

31 March 2025

Bradley Peens
Senior Planner
Auckland Council

By email: bradley.peens@aucklandcouncil.govt.nz

Dear Bradley,

Resource Consent Application – 55 Onehunga Harbour Road (CST60442819)

Thank you for your letter dated 5 March 2025 requesting further information for the above resource consent application. Please find responses to your questions below.

Planning

- 1. I note in an email dated 27 February 2025 that various additional consent matters were agreed to and the scope of the consent was confirmed. Please provide an updated AEE that includes all the relevant consent matters, outlines the permitted activities, and defines the scope of the consent (i.e. clearly indicates that the cement operations do not form part of this application). This information is necessary as the application will be publicly notified and it will assist the public in understanding the full scope of the proposal. Please update any assessment you deem necessary to cover the additional consent matters applied for.*

- Please find attached an updated AEE.

- 2. Regarding all the information provided for the MACA consultation. I note that some of the email addresses don't match those on the Office of Treaty Settlements website. Notably for:*

- *Ngāa marae o te takutai moana o Waikato-Tainui*
- *Ngāti Whatua Orakei*
- *Ngāi Tai ki Tāmaki*
- *Ngāti Kawau and Te Waiariki Korora*

Please may you confirm where the email addresses come from that were used and if these emails were received by the respective groups.

- Eke Panuku obtained email addresses for MACA consultation from Simpson Grierson. Email addresses for the following are:

Tattico Limited

PO Box 91562, Victoria Street, Auckland 1142, New Zealand
Level 10, West Plaza Tower, 1-3 Albert Street, Auckland 1010
p. +64 9 973 4282 f. +64 9 973 4283

www.tattico.co.nz

*Ngaa marae o te takutai moana o Waikato-Tainui - Kahurimu Flavell
Ngati Whatua Orakei – Ngarimu Blair
Ngāi Tai ki Tāmaki – Zaelene Maxwell-Butler
Ngati Kawau and Te Waiariki Korora – Bryce Lyall*

- Please find attached the email correspondence.
3. *The AEE states on page 28 that “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”. However, on page 19 a quote from Ngati Te Ata states that they are opposed to the application. Please may you confirm, it appears there is opposition to the proposal by Ngati Te Ata?*
- The statement on Page 28 of the AEE relates to engagement undertaken with Mana Whenua via Panuku’s Mana Whenua Forum. Page 19 records feedback received from the MACA engagement, including Ngāti Te Ata’s opposition.
4. *Regarding Ngati Te Ata’s opposition to the consent, the AEE states that the applicant is continuing engagement with Ngati Te Ata. Please confirm:*
- a. if any further correspondence has been received in this regard / if further discussions have been held. If so, please provide details of these.*
 - b. Has Ngati Te Ata indicated that they wish to provide a cultural values assessment.*
- A further hui with Ngāti Te Ata was canvassed, however a meeting did not eventuate. There is no further correspondence to provide. Ngāti Te Ata did not request that they prepare a CIA.
5. *Notwithstanding the fact that the application will be publicly notified, please confirm if the application material (AEE, coastal processes report, traffic assessment, and the additional consent matters agreed to in the email dated 27 February 2025) has been provided to all iwi (including those with a Coastal Statutory Acknowledgement). Please indicate if iwi consider a Cultural Value Assessment necessary and please provide any additional assessment in this regard.*
- No request was received by any iwi group to receive a copy of the application documents, nor have any been provided. We do not consider that any further engagement or assessment is necessary as there is no statutory requirement to provide documents and the applicant has requested notification of application, providing the opportunity for parties to make a submission.
6. *I note that there is an existing stormwater discharge consent (Permit No. 25182 – attached for reference) to “authorize the discharge of contaminants into the coastal marine environment, namely Manukau Harbour, from an industrial or trade process comprising the Port of Onehunga by Ports of Auckland Ltd.” This consent has various conditions around the management of stormwater for the Port. Please confirm if this consent and the management procedures were considered in the Coastal Processes Report by Tonkin and Taylor.*

- T+T did not consider this consent in the Coastal Process report relying on information included in Geomaps. However, having reviewed the consent, the conclusions with regard to water quality set out in Section 5.2 of the T+T report remain.

Reviewing the existing stormwater discharge consent (Permit No. 25182) which is current to 30 June 2046, the stormwater network comprises channels, catchpits and underground pipework that discharges directly into the CMA through three outfalls, as well as stormwater falling through the wharf structure and running off the sides of the wharves into the CMA.

The berthing area was considered a passive receiving environment where contaminants from the Port area and public land could settle before flowing into the wider harbour, and dredging of this area would remove some of the particulate contaminants.

The potential contaminants within the stormwater were considered to be total suspended solids such as dust and sediment arising from vehicle movements (TSS), gross pollutants (such as litter, wood from pallets, debris from cargo handling, litter etc), inorganics such as copper, lead and zinc from engine/machinery wear and use as well as bulk mineral and inorganic chemicals as well as organics such as a total petroleum hydrocarbons (TPH).

The POAL Environmental Monitoring Plan: Stormwater proposed to install targeted treatment including:

- Installation of an oil/water separator for the refuelling area adjacent to the workshop with associated bunding of the area that was required to be in place by September 2017.
- Source control and operational and management practices applied throughout the site.
- A flexible framework of control measures.

The consent concluded that the receiving environment was degraded with high contaminant loadings and poor water quality, with the port facility played a minor contribution to contaminant load due to the small size and freight volumes. With the port operation now significantly reduced the risk of contaminant discharge is also less.

Conditions of consent required that the site shall be operated and managed in accordance with the Environment Management Plan: Stormwater, and that this be reviewed by the consent holder annually. We have not sighted the annual reports.

7. *I note that the Coastal Processes Report by Tonkin and Taylor states that “...it is noted that where existing structures or activities do not currently adhere to Best Practice standards (including appropriate levels of stormwater treatment), and with the development of new structures, EPDA should seek to upgrade stormwater infrastructure in line with Best Practice to limit effects to*

marine ecological values” and the report recommends that “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 of Port of Onehunga”. Please confirm:

a. If the applicant has such proposals to upgrade the stormwater network and if so when it intends to do so?

b. If the existing discharge consent was considered in the report when drawing this conclusion?

- As identified in our response to Item 6, T+T did not include consideration of the existing discharge consent. However, as identified in Eke Panuku’s (2017) high level project plan on site stormwater management is of utmost importance, including avoiding discharge and mitigating through design and primary treatment as well as investigating land-use and enhancement opportunities for promoting native biodiversity, ecological corridors and sustainable habitats.
- Eke Panuku as owners of the facility are bound to review the existing consent and conditions to update the EMP to reflect the current operation and use of the facility.
- No stormwater upgrades are proposed as part of this application. Eke Panuku is undertaking upgrades to stormwater infrastructure as part of its asset management across the life of these assets, however this does not form part of the application.

8. *The AEE states that “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”. Please confirm which operational management plans these are. Are these standard operation management plans for Ports of Auckland and who implements and oversees the management of these management plans?*

- As there are no longer any commercial vessels utilising the wharf and current use is restricted to fishing boats, the responsibility within the water space for the safe operation of vessels is with the skipper of the vessel. Panuku provides berthage facilities and allocates berthing dependent on the size and the number of vessels.

Coastal

9. *The proposed exclusive occupation area is larger than the existing s384A occupation consent held by Ports of Auckland. It is unclear why the applicant requires a larger area of exclusive occupation. Please provide justification for the larger area.*

Please confirm the activities being undertaken that require / justify the need for such a large area. Noting that the area used for active port activities and the scale of activity has been diminished.

Is the exclusive occupation area meant to align with the Minor Port Zone because it appears to be larger than the extent of the Minor Port Zone?

- Historically occupation permits were for exclusive occupation with public access managed via condition of consent. The concept of exclusive occupation has only recently been regulated through the Regional Coastal Plan. The proposed Occupation Area has been determined by a combination of the area of the Minor Port zone

(although it does not mirror this, existing structures and area used by vessels to access and manoeuvre to berthage at the wharf. While the scale of port activity has diminished in recent times, the applicant is seeking a permit for 35 years for occupation to the support the underlying zoning which provides for minor port activities.

10. *The application is for exclusive occupation which enables the exclusion of others, including the public. The s384A occupation was not exclusive. Therefore, please confirm how this will be managed. For marinas usually exclusive occupation is provided for the berthage spaces and places where the public are excluded. Areas where the public are allowed are non-exclusive occupation. Please explain how this will be managed, will it be managed through conditions of consent?*

Note: For example, there is a boat ramp included in the occupation area, is this intended to be used by the public. Public access would need to be managed and enabled by conditions of consent / specific areas marked for exclusive and non-exclusive occupation.

- It is intended that the Occupation Area would be managed through condition of consent. For example, the boat ramp would be available for use by the public during specified hours unless closed for maintenance, safety or operational requirements. Berthage, mooring and use of the waterspace within the occupation area would be via permission of the operator. This is to ensure the safe and efficient operation of the port area.

Development engineering

11. *Please provide further information regarding the existing wastewater disposal for the current activities operating within the proposed occupation area. This can be supported by plans / diagrams of the existing system, wastewater flow calculations etc.*

- All existing wastewater disposal connects to the piped wastewater network. No changes are proposed in the application. We have searched the site file and attach the plans of existing infrastructure.

Yours faithfully



Mark Vinall
Director
TATTICO LIMITED

Encl: Revised AEE
MACA list and emails
Services plans