From:	Mark Vinall
To:	Bradley Peens
Subject:	[EXTERNAL] RE: CST60442819 - Section 88 Queries - Onehunga Occupation Permit - 55 Onehunga Harbour Road
Date:	Thursday, 27 February 2025 9:53:18 am
Attachments:	FW occupation consent POAL approval.msg Consultation with Waikato Tainui 3.10.2025.pdf MACA List for Consultation.pdf

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Hi Bradley,

Thanks for your emails. Sorry for the delay, please see our responses below to the matters raised.

Regards

Mark Vinall | Director | Tattico Limited
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From: Bradley Peens <bradley.peens@aucklandcouncil.govt.nz>
Sent: Thursday, 13 February 2025 2:44 pm
To: Mark Vinall <mark.vinall@tattico.co.nz>
Subject: RE: CST60442819 - Section 88 Queries - Onehunga Occupation Permit - 55 Onehunga Harbour Road

Hi Mark,

I am following up on the emails below.

Thanks.

Ngā mihi | Kind regards,

Bradley Peens | Senior Planner
Division of Planning & Resource Consents| City Centre Team
Mobile: 027 220 9138
135 Albert Street, Auckland Central

From: Bradley Peens
Sent: Wednesday, 12 February 2025 2:09 pm
To: Mark Vinall <mark.vinall@tattico.co.nz>
Subject: RE: CST60442819 - Section 88 Queries - Onehunga Occupation Permit - 55 Onehunga Harbour Road

Hi Mark,

I hope you are well.

Regarding the email below. I've had internal discussions with our coastal specialists, and I note the following.

We are of the view that the following consent matters are applicable to this proposal:

1. **Chapter F5 Minor Port Zone**

   The following consent matters are considered triggered:

   a. F5.4.3(A30) for the Wharf structure – RD.
   b. F5.4.3(A35) for the hard protection structure (breakwater) – RD.
   c. F5.4.3(A36) for the coastal marine area structures not otherwise provided for such as the buildings on the wharves (Shed A, B and D).
   d. F5.4.3(A42) for exclusive occupation of the CMA for marine and port activities that will take place within the water space of the Minor Port Zone (e.g. navigation, berthing, repair of vessel, loading and unloading of cargo).

   I confirm acceptance of these additional reasons for consent.

   The following activities are permitted:

   e. F5.4.2(A8) Marine and port activities (Activities associated with navigation, anchoring, berthing, refuelling, storage of vessels). All of what is proposed within the CMA water space appears to be a PA under this rule.
   f. F5.4.2(A11) Industrial activities accessory to marine and port activities is PA. – storage for fishery.
   g. F5.4.3(A22) Car parking accessory to permitted activities – the parking is accessory to activities on the wharf (except for the cement operation)
   h. F5.4.3(A29) Marine and port facilities excluding wharves, landings and drydocks. E.g. Cranes, cargo stacking, conveyors, landings, gantries, all PA.

i. F5.4.3(A31) Marine and port accessory structures and services excluding new pile moorings is PA. E.g. Ramps, refuse facilities, navigation aids, water and sewer reticulation, fenders, pontoons, gangways.

I confirm agreement with these permitted activities.

Compliance with the standards needs to be confirmed:

j. F5.6.1.1. Building height – what is the height of the buildings measured from the mean sea level? The sheds are up to 8m (above wharf at 3.7m) and well within the height limit of 18m above MSL (approx. 2.5m).
k. F5.6.1.3 Yards – confirm compliance. There are no yard requirements applying to the structures in the CMA.
l. F5.6.5. Lighting – confirm compliance. I confirm that the application will comply with the Lighting standard. We offer 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.
m. F5.6.6. Occupation of common marine and coastal area. The standard states: *Any occupation of the common marine and coastal area where the Port of Auckland Limited has been granted an occupation consent will require the written approval of Ports of Auckland Limited or the written approval of any party to whom Ports of Auckland Limited has transferred the water space management.* In my view written approval on the prescribed form is required. Please confirm if this written approval has been obtained (on the prescribed form)? The Ports of Auckland have provided their approval via email correspondence. We do not consider a written approval in the prescribed form is required.

2. **Chapter F2 General Coastal Marine Zone**

a. It is noted that the area of occupation requested is slightly larger and extends beyond the area of the Minor Port Zone. Thus, some of the occupation area proposed falls within the General Coastal Marine Zone. From my reading of the application material only Marine and Port activities are proposed in this part of the occupation area (i.e. navigation, berthing, anchoring, manoeuvring etc..), no structures or buildings are located in this area. Marine and Port activities is a permitted activity under F2.19.8(A88), thus exclusive occupation of this area can be covered by F2.19.8(A114A) *Exclusive occupation of the common marine and coastal area by a structure or activity that would otherwise be a permitted activity* as a DA.

I confirm agreement with this.

3. **Confirmation of the scope of this consent**

   a. I note that there is a cement operation on the Wharf. It appears that the cement is processed / mixed in a building on the wharf. In my view this requires consent under the following rule:

      i. F5.4.2(A12) Industrial activities within Port of Onehunga which is a non-complying activity.

      The CoC and other RC documents provided in your email dated 30.01.2025 does not appear to be for the cement operation taking place in Shed B.

   b. Please confirm if this forms part of the scope of this consent. It may trigger an ITA activity within the CMA which may trigger:

      i. F2.19.7(A65) *Discharge of stormwater, discharge of contaminants from industrial or trade activity areas, or discharge of agrichemicals*, where E33 needs to be referred to.

      ii. F2.19.8(A111) *Industrial and trade activities on structures in the coastal marine area,* where E33 needs to be referred to.

      Shed B appears to be approximately 1350m^2 which would mean the cement operation is a high risk under table E33.4.3. (also noting the ITA area would probably extend beyond the building). Therefore, E33.4.1.(A7) may be triggered as a controlled activity. Compliance with standards would need to be confirmed and the relevant information provided. Also compliance with table E33.4.2 would need to be confirmed.

      If this is to be included in the application, I would recommend that a discussion is held with our regional and coastal and stormwater specialists to ascertain what information is needed and how to proceed.

I confirm that the above activities do not form part of the application.

Please may you get back to me on the above and the requests in the email below by COB tomorrow. Noting that a section 88 decision needs to be made by Friday.

I'll call you tomorrow morning if you get a chance to call this afternoon please feel free and we can discuss this and how to proceed.

P.S – apologies for the very wordy email..

Ngā mihi | Kind regards,

Bradley Peens | Senior Planner
Division of Planning & Resource Consents| City Centre Team
Mobile: 027 220 9138

From: Bradley Peens
Sent: Thursday, 30 January 2025 1:05 pm
To: Mark Vinall <mark.vinall@tattico.co.nz>
Subject: RE: CST60442819 - Section 88 Queries - Onehunga Occupation Permit - 55 Onehunga Harbour Road

Hi Mark,

Thanks for sending this through, very helpful.

I have a few points to discuss to also help understand the scope of the application:

1. **MACA**

I have checked the MACA correspondence and cross-referenced this with the MACA website.

I am struggling to see that the following groups were notified:

- **Ngaa marae o te takutai moana o Waikato-Tainui**
  donna.flavell@tainui.co.nz; Taipu.Paki@tainui.co.nz

Waikato Tainui was notified. Please see attached email for confirmation.

The following groups appear to have only been notified about the Auckland Downtown and Viaduct applications:

- **Ngāi Tai ki Tāmaki**
  jada@ngaitaitamaki.iwi.nz
- **Ngati Kawau and Te Waiariki Korora**
  mason@phoenixlaw.expert
- **Ngati Whatua Orakei**
  ngarimu@ngatiwhatuaorakei.com

These groups were notified for both the Waitemata and Manukau Harbour applications. Please refer to the attached table.

The below group seems they were notified, but the email address is cutoff.

- **Te Kawerau a Maki**
  robin.taua-gordon@tekawerau.iwi.nz

This group was notified of the Manukau Harbour application. Refer to the attached table.

Could you please assist with confirming that all the above groups were also notified for the

Onehunga Wharf application.

Separate to MACA were all the iwi groups with an interest in Auckland engaged?

I can confirm all iwi groups were also engaged via Eke Panuku's Mana Whenua Forum.

2. **Structures in the CMA**

Regarding our discussion on the need to apply for the structures as well. Could you please provide your input on the below and provide your interpretation of Chapter F2 and F5:

I note the following:

- Under F2.19.10 Note 3 states that: The activity status for a new consent for an existing structure (re-consenting its use of the coastal marine area pursuant to section 12(3) and its occupation of space in the common marine and coastal area pursuant to section 12(2) of the Resource Management Act 1991) has the same activity status as construction of that structure listed in this table.
- As per note 3 above, I am of the view that consent may be required for (A121) Construction of coastal marine area structures and buildings unless provided for elsewhere in this table as a Discretionary Activity. (Coastal marine area structure includes: wharves, seawalls buildings, or structures built on wharves or jetties, breakwaters, marine and port facilities, marine and port accessory structures and services).
- Since marine and port facilities and marine and port accessory structures and services are included under coastal marine area structures, I am of the view that consent for (A136) Marine and port facilities on existing wharves or other existing coastal marine area structures and (A137) Marine and port accessory structures and services on existing wharves or other existing coastal marine area structures is not required.
- Is there car parking on the wharf (i.e. that is not related to loading and unloading)? If so this may need consent (A94) Parking on coastal marine area structures other than as provided for as a permitted activity as DA.

As above.

Regarding chapter F5 Minor Port Zone:

- The AEE states under section 4.5 that 'cement operator' is an activity on the Wharf. Please confirm if the following activity is triggered:
    - F5.4.2(A12) Industrial activities within the Port of Onehunga which is a non-complying activity.
- F5.4.3.(A30) for wharves (or does F2 cover the structures).

- F5.4.3.(A36) Coastal marine area structures or buildings not otherwise provided for (DA).
- F5.4.3.(A42) *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.* Are you of the view that this consent matter is relevant.
- F5.4.3.(A43) – I don't think this is applicable because exclusive occupation is requested?
- There are standards under F5.6.1. which need to be complied with (e.g. building height, impervious area, yards). If the structures need to be consented, then these standards may need to be assessed. Please confirm that the buildings and structures comply with the standards?

I am of the view that Chapter E36 would not be triggered as note 1 in E36 states "*Where activities are located in the coastal marine area then see Chapter F Coastal*." My understanding is that all areas covered by this application are within the CMA and no areas are on land?

As above.

Please may you assist with confirming your view and interpretation on the above and if you agree, could you please identify the additional consent matters being applied for.

3. **General**

- Please confirm that the correspondence with Ports contained in Attachment E also relates to the Onehunga application as reference was made to Queens Wharf and the Viaduct applications. I can confirm it does relate to Onehunga (see attached email).
- Please indicate if written approval has been obtained from Ports (on the prescribed form). As above.
- Please confirm that the attached is the existing Occupation Permit. If there are more relevant documents, please send them through. I confirm this is the Occupation Permit.

Let me now if you would like to discuss.

Thanks.

Ngā mihi | Kind regards,

Bradley Peens | Senior Planner
Division of Planning & Resource Consents| City Centre Team
Mobile: 027 220 9138
135 Albert Street, Auckland Central

From: Mark Vinall <mark.vinall@tattico.co.nz>
Sent: Thursday, 30 January 2025 9:04 am
To: Bradley Peens <bradley.peens@aucklandcouncil.govt.nz>
Subject: [EXTERNAL] CST60442819 - Allocation of Application - Onehunga Occupation Permit - 55 Onehunga Harbour Road

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Hi Bradley,

Please find attached resource consents of the cement works at Onehunga Wharf. The resource consent issued in 1996 includes the cement silo, walkway between the silo and sundry pipe work. There is also a COC issued in for air discharges. You will note in the description of the activity in the COC report that the operation includes the transfer of cement from ship to the silos via a sealed pneumatic system. On the basis of the attached consents and apart from the mooring of vessels, we do not consider that any further consents are required as part of the coastal permit operation.

I also attached the email and letters for the MACA engagement.

Regards

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