenua and is continuing to engage on issues relating to occupation.

For the foregoing reasons, it is considered that the proposal is consistent with the provisions of the HGMPA.

## **10.2 MARINE AND COASTAL AREA (TAKUTAI MOANA) ACT 2011**

The purpose of the MACA is to establish a durable scheme to ensure the protection of the legitimate interests of all New Zealanders in the marine and coastal area of New Zealand. It recognises the mana tuku iho exercised in the marine and coastal area by iwi, hapū, and whānau as tangata whenua and provides for the exercise of customary interests in the common marine and coastal area.

Section 62(3) of the MACA requires that any person making an application under the RMA for a proposal within the marine and coastal area must notify and seek the views of any applicant for customary marine title prior to lodging the application. The applicant notified applicants for customary marine title applicable to this part of the CMA on 10 October 2023 seeking views on the proposal. Ngāti Te Ata provided feedback advising they do not support the proposal. The applicant is continuing to engage with Mana Whenua on issues relating to occupation.

## 11 COASTAL DURATION (SECTION 123)

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As outlined in Section 5, consent is sought for a period of 35 years. This provides for the maximum duration possible under section 123 of the RMA.

## 12 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

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The Court of Appeal in *RJ Davidson Family Trust v Marlborough District Council* [2018] 3 NZLR 283 confirmed the legal approach for assessing resource consent applications against Part 2 of the RMA. The Court stated at [74]:

*“If it is clear that a plan has been prepared having regard to Part 2 and with a coherent set of policies designed to achieve clear environmental outcomes, the result of a genuine process that has regard to those policies in accordance with s 104(1) should be to implement those policies in evaluating a resource consent application. Reference to Part 2 in such a case would likely not add anything...Equally, if it appears the plan has not been prepared in a manner that appropriately reflects the provisions of Part 2, that will be a case where the consent authority will be required to give emphasis to Part 2.”*

In my opinion, the AUP has been adequately prepared and reflects the provisions of Part 2 of the RMA, and therefore separate assessment of this application against Part 2 is not required.

## 13 CONCLUSION

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This application sets out the relevant assessment required for resource consent applications under the RMA. The plans and technical assessments submitted with the application have been provided in support of the application and in relation to the relevant criteria.

In terms of the RMA, all appropriate matters in section 104 are considered to have been addressed including the:

- Actual and potential effects;
- The relevant provisions of any plan of proposed plan; and
- Any other matters.

It is concluded that the proposal satisfies these matters and is in accordance with the relevant provisions of the statutory documents. Therefore, in accordance with sections 104B, I support the grant of consent to this application for a discretionary activity.

Mark Vinall

**Director/Planning Consultant**

**Tattico Limited**

**31 March 2025**