

# **AUCKLAND COUNCIL**

## **Notification Determination and Resource Consent Decision Report**

### **Discretionary Activity**

**SUBJECT:** To authorise the discharge of contaminants into the coastal marine environment, namely the Manukau Harbour, from an industrial or trade process comprising the Port of Onehunga by Ports of Auckland Ltd.

**FROM:** Michael Dunphy, Consultant Environmental Planner

**TO:** Jacqueline Anthony, Team Leader, Stormwater – Natural Resources and Specialist Input

**DATE:** 16 June 2011

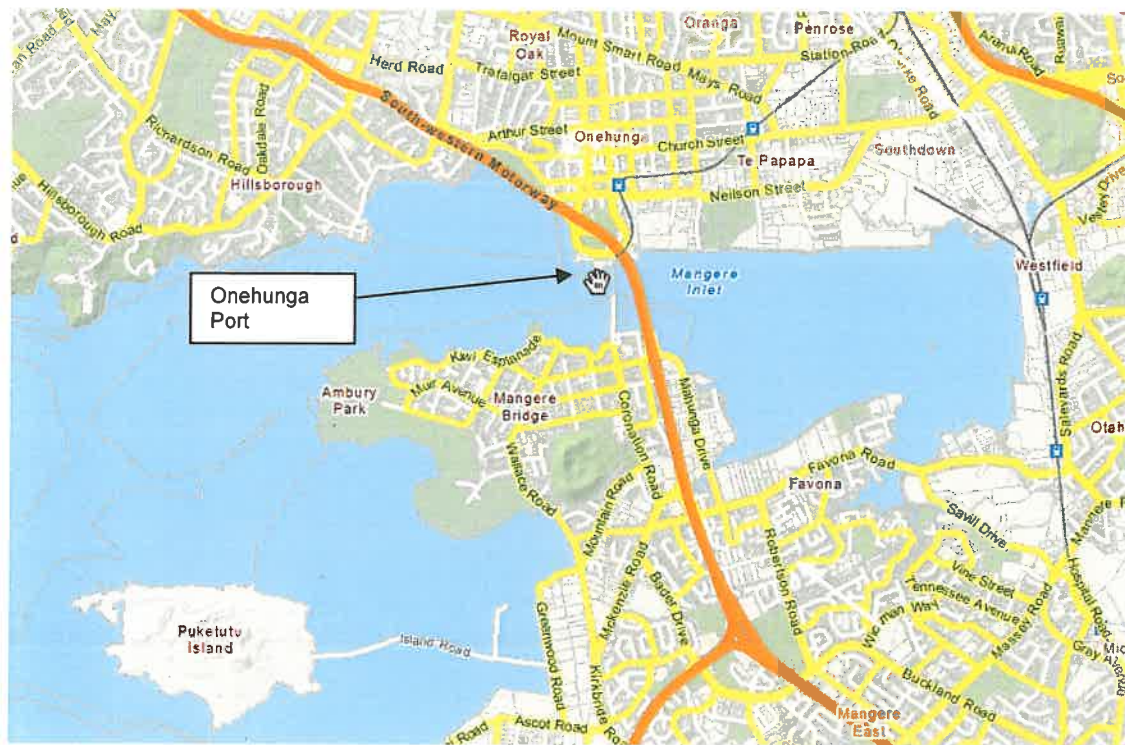
## **SECTION 1 – DESCRIPTION OF APPLICATION**

### **1.1 APPLICATION DETAILS**

Applicant's Name:	Ports of Auckland Limited
Consent Number:	25182
File Numbers:	15615
Date Application Received:	30 March 2001
Date Application Accepted:	30 March 2001
Site Address/Location:	The port wharfs and infrastructure owned and operated by Ports of Auckland Ltd. The legal descriptions are outlined below and Maps 1 and 2 illustrate the specific area in the application.
Date of Site Visit:	20 July 2010

Map Reference (NZTM):	1758913mE 5911122mN
Site Area:	3.9957ha
Legal Description:	55 Onehunga Harbour Rd – Lots 5 – 7 DP135212, Pt Allot 17 – 18 Sec 30 One VILL Land on DP674 and DP702 (CT-79D/208, CT-79D/209, CT-79D/210, CT-75C/79).  57 Onehunga Harbour Rd – Lot 1 DP90709 (CT- 47D/1056, Leasehold CT-379798).
Further Information Required:	Yes
Date Requested:	2 October 2001
Date Received:	25 May 2011
Significant/Cultural Heritage features:	Yes – two Maori Heritage sites recorded on Council's CHI
Tangata Whenua Significant Site:	Yes – two Maori Heritage sites recorded on Council's CHI
Significant Natural Heritage Areas and Value Site:	No
Relevant Territorial Authority:	Auckland Council

## 1.2 LOCATION MAP



## 1.3 APPLICATION DOCUMENTS (PLANS AND REFERENCE DOCUMENTS)

A summary of the plans and reference documents associated with the application can be found in Auckland Council (AC) File No 15615 as detailed below:

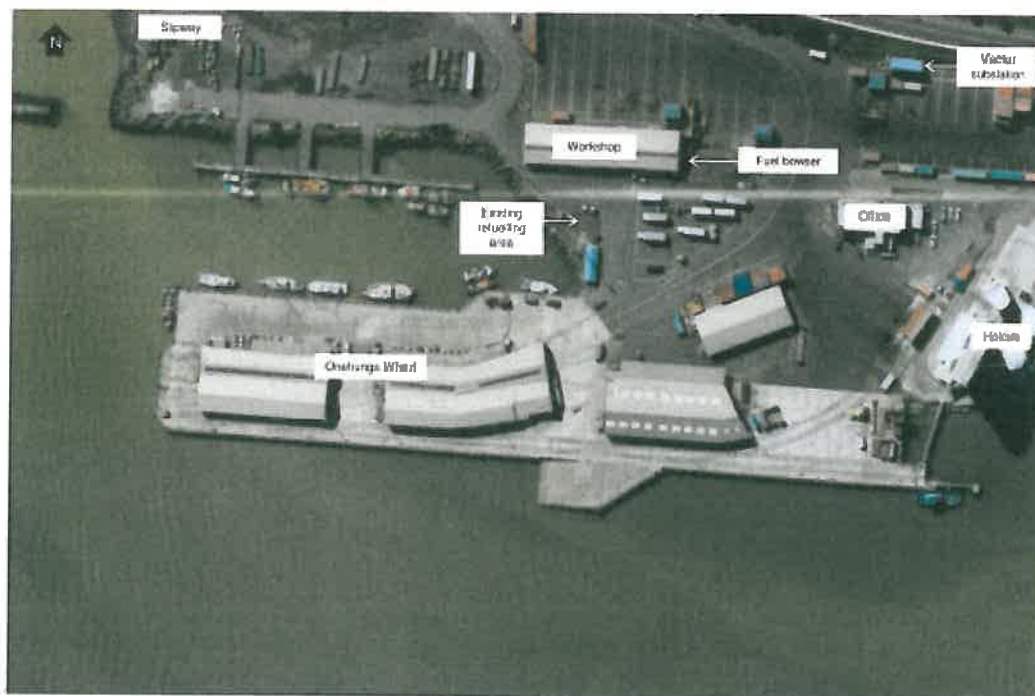
- Report: Ports of Auckland Ltd. *'Assessment of Environmental Effects: Stormwater Discharges with Existing Authorities – Port of Onehunga'*. Prepared by Beca, dated 28 March 2001,
- Report: Ports of Auckland Ltd. *'Port of Onehunga: Standard Operating Procedures & Inspection & Maintenance Requirements'*. Prepared by Beca, dated September 2010.
- Report: Ports of Auckland Ltd. *'Port of Onehunga: Environmental Management Plan: Stormwater'*. Prepared by Beca, dated September 2010.
- Plans: Ports of Auckland Stormwater Management Figure 1 Sheet 1, drawn by Beca. Located in the *'Port of Onehunga: Environmental Management Plan: Stormwater'* dated September 2010.

Letter: From Francelle Lupis (Russell McVeagh) to Jacqueline Anthony (ARC) dated 13 November 2008. Subject: *'Ports of Auckland Ltd ("POAL") Applications for Permits to Discharge Contaminants and Divert and Discharge Stormwater'*.

Letter: From Roger Seyb (Auckland Regional Council) to Ports of Auckland Ltd dated 2 October 2001. Subject: *'Resource Consent Application – Request for Further Information'*.

## 1.4 DESCRIPTION OF PROPOSAL

The Ports of Auckland Ltd, herein known as POAL, applied in 2001 to Auckland Regional Council (ARC) [now Auckland Council] for *'all necessary consents'* to authorise their activities at the ports within the Auckland region, including the *'Onehunga Port'*.



Job: Ais 5121967-100

**Figure 2: Port of Onehunga**

Not to Scale

The Port of Onehunga handles some 200,000 tonnes of break bulk cargo and 20,000 containers each year. It services coastal traders handling assorted cargos including containers, scrap metal, aggregate as well as a fishing fleet. Cement is handled by Holcim although their activities do not form part of the application area and therefore are not outlined within the Environmental Management Plan: Stormwater (EMP:S) as

provided by the applicant. The activities at the port can be divided into three main areas as described below.

1. Shipping container activities. Domestic inbound and outbound containers are handled on site. Packing and unpacking of containers is also undertaken generally within the port sheds. If a container is leaking onboard a vessel, POAL calls emergency services or a waste disposal contractor to respond to the situation. The emergency services or waste disposal contractor addresses the leak onboard the vessel at the berth before the container is landed. Isotanks have also been located on port land rather than on the wharf.
2. Fishing fleet activities. Approximately 12 permanent boats and up to 80-90 casual boats use the port for offloading fish, bunkering and maintenance of the ships at the berth.
3. Barge operations. Export of scrap metal to Australia by barge occurs from time to time. Barges also occasionally deliver scrap metal and aggregate from the South Island.

In addition to the above operations, the following activities are located at the Port to support the above activities comprising:

- Workshop – a workshop for plant maintenance is located close to the entranceway off Gloucester Road;
- Slipway – a slipway for boat structural maintenance and repairs is located in the west of the Port and is rarely used;
- Refuelling – a bunded refuelling area is situated south of the workshop. This area is used for refuelling the stevedoring contractor's plant with a mobile 800 litre tank. When not in use, the mobile tank is stored in or adjacent to the workshop. In addition, a small fixed bowser is located at the east end of the workshop and connected to an underground diesel tank.

Contractors at the Port of Onehunga include:

- Stevedoring and cargo-handling companies (including container packing and unpacking);

- Waste disposal contractors;
- Fishing companies;
- Fishing vessel providers (including refuelling);
- Road freight companies.

These activities have the potential to release contaminants as evaluated in Section 2.2 of this report, which can be mobilised by stormwater and released into the Manukau Harbour. The Manukau Harbour is a large natural harbour that is fed by numerous catchments. Due to the nature of the Port's infrastructure and the manner in which development has occurred over time, the stormwater drainage system across the site is a mix of stormwater pipes and outfalls that are owned by POAL.

This combination of diffuse and point source discharges pose limitations in regards the best practicable stormwater management options available to POAL. As a result, the application and EMP:S identifies those areas/activities that pose the greatest potential for releasing contaminants during operations and proposes source control measures and targeted structural treatment devices for the higher risk areas. In summary, the following controls will be implemented:

- Standard Operating Procedures (SOPs) e.g. Handling of break bulk
- Structural or equipment controls e.g. use of a sweeper truck
- Treatment devices e.g. oil/water interceptors for workshop

This management and procedural approach in conjunction with specific structural controls to mitigating the impacts of activities on the wharves, is considered the most effective and feasible option. Future improvements are proposed which will further mitigate the risk of the site operations.

## **1.5 REASON FOR APPLICATION**

A discharge consent is required for the discharge of stormwater and activities undertaken at the Onehunga Port's area under both the Auckland Regional Plan: Coastal (ARP:C), the Transitional Auckland Regional Plan (TARP) and the Proposed Auckland Regional Plan: Air, Land and Water 2001 (PARP:ALW).

At the time of the original application in 2001, the ARP:C had the status of proposed plan, but was granted approval by the Minister of Conservation on 5 August 2004,



providing the final requirement to make the Plan operative in part. Those parts not subject to variations became operative from 8 October 2004. The change to the Coastal Plan status since the application was lodged has not affected the activity status of the application. Section 3.2 of this report contains further discussion on changes that have occurred in relevant Plans and Statements since the application was lodged.

Chapter 20 of the ARP:C contains objectives, policies and rules relating to the discharges of contaminants into the coastal marine area (CMA). General Rule 20.5.15 states that "the diversion and discharge of stormwater, not provided for elsewhere in the chapter, requires that the application be assessed under the provisions, conditions, standards and terms of Rule 5.5.19 of the PARP:ALW if deemed to be an industrial or trade process". The application by POAL is deemed to meet the conditions of this general rule and is classed as an industrial or trade process, calling for consideration of Rule 5.5.19.

However, the rules applicable to industrial or trade processes in the PARP:ALW (5.5.14 – 19) are still subject to appeal and are therefore unable to be considered operative under the provisions of section 19 of the RMA. As a result, both the TARP and PARP:ALW are considered in determining this application and the status of the activity will be governed by the more restrictive of the relevant rules in both plans.

In summary; the activities undertaken by POAL at the Onehunga Ports area are direct discharges into the CMA, and in accordance with the considerations set out in General Rule 20.5.15 of the ARP:C, the activity status is thus considered to be consistent with Rules 5.5.14 to 5.5.19 of the PARP:ALW. However, due to the proposed nature of the PARP:ALW, and the fact that no relevant Industrial Trade process (ITP) rules exist under the TARP, the activity status is considered a discretionary activity under Rule 5.5.19 of the PARP:ALW in accordance with section 77 C(1)(a) of the RMA and Rule 5.5.19 of the PARP:ALW.

In light of the preceding discussion, the application is considered to be an Industrial or Trade Process ***discretionary activity***.

## 1.6 SITE AND NEIGHBOURHOOD / CATCHMENT / ENVIRONS DESCRIPTIONS

### 1.6.1 Site Location & Extent

The Port of Onehunga is located in the Manukau Harbour. The port as covered by this application comprises the port-owned land south of Gloucester Park Road over which the POAL has prime responsibility for stormwater discharges. The legal descriptions applicable to the site comprise:

- Lot 1 DP90709 (4,370m<sup>2</sup>);
- Pt Allot 17 – 18 Sec 30 Psh of Onehunga (1,044m<sup>2</sup>);
- Lot 5 DP135212 (2.3710ha);
- Lot 7 DP135212 (1.0833ha).

It is noted that the site is a Port Management Area in the Auckland Regional Plan: Coastal (Port Management Area 1B: Onehunga) and is described as:

*“all that part of the Coastal Marine Area bound by a line commencing at the point of Mean High Water Springs of the Manukau Harbour at map reference 2669177E, 6472966N, thence heading in a south-westerly direction at 219° for 57 metres to grid reference 2669142, thence west at 269° for a distance of 155 metres to grid reference 1668986E, 6472922N, thence in a southwards direction at 174° for 203 metres to grid reference 2669009E, 6472720N, thence east at 88° for 472 metres to grid reference 2669481E, 6472715N, thence north at 359° for a distance of 87 metres to the line of Mean High Water Springs at grid reference 2669482E, 6472802N. Thence generally east and north along the line of Mean High Water Springs to the point of commencement”.*

### 1.6.2 Background & Site History

POAL was formed in 1988 and is 100% owned by Auckland Regional Holdings (ARH), a statutory investment entity accountable to the Auckland Regional Council (ARC) [now Auckland Council]. POAL owns and operates the Port of Auckland, the Port of Onehunga, and two inland logistics sites. In addition to its own operations at the Port, POAL leases land within the Port to independent companies for port-related activities and provide port facilities for stevedoring, cargo handling contractors, MAF and Customs.



Throughout the history of Auckland's urbanisation, the ports have existed in this area, and this application seeks to authorise the discharge of contaminants for the activities outlined in the application at the Onehunga Ports wharfs. The application was accepted in March 2001, and a Section 92 request for further information was issued in October of the same year. ARC and POAL were in discussion for a number of years after this date over matters relating to the PARP:ALW. Further documentation regarding the application was then received throughout 2010 and 2011 regarding the application specific to Onehunga.

### **1.6.3 Receiving Environment**

The Port of Onehunga is located at the upper end of the Manukau Harbour. The Manukau Harbour is a large tidal inlet that is one of several shallow drowned river valleys located on the west coast of the North Island and is the receiving environment for any discharge coming from the port. The surface area of the harbour at high spring tides is 340km<sup>2</sup> of which 145km<sup>2</sup> is exposed mudflats at low spring tides. The average freshwater input is small (less than 1%) in comparison with the tidal prism. The shoreline and intertidal marine habitat of the Port of Onehunga has been highly modified by reclamation, wharf construction and dredging.

The upper end of the Manukau Harbour where the port is located has a mean tidal range of 2.8m and an average surface area of 245km<sup>2</sup>. The Wairopa Channel provides the approach to the port and drains the area known as the Mangere Inlet that has a surface area of 6.6km<sup>2</sup>. Tidal streams in the port area are between 1.5 and 2.5 knots.

Water quality within the port area is a reflection of the overall nature of the Manukau Harbour catchment and the physical nature of the port environment. The water quality of the Manukau Harbour is characterised by high turbidity due to the harbour's shallow nature and predominately muddy sediments. Sediment sources for the wider harbour area include land draining into the Manukau Harbour and the redistribution of sediment from the coastal margins.

The berthing areas in the port receive stormwater flows and associated contaminant from the port area and adjacent public land. Sediment in the stormwater settles in the berthing areas providing a passive mechanism for removal of stormwater-associated contaminants before the stormwater flows into the wider harbour. Annual deposition in the berthing areas which is derived from stormwater and wider harbour

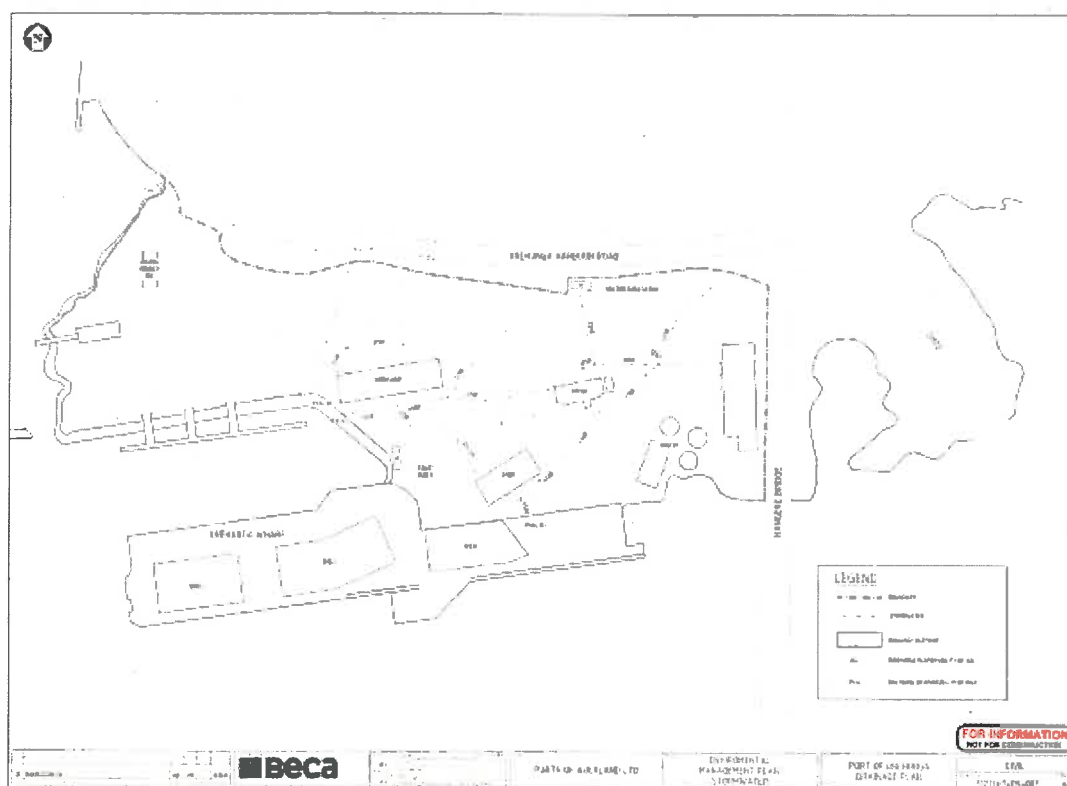
sources is up to 10,000m<sup>3</sup>. POAL have resource consent for maintenance dredging of this material.

#### 1.6.4 Site Layout & Drainage

The port areas draining into the harbour equate to approximately 5ha. Generally, stormwater falling on the port will enter the coastal marine area in one of two ways:

- The stormwater is collected in POAL's stormwater system which comprises channels, catchpits and underground pipework. It is discharged directly into the CMA;
- The stormwater falls through the wharf structure via small holes in the deck into the CMA or falls on the wharf structure and runs off the side of the wharf into the CMA.

The layout of the stormwater drainage system is outlined in Plan 3 below.



The paved central area of the port discharges into the harbour via three outfalls operated by POAL. They range in diameter from 225mm to 450mm and are located within highly modified areas of the intertidal zone. The outfalls are located within the POAL occupation permit area under S384A of the RMA.

Onehunga Wharf drains via a concrete swale which carries stormwater towards the centre of the wharf, discharging diffusely into the harbour via the cart dock. The unpaved areas to the west of the port discharge diffusely to the harbour via the vegetated foreshore and the rock bunds bordering the port.

## **SECTION 2 – DETERMINATION OF NOTIFICATION MATTERS**

### **2.1 STATUTORY PROVISIONS**

Due to this application being a discretionary activity under section 77C(1)(a) of the RMA, the notification waiver provisions for a controlled activity under Rule 5.5.17 of the PARP:ALW cannot be applied

#### **2.1.1 Request for Public Notification by Applicant [section 94C(1)]**

Under section 94(C)(1) the applicant has not requested that the application be publicly notified.

Once a proposal is deemed to be a discretionary activity, the full range of matters under section 104(1) becomes applicable and the full range of actual and/or potential effects is to be considered under section 93(1) and 94 of the RMA.

The consent authority must be satisfied that the adverse effects of the activity will be minor. If the adverse effects are more than minor, the application must be publicly notified [s93(1)(b)]. If the consent authority is satisfied that the effects of the activity will be minor, the application can be dealt with on either a limited notified or non-notified basis, depending on whether there are any affected persons and whether all the written approvals have been obtained.

### **2.2 ASSESSMENT OF THE ADVERSE EFFECTS OF THE ACTIVITY ON THE ENVIRONMENT**

In addition to the overall assessment of the environmental effects in relation to a discretionary activity, Section 94A sets out two relevant criteria to be used by Council when forming an opinion as to whether adverse effects are minor or more than minor.

- a) The permitted baseline – Council may disregard effects on the environment if the Plan permits an activity with that effect; and

- b) The exclusion of any effect on a person who has given written approval to the application.

### **2.2.1 Section 94A(a) Assessment of the permitted baseline**

The proposal is being considered under the provisions of a proposed regional plan and therefore the permitted baseline does not apply.

The following assessment of the adverse effects of the activity on the environment addresses the activity's actual and potential effects; distinguishes the nature, extent and magnitude of the effects and the significance of their consequent effect on the environment; and identifies their impact (such as continuous or intermittent, or of a long or short term duration). Where appropriate, the assessment criteria of the relevant regional plans are used as the context for assessing the potential adverse environmental effects arising from the proposal.

### **2.2.2 Assessment of Effects (to determine notification)**

Schedule 3 of the PARP:ALW identifies a number of industrial or trade processes which are considered as being high risk in relation to the potential for discharge of environmentally hazardous substances. Stormwater runoff from the impervious areas of these sites can contain contaminants such as metals, hydrocarbons and sediment. In addition, inappropriate management practices can result in discharges of associated with the activity being released onto or into land or water. One of the key principles of the ALW Plan is to ensure that discharges of environmentally hazardous substances onto or into land or water are avoided where practicable; or the effects of discharges are remedied or mitigated where they cannot be avoided. This approach is consistent with that required by Part 2 of the RMA.

The POAL activities at the Onehunga Ports area is one such high risk industrial or trade process as determined in sections 1.4 and 1.5 of this report. The potential contaminants of concern arising from the operations undertaken on site are:

- Total suspended solids (TSS): dust, sediment arising from vehicle movements, handling of goods and storage of containers
- Gross pollutants: Such as litter, wood from pallets, debris from cargo handling activities, loose substances/materials from cargo and goods being loaded and unloaded and from shipping container cleaning.

- Inorganics: Metals such as copper, lead and zinc from general engine/machinery wear and use across the site. Bulk minerals and inorganic chemicals such as hydrogen peroxide from spills and leakage.
- Organics: Total Petroleum Hydrocarbons (TPH) such as oils, grease, paints, solvents, hydraulic fluid, and fuel from vehicles during movement around site, vehicle service areas, shipping container cleaning, refuelling areas and the presence of transformers and substations.

Other contaminants may arise from:

- Waste handling and disposal (oils, metals, solvents, organic waste, litter, office rubbish);
- Workshop activities (organics, inorganics (hydrocarbons, minerals))
- Drier and generator refuelling and fuel storage – Greases, oils, hydrocarbons
- Straddle carrier and heavy vehicle refuelling – Greases, oils, fuels, hydraulic fluid
- Building and ground maintenance – Oils, paints, solvents, metals, dust
- Shipping container maintenance – Inorganics, oily wastes, greases, paint & metal debris, solvents

The application and the associated Environmental Management Plan: Stormwater does not propose to install treatment devices to treat all the stormwater runoff from the site pavement and wharfs. There are significant limitations in terms of both practical and financial feasibility for implementing this form of approach, however more pertinently; it is unlikely that the whole site would require such an extensive network of treatment devices.

POAL seek to manage the potential discharge of contaminants from the site through application of the following principles:

- Installation of a oil/water separator for the refuelling area adjacent to the workshop with associated bunding of the area;
- Source control and operational and management practices applied throughout the POAL site, supported by structural measures for specific discrete

activities with greater potential for discharge of contaminant-affected stormwater.

- A flexible framework of control measures to accommodate changes at the port.

A full list of procedural and structural measures to be adopted or constructed are listed in table 2 of the EMP:S. This approach is similar to that employed at the Auckland Ports as authorised under Permit No 25179.

The most significant contaminants of concern that could enter the receiving environment from the wharves are suspended solids and the chemicals attached to, or forming part of these solids. Suspended solids and their associated chemicals are generated by a combination of handling/product spills and vehicle movements around the wharfs. The stormwater runoff from the impervious areas mobilises these solids and transfers them to the CMA where the contaminants accumulate in sediments possibly reaching concentrations that are toxic to biota.

#### **Total suspended solids (TSS)**

The most likely source of TSS entering the receiving environment is via the loss of materials through accidental handling spills and general dust accumulation on the site pavement surface from Port activities. Material or substances lost in these spills can be mobilized and directly discharged into the CMA through stormwater runoff.

Spills associated with the transportation of goods from ship to wharf have also been identified as a source of direct discharge into the CMA. Due to the practicalities and safety of personnel who may be involved in an immediate spill response between the ship and the wharf, the proposal sets out a robust spill prevention plan to avoid these types of spills. The use of a sheeting system (deflectors) attached from the ship to the wharf will be used to direct any spills, leaks or sediment loss onto the wharf rather than into the water.

In addition to the use of sheeting, a surface sweeping regime is proposed for the pavement and paved wharf surfaces to capture loose debris and contaminants from the surface of the site pavements and wharfs. The total area available to be swept would be limited by stored objects e.g. containers, however POAL have developed a Standard Operating Procedure called '*Sweeping and Gross Litter Collection, 6 weekly*' which details the sweeping regime and is contained in the Standard



Operating Procedures and Inspection and Maintenance Requirements document held on site.

## Chemicals

Chemicals accumulate on the wharfs from vehicle movements, for example, zinc from tyres, copper from brake pads, petroleum hydrocarbons from engine and drivetrain leaks, polycyclic aromatic hydrocarbons (PAH) from exhausts and a large number of other chemicals, particularly from tyres, in small quantities.

The discharge of these contaminants into the CMA could cause adverse effects on marine aquatic life, particularly animals living in the seabed sediment. There is no specific information available regarding the quantity of suspended solids or chemicals released into the CMA by POAL, but the following assessment draws upon the conclusions outlined within Technical Report No 31 (TR31) *“Environmental Condition and Values of Mangere Inlet, Whau Estuary and Tamaki Estuary”*.

In essence, the actual volume of sediment deposited within the wharf area is unknown and cannot be measured with the structures in place. Accordingly, estimates from models that are based on monitoring and survey data for sediments and chemicals have been used in the following assessment.

TR31 states that:

*“the coastline of Mangere Inlet has been highly modified by “reclamation” and industrial development, and the coastal environment has a long history of contamination. Environmental quality improved after the Mangere Wastewater Treatment Plant (MWWTP) was built, but stormwater contaminants, unauthorized discharges from industrial sites and the discharge from the MWWTP still affect water and sediment quality. Mangere Inlet is dominated by muddy sediments, which are moderately contaminated with copper and zinc on the northern shore of the inner inlet. Isolated hot spots of contamination also occur in this area. In contrast, sites on the southern shore and outer inlet appear to have relatively good sediment quality. Mussels, oysters and flounder collected from Mangere Inlet tend to have relatively high concentrations of organic contaminants in their tissues, and relatively high concentrations of lead have been found in the blood of South Island pied oystercatchers”.*

The above analysis would suggest that the Manukau Harbour has a high background of sediment loading and contaminant concentrations. As a proxy, a similar set of protocols and structural controls have been imposed upon the Commercial Port wharves located in downtown Auckland and this approach was subsequently authorised under Permit No 25179. Moreover, studies from the Commercial Ports have indicated that dredging of the adjacent seabed sediment removes a majority of the sediment loads derived from the wharf activities and a similar process is in place for the Onehunga Port.

### **Other sources of contamination**

The use and storage of petroleum hydrocarbons in the POAL area are more extensive activities than are conducted elsewhere in the adjacent catchments. Potential leaks and spills are most likely to occur during the refilling and refuelling of the storage containers and the vehicles used on site. Specific structural controls and SOPs are proposed and the implementation of an Emergency Spill Response Plan will significantly reduce the likelihood of any lost fuel entering the stormwater.

The other contaminants of concern, some of which are listed above, are also subject to specific or generic standard operating procedures. Secondary containment for the storage of environmentally hazardous substances is currently in place for some substances, and the proposal outlines future improvements to current practices that are not in line with current best practice.

### **2.2.3 Conclusion**

In the context of a degraded marine system with high contaminant loadings and poor water quality, the adverse effects from the stormwater discharges from the Onehunga Port is considered to be less than minor. In comparison with the Commercial Ports with an area of 90 hectares, it was concluded that this facility played a minor contribution into the overall contaminant load into the Waitemata Harbour. The Onehunga Port is of a much lesser scale (5ha versus 90ha) with smaller freight volumes and in this respect, subject to compliance with similar operating procedures will generate limited contaminants.

With respect to the maintenance and refuelling of the straddle carriers and supporting equipment used to transport containers around the site, this work will be carried out in discrete areas that will be bunded and will drain to oil/water separators. The

storage of any associated environmentally hazardous substances will also be in secondary containment devices to prevent leaks or spills reaching the CMA .

A key environmental management tool for addressing these issues is the preparation and implementation of a site specific environmental management plan for stormwater (EMP:S). This plan identifies the environmentally hazardous substances associated with the industrial or trade process and sets out methods, controls and procedures to avoid, remedy or mitigate discharges. Conditions of consent will include requirements to follow the operating procedures in the EMP:S and regular reviews of this document will enable the POAL staff to continually review agreed practices.

Taking into account the above assessment of effects in relation to POAL activities on the Onehunga Port wharfs, and the planned structural improvements outlined in the EMP:S, it is concluded that there will be a no more than minor effect on the receiving environment of the Manukau Harbour.

## **2.3 FORMING AN OPINION AS TO WHO MAY BE ADVERSELY AFFECTED**

### **2.3.1 Identification of who may be adversely affected by the granting of the application and whether written approval has been obtained.**

The effects of the proposed activity on the environment would be no more than minor and it is considered that there are no persons who are considered to be adversely affected by the proposal for the following reasons.

1. The stormwater discharges from the Ports area will flow directly into the Manukau Harbour and the degree of mixing that will take place would mitigate any affects on the quality of the water which is used by others.
2. Sediments that do deposit would be dredged as part of the dredging programme that is currently consented to remove the sediment solids deposited in the harbour from all other adjacent catchments.
3. The Manukau Harbour is a heavily utilised port for both commercial and recreational purposes, and is held in high regard as an asset by the local community. In this respect, it is considered a viable regionally significant infrastructure for which the adverse effects from stormwater discharges can be mitigated.

In addition, following the assessment of environmental effects in section 2.2.2, a proposed number of source and procedural controls on the wharves will seek to prevent stormwater becoming contaminated, and the potential effects of the stormwater run-off from the wharves entering the harbour will be localised to the immediate receiving environment.

Moreover, there is no general public admittance into the Ports operational area and a 50 metre exclusion zone exists around the wharfs in accordance with the New Zealand Maritime Security Act 2004.

Therefore the potential effect on harbours users is likely to be less than minor as public access is highly restricted in and around the vicinity of the wharfs and the effects on the environment are likely to be no more than minor and restricted to a small area around the site.

## **2.4 DO SPECIAL CIRCUMSTANCES EXIST?**

There are no special circumstances that exist in relation to this application which would require the application to be publicly notified.

## **2.5 RECOMMENDATION ON NOTIFICATION**

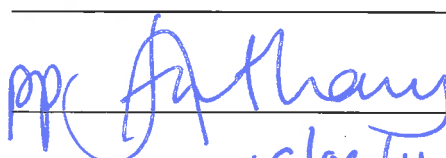
It is recommended that the application be processed on a **non notified** basis for the following reasons:

- The adverse effects on the environment from the activity for which consent is sought will be less than minor because all potentially environmentally hazardous substances will be stored within secondary containment and/or covered throughout the POAL Onehunga Ports site subject to this application; and
- All potentially contaminated stormwater runoff from the identified high risk areas will drain to oil/water separators; and
- Sufficient measures to control the discharge of potential contaminants from the loading and unloading of cargo on the wharfs will be implemented and monitored;
- There are no persons considered adversely affected by the granting of this consent.
- Special circumstances do not exist; and
- The applicant has not requested public notification of the proposal.

## 2.6 NOTIFICATION DECISION

Reported and Recommended by: Michael Dunphy

Title of Reporting Officer: Consultant Environmental Planner

Signed: 

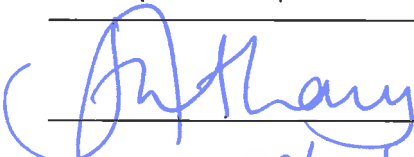
Date: 15/06/11

## 2.7 DETERMINATION OF NOTIFICATION.

Acting under delegated authority and for the reasons set out in the above assessment, Consent Numbers 25182 shall be non-notified.

Team Manager: Jacqueline Anthony

Title: Team Leader, Stormwater, Natural Resources and Specialist Input

Signed: 

Date: 15/06/11

## SECTION 3 – ASSESSMENT OF APPLICATION

### 3.1 STATUTORY CONSIDERATIONS

When considering an application for a discretionary or non complying activity the consent authority must have regard to Part 2 of the RMA ("Purposes and Principles" – sections 5 to 8), and sections 104, 104B, 104D, and where relevant sections 105, 107, 107A-D, and 107E of the RMA.

The statutory considerations under section 104 provide the 'legal framework' within which the application is addressed. Among other things, this framework requires consideration of any actual or potential effects on the environment; the relevant provisions of national environmental standards, national policy statements (including the NZ coastal policy statement); regional policy statements and regional plans (both operative and proposed); and any other relevant and reasonably necessary matters to determine the application.

All considerations are subject to Part 2 of the Resource Management Act, which sets out the purpose and principles that guide this legislation. This means the matters in Part 2 prevail over other provisions of the RMA or provisions in planning instruments (e.g. regional plans) in the event of a conflict. Section 5 states the purpose of the RMA and sections 6, 7 and 8 are principles intended to provide additional guidance as to the way in which the purpose is to be achieved.

The application of Section 5 involves an overall broad judgement of whether a proposal will promote the sustainable management of natural and physical resources. The RMA's use of the terms "*use, development and protection*" are a general indication that all resources are to be managed in a sustainable way, or at a rate which enables people and communities to provide for their social, economic, and cultural wellbeing, and for their health and safety. The enabling and management functions found in section 5(2) should be considered of equal importance and taken as a whole.

Sections 6, 7 and 8 of the RMA provide further context and guidance to the constraints found in section 5(2)(a),(b) and (c). The commencing words to these sections differ, thereby laying down the relative weight to be given to each section.

Section 6 of the RMA sets out the matters of national importance which need to be recognised and provided for and includes among other things and in no order of priority, the protection of outstanding natural features and landscapes, the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna, and the protection of historic heritage.

Section 7 of the RMA requires the consent authority to give particular regard to those matters listed in the section. Section 7 matters are not expressly ranked in order of priority. Therefore, all aspects of this section are to be considered equally.



Section 8 of the RMA requires the consent authority to take into account the principles of the Treaty of Waitangi. This section of the RMA recognises the relationship of Tangata Whenua with natural and physical resources and encourages active participation and consultation with Tangata Whenua. Any relevant matters are considered in the evaluation section of this report.

Section 104(2) allows any effects that may arise from permitted activities set out in a national environmental standard or a plan to be excluded from the assessment of effects related to the resource consent. This is known as the permitted baseline test. The 'baseline' constitutes the existing environment (excluding existing use rights) against which a proposed activity's degree of adverse effect is assessed. Generally it is only the adverse effects over and above those forming the baseline that are relevant when considering whether the effects are minor. It is at the Council's discretion whether to apply the assessment of the permitted baseline to any proposal.

When considering an application for resource consent, the Council must not have regard to trade competition or the effects of trade competition [104(3)(a)(i)] or any effect on a person who has given their written approval to the application [section 104(3)(a)(ii)] and may disregard an adverse effect of any activity on the environment if a national environmental standard or an operative plan permits an activity with that effect [section 104(2)].

Under section 104B a consent authority may grant or refuse consent for a discretionary activity or non complying activity and may impose conditions.

## **3.2 SECTION 104 EVALUATION**

### **3.2.1 Section 104(1)(a) – Consideration of the Actual and Potential Effects on the Environment**

The assessment of environmental effects undertaken in the Assessment of Effects (Section 2.2.2) section of this report concluded that the adverse effects arising from the proposal will be no more than minor because the applicant has proposed the best practicable option for the management of contaminants and stormwater discharges from the site.

The receiving environment comprises the Manukau Harbour, however the applicant has proposed measures as part of the application to ensure that there are no

contaminated discharges leaving the wharfs. Stormwater runoff from discrete high risk areas will be treated by an oil/water separator or sent to trade waste.

The assessment of environmental effects undertaken in forming an opinion as to who may be adversely affected is described in Section 2.3 of this report.

### **3.2.2 Section 104(1)(b)(i) - Consideration of any relevant provisions of a National Policy Statement.**

There are no National Policy Statements that are considered relevant to this proposal.

### **3.2.3 Section 104(1)(b)(ii) – Consideration of any relevant provisions of a New Zealand Coastal Policy Statement.**

The purpose of the New Zealand Coastal Policy Statement 1994 (NZCPS) is to state policies in order to achieve the purpose of the Resource Management Act, in relation to the coastal environment of New Zealand.

The relevant policies of the NZCPS are the preservation of the natural character of the coastal environment which includes protection from inappropriate subdivision, use and development; protecting areas of significant indigenous vegetation and habitats of indigenous fauna in that environment; protecting the following features which are essential or important elements of the natural character of the coastal environment: landscapes, seascapes and landforms, areas of spiritual, historical or cultural significance to Maori and significant places of historic or cultural significance; protecting the integrity, functioning and resilience of the coastal environment; and to restore and rehabilitate the natural character of the coastal environment.

The NZCPS assessed in the 2001 consent application has now been superseded as discussed below. Section 6.2 of the 2001 consent application makes an assessment of the proposal against the relevant policies of this Statement and concludes that it is not contrary to the policies. However, the NZCPS has been reviewed since the application was lodged and a Proposed New Zealand Coastal Policy Statement was released in May 2008. The NZCPS 2010 was issued by notice in the New Zealand Gazette on 4<sup>th</sup> November 2010 and took effect on the 3<sup>rd</sup> December 2010.

The relevant provisions of the NZCPS 1994 are discussed in the following paragraphs. It is noted that an assessment against the NZCPS 2010 has also been

undertaken and that there is significant cross-referencing between the two statements.

**Chapter 1: National priorities for the preservation of the natural character of the coastal environment including protection from inappropriate subdivision, use and development.**

***Policy 1.1.1***

*It is a national priority to preserve the natural character of the coastal environment by:*

- a) encouraging appropriate subdivision, use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment:*
- b) taking into account the potential effects of subdivision, use, or development on the values relating to the natural character of the coastal environment, both within and outside the immediate location; and*
- c) avoiding cumulative adverse effects of subdivision, use and development in the coastal environment.*

POAL have occupied the ports area for a number of years and, over this time, has extended and developed it's infrastructure to accommodate its growing needs. The area has been highly modified, but the area it occupies is constrained. This application does not seek to increase the range of activities carried out by the POAL, but seeks to authorise the current discharges and address the cumulative effect of operations through the implementation of better working practices.

Objective 2 in the proposed NZCPS seeks to manage subdivision, use and development in the coastal environment to ensure that they occur in places, forms and within limits consistent with sustainable management. Policies 14, 15, 17 and 22 are relevant to the application and support Objective 2. In essence, they require policy statements and plans to manage appropriate use and development of the coastal environment. Use of the Onehunga Port is consistent with the Regional Policy Statement and the objectives, policies and rules of the relevant Port Management Areas in the Regional Plan: Coastal, which provide guidance for sustainable management of the area.

Objective 3 of the proposed NZCPS seeks to preserve the natural character of the coastal environment through maintaining water quality (Policy 30) and appropriate use and development (Policy 33). The Onehunga Port areas are highly modified and

have low natural character value (refer to section 2.2 of the 2001 application). The proposed works set out in the EMP:S will, however, have beneficial effects on water quality in the wider harbour and are consistent with the general intent of Objective 3 and with Policies 30 and 33.

**Chapter 2: The protection of the characteristics of the coastal environment of special value to the Tangata Whenua including Waahi Tapu, Tauranga Waka, Mahinga Maataitai and Taonga Raranga.**

**Policy 2.1.2**

*Protection of the characteristics of the coastal environment of special value to the tangata whenua should be carried out in accordance with tikanga Maori. Provision should be made to determine, in accordance with tikanga Maori, the means whereby the characteristics are to be protected.*

There are a number of hapu in the Auckland area which have identified themselves as having a level of mana whenua or kaitiakitanga in the Auckland Region. These are:

Hapu	Representative Trust Board	Relevant Planning document
Ngāti Whātua O Ōrākei	Ngāti Whātua o Ōrākei Maori Trust Board	Ngāti Whātua o Ōrākei Maori Trust Board Regional Policy Document January 1994
Te Kawerau a Maki	Te Kawerau Iwi Tribal Authority	Kawerau a Maki Trust Resource Management Statement May 1995
Ngāti Maru (Hauraki)	Hauraki Māori Trust Board	Hauraki Iwi Environmental Plan March 2004
Patukirikiri	Hauraki Māori Trust Board	
Ngāti Tamaterā	Hauraki Māori Trust Board	
Ngāti Paoa	Ngati Paoa Whanau Trust	Ngāti Paoa Resource Management Plan May 1996
Ngāi Tai (Hauraki)	Hauraki Māori Trust Board	Ngāi Tai Kaitiaki/Resource Management Principles and Operational Policies (no date)
Waikato Tainui	Waikato Raupatu Lands Trust	Waikato Iwi Management Plan: Manuka 1996

The relevant Iwi Planning Documents for the relevant Authorities, Trusts and Trust Boards have been reviewed and generally they provide for the protection and enhancement of the Manukau Harbour. There was no specific reference to either the POAL or their associated activities. Due to the nature of the stormwater management works proposed by POAL, it is considered that the proposal will provide

for longer term environmental benefits to the Manukau Harbour through the issue of this consent.

### **Chapter 3: Activities involving the subdivision, use or development of areas of the coastal environment.**

#### ***Policies***

- 3.1.1 *Use of the coast by the public should not be allowed to have significant adverse effects on the coastal environment, amenity values, nor on the safety of the public nor on the enjoyment of the coast by the public.*
- 3.2.2 *Adverse effects of subdivision, use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the effects should be mitigated and provision made for remedying those effects, to the extent practicable.*
- 3.2.4 *Provision should be made to ensure that the cumulative effects of activities, collectively, in the coastal environment are not adverse to a significant degree.*
- 3.2.5 *Subdivision, use and development in the coastal environment should be conditional on the provision of adequate services (particularly the disposal of wastes), and the adverse effects of providing those services should be taken into account when preparing policy statements and plans and when considering applications for resource consents.*

These policies from Chapter 3 seek to ensure that the effects of subdivision or the use and development of a site do not pose any significant adverse effects to the environment, those who use the coastal environment or and that any cumulative effects do not cause harm to a significant degree. There are limited direct impacts to the public from the proposals due to the nature of the activities.

In addition to the discussion above, the NZCPS 2010 introduces the following objective and policy which is deemed relevant to the application.

Objective 6 of the NZCPS 2010 seeks to maintain water quality or improve it over time, where it has deteriorated from its natural state. Policies 5, 13, 14, and 21 to 23 set out the means by which this objective is to be achieved. Water quality in the Onehunga Port area is already degraded (refer to Section 2 of the 2001 application) and the EMP:S provides measures to reduce the risk of discharge of stormwater contaminants, consistent with the objective and policies.

Water quality within the Onehunga Port area is subject to highly urbanised runoff, and can therefore be considered of a degraded nature in the immediate surrounds of the wharfs. However, POAL's application seeks to prevent further degradation of these waters and reduce the risk of contaminated stormwater entering the receiving environment. It is considered that the application is consistent with these policies.

Objective 1 provides for social, economic and cultural wellbeing of people and communities through the use, development and protection of resources in the coastal environment. The Onehunga Port is a regionally and nationally strategic infrastructure and is considered a key part of New Zealand's economic health.

Policy 11 requires regional coastal plans to control activities with biosecurity risks. The standard operating procedures set out appropriate measures to address disposal of port waste posing biosecurity risks, consistent with this policy.

### **3.2.4 Section 104(1)(b)(iii) - Consideration of the relevant provisions of the Auckland Regional Policy Statement (ARPS).**

The ARPS is a strategic document which sets out the direction of managing the use, development and protection of the natural and physical resources of the Auckland region. This document became operative in 1999. In 2005, the ARC publicly notified Proposed Change 6 in response to the Local Government Amendment Act 2004 (LGAAA) which sought to amend, amongst other things, the regional overview and strategic direction of the ARPS and mainly consisted of changes to Chapter 2 (Regional Overview and Direction) and Chapter 4 (Transport).

These amendments sought to codify the growth and transport strategies that had been promulgated and agreed to in the Regional Growth Strategy and the associated Sector Agreements.

As at the 31 July 2007, the ARC has released its decisions regarding Proposed Change 6 and matters now lie within the appeal period. Given the stage in the statutory process at which Proposed Change 6 currently finds itself, it is considered that some weighting should be given to the decision version of Plan Change 6, although the proposal must also be assessed against the operative policy statement.

The strategic objectives and policies of the ARPS provide a framework to achieve the integrated, consistent and co-ordinated management of the Region's resources. This framework seeks to avoid compromising the strategic direction of containment and intensification and adverse effects on the environment.



Under the ARPS, matters related to environmental protection, such as the coastal environment, water quality, water conservation and allocation and air quality have specific objectives, policies and methods to achieve sustainable and integrated management of major natural and physical resources in the Region.

The operative ARPS is unchanged from the assessment undertaken in the 2001 consent application. Accordingly, the following provisions are considered relevant to this application:

## **Chapter 2 Regional overview and strategic direction**

### **2.5.1 Strategic objectives**

4. *To preserve the natural character of the coastal environment, whilst ensuring that the use of the coastal environment by those industries and activities which serve the needs of the Region and which depend on a coastal location is appropriate and efficient.*
- a. *To protect the intrinsic values of the Region's natural resource base, and to make appropriate provision for the avoidance, remediation or mitigation of adverse effects on the Region's environment, including the identification of significant indigenous vegetation and habitat, and protection of these from inappropriate subdivision use and development.*
8. *To manage the Region's natural and physical resources in an integrated manner.*

### **2.5.2 Strategic policies**

1. *The use, development and protection of natural and physical resources in the Region is to be managed so that the Region's growth is accommodated in a manner and in locations which are consistent with the Strategic Objectives and which promote the sustainable management of those resources.*
6. *Provision is to be made to enable the safe and efficient operation of existing regional infrastructure which is necessary for the social, and economic wellbeing of the region's people, and for the development of regional infrastructure (including transport and energy facilities and services) in a manner which is consistent with this strategic direction and which avoids, remedies or mitigates any adverse effects of those activities on the environment.*

8. *Resource management processes in the region are to be carried out in ways which ensure that affected parties are consulted at an early stage, and in particular Tangata Whenua involvement as kaitiaki of the Region's natural resources is to be facilitated.*

## **Policies**

### **2.6.1-Urban Growth Management**

2. *Urban development shall be contained within the defined limits (including the metropolitan urban limits and the limits of rural and coastal settlements – referred to in Strategic Policy 2.5.2-3) shown in the RPS from time to time, and its form shall be planned and undertaken through an integrated process on a regional basis and in ways that are consistent with the Strategic Direction and:*

- (iv) enable the operation of existing regional infrastructure and the provision of necessary new or upgraded regional infrastructure which is operated and developed in a manner which ensures that any adverse effects of those activities on the environment are avoided, remedied or mitigated;*
- (viii) avoids, remedies, or mitigates adverse effects on the environment.*

### **2.6.7 Regionally significant infrastructure or services**

*The safe and efficient operation of existing Regional infrastructure and the provision of necessary new Regional infrastructure is to be enabled, planned and undertaken in ways that:*

- Are consistent with the Strategic Direction, and with the policies and methods for Urban Growth Management (2.6.1) and for Rural Areas (2.6.4);*
- Consider and make appropriate provision for the following matters:*
  - i) The avoidance of significant adverse effects (including cumulative adverse effects) on:*
    - (b) amenity values throughout the whole of the Region...*

Chapter 2 of the ARPS provides an overview of resource management in the Region and establishes a strategic approach for the management of these resources. The social and economic well being and health and safety of the region are dependent on the availability and efficient operation of necessary services, including the Ports of Auckland. The POAL resource consent application is considered consistent with the

objectives and policies listed above from Chapter 2. The location of the Ports is in a highly urbanised area and the proposals in the application endeavour to minimise the environmental impacts of the POAL activities. The regional significance of the Ports infrastructure is detailed in Section 1.4 of this report, and the application seeks to maintain operations by avoiding significant adverse effects on the Manukau Harbour.

Chapter 3 (Matters of Significance to Iwi) states broad issues which are of significance to Tangata Whenua. No issues of significance to iwi have been identified.

## **Chapter 6 Heritage**

### **Objectives**

1. *To preserve or protect a diverse and representative range of the Auckland Region's heritage resources.*
2. *To maintain, enhance or provide public access to the Region's heritage resources consistent with their ownership and maintenance of their heritage value.*

### **Policies**

#### **6.4.1 Policies: Heritage preservation and protection**

3. *The subdivision of land, and use and development of natural and physical resources shall be controlled in such a manner that:*
  - (i) *the values of heritage resources of international, national or regional significance are preserved or protected from significant adverse effects.*

#### **6.4.4 Policies: Heritage use and access**

4. *Public access to heritage resources shall be restricted where it is necessary to:*
  - (iii) *protect public health and safety;*

Chapter 6 (Heritage) covers the cultural environment and includes things such as sites, artefacts and historical associations. Within the application site, two Cultural Heritage sites have been identified in the Cultural Heritage Inventory (CHI).

Although there are a number of cultural heritage sites recorded in the vicinity, access is currently restricted to protect the health and safety of the public. None of these

sites have been identified as of importance to Maori and do not appear to be impacted upon through this application. In this respect, there are no cultural heritage concerns with the proposed renewal and maintenance works proposed.

## **Chapter 7 Coastal environment**

### **Objectives**

1. *To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use and development.*
4. *To enable the use of the coastal environment for appropriate port purposes, other water-related industrial and commercial activities and network utilities.*
9. *To recognise and provide for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga of the coastal environment.*
11. *To recognise as a matter of national significance the interrelationship between the Hauraki Gulf, its islands and its catchments, by providing for the protection, and where appropriate enhancement of those resources, features, characteristics and associations in accordance with s8 of the Hauraki Gulf Marine Park Act 2000.*

### **Policies**

#### **7.4.1 Coastal environment**

*In determining the extent of the coastal environment of the Auckland Region, the following areas and features shall be taken into consideration:*

- (vi) *any land adjacent to the coast from which surface drainage may flow directly to the CMA*
- (viii) *any land adjacent to the coast where activities may take place which have a direct physical connection with or impact on the CMA.*

The objectives seek to sustain the natural character of the coastline while acknowledging that it is used for commercial and industrial purposes; many of which have significance to the economic framework of Auckland such as the POAL Onehunga Port's area which are identified by virtue of (iv) and (viii) above. These objectives also provide a guiding framework for the application of Chapter 7.

#### **7.4.4 Natural character of the coastal environment**

1. *The natural character of the coastal environment shall be preserved, and protected from inappropriate subdivision, use and development by:*

- (iii) *In areas which are not of high natural character, avoiding where practicable or remedying, or mitigating the adverse effects of subdivision, use and development on the elements of natural character outlined in Policy 7.4.4-1 (i)(a)-(i) except those adverse effects which are to be avoided in 7.4.4-1 (ii) above."*

The POAL site can be defined as an area of limited natural character due to the historic use and development of the site; however the application does propose measures to mitigate the Port's impact on the receiving environment and prevent further degradation of the remaining natural environment.

#### *7.4.10 Subdivision, use and development*

1. *The diverse range of values of the coastal environment shall be recognised and the need to enable people and communities to provide for their social, economic and cultural wellbeing shall be provided for in appropriate areas of the coastal environment.*
2. *In assessing the appropriateness of subdivision, use and development in the coastal environment particular regard shall be had to the following matters:*
  - (iii) *amenity values are maintained or enhanced as far as practicable;*
  - (v) *there is a functional need for use and development in the CMA;*
  - (viii) *there are no significant adverse effects of activities on the CMA, or on adjacent land including effects across the MHWS boundary*
3. *A precautionary approach shall be taken by local authorities when providing for and assessing subdivision, use and development in the coastal environment where potentially significant adverse effects may arise.*
8. *Appropriate subdivision, use and development shall be encouraged to locate in areas where the natural character has already been compromised, thereby*

*avoiding sprawling or sporadic subdivision, use and development in the coastal environment.*

9. *Notwithstanding Policy 7.4.10-8, regard shall be had to the protection of those elements of remaining natural character which continue to exist in areas where human modifications or activities predominate."*

It is considered the proposal generally is consistent with the above policies recognising that the port activities have been established on this site for many years. POAL are significant employers in the region and employ approximately 500 full time staff throughout their operations. The value of imports and exports through the Port each year exceeds \$20 billion, indirectly supporting thousands of employment opportunities in the upper North Island.

In terms of location, shipping ports have existed in Auckland in their current location, in one form or another, since the mid-1800's. The POAL operation has built on the historic use of the harbour and the Port's establishment of today is very much more concentrated than that in the past. The proposal provides a number of improvement measures to the existing Port's infrastructure and operations.

#### *7.4.13 Public access*

1. *Public access shall be maintained and enhanced to and along the CMA and to publicly owned land in the coastal environment.*
3. *Public access to and along the CMA should only be restricted where it is necessary to:*
  - (iii) *protect public health and safety; or*
  - (iv) *ensure a level of security consistent with the purpose of a resource consent;*

This is not feasible and in the interests of public safety, an exclusion zone exists on the port operating areas and Wharfs and extends 50 metres in the sea around each wharf. This exclusion zone prohibits access to the wharfs and also acts as a buffer zone for any discharges from the outfalls around the wharfs. Public safety is paramount and this exclusion zone is required to enable the Ports to operate in an area of the Manukau Harbour CMA which is used by the public.



#### 7.4.16 Recreation

2. *Coastal areas of special recreational value shall be identified and provision made for their maintenance or enhancement.*

The Onehunga Port is located in an area that is partially utilised for recreational purposes. The movement of cargo in and out of New Zealand Ports is subject to regulation by the Ministry for Agriculture and Forestry and New Zealand Customs, and the historic co-existence of both recreational and industrial activities are integral to the harbour. However, the nature of this consent application seeks to improve the quality of the discharges from the Port operating areas, which is a long term benefit to the wider population who use the harbour for boating activities and fishing. There are no specific special recreational areas identified around the Port wharfs.

#### 7.4.19 Ports, network utilities and other water related activities

1. *Port and other water related industrial and commercial activities and network utilities which depend upon the use of the natural and physical resources of the coastal environment shall be provided for in a manner which is consistent with Policy 2.6.7: Regionally Significant Infrastructure or Services and Policies 7.4.10 (1-10).*

Policy 2.6.7 addresses the need for the safe and efficient operation of both existing and future Regional infrastructure and that 'it is enabled, planned and undertaken in ways that avoid significant adverse effects'. Policy 7.4.19 (1) ties this requirement with the above policies taken from Chapter 7 which address matters relevant to the Ports. The policies highlight the issues that need to be taken into consideration to ensure that the Port activities are appropriate and do not impact on natural character or functionality of the CMA. It has been demonstrated in the application that the impacts associated with the continued use of the CMA by the Ports will be either prevented or mitigated through the implementation of specific source control measures and standard operating procedures.

#### 7.4.28 Significant resource management issues for Tangata Whenua

1. *Maori cultural and traditional values shall be recognised and taken into account in the management of the coastal environment.*

This policy should be read in conjunction with Chapter 3 of the ARP:S. The objectives outlined in this chapter seek to sustain the mauri of natural and physical resources in a manner that still provides for the social, economic and cultural well

being of Maori. The relationship between Tangata Whenua and their culture and traditions with their ancestral taonga must be given a priority when it conflicts with other values. One of the ways this can be recognised and addressed is through having regard for the principles of the Treaty of Waitangi

It is concluded through the review of iwi Management Plans and a review of the impact that any works may have, that the natural and/or cultural heritage of the area will not be affected by the proposal. Additionally, there is no evidence that there will be any impacts on any customary rights.

## **Chapter 8 - Water Quality**

### **Objective 8.3**

1. *to maintain water quality in water bodies and coastal waters which have good water quality, and to enhance water quality which is degraded particularly for the following purposes:*
  - (i) *Estuaries and harbours: protection of aquatic ecosystems, recreation, fishing and shellfish gathering, cultural and aesthetic purposes.*
  - (ii) *Open coastal waters, including parts of the Hauraki Gulf: its natural state.*
  - (iii) *Lakes, rivers and streams: protection of aquatic ecosystems, recreation, food gathering, water supply, cultural and aesthetic purposes.*

### **Policies**

#### **8.4.1: General**

- 1) *Adverse effects on water quality caused by the discharge of contaminants (including non-point source discharges) shall be avoided, particularly the discharge of potentially toxic, persistent or bioaccumulative contaminants. Where it is not practicable to avoid discharges, they shall be adequately remedied or mitigated."*

#### 8.4.10 Industrial or Trade and rural production and processing activities

- 1) *All industrial, trade and rural production and processing activities shall be carried out in a manner which:*
  - (i) *prevents wherever practicable the adverse effects of discharges and wastes;*
  - (ii) *prevents wherever practicable unauthorised or accidental discharges and ensures that when these occur, they are detected quickly, so that immediate action is undertaken to reduce the extent of any discharge.*
- 2) *Industrial and trade activities producing trade wastes shall be located in areas where trade wastes can be disposed of to a trade waste sewer, unless adequate systems are in place to ensure trade wastes are contained and regularly collected for approved treatment and disposal.*
- 3) *Industrial and trade activities which directly adjoin water bodies and coastal waters shall be separated from them, wherever practicable, to avoid adverse effects to cultural and amenity values, and to minimise adverse effects of discharges and wastes. ”*

The Manukau Harbour is identified in this chapter (Table 8.2) as an area that has suffered degraded water quality due to the location of historically polluting activities. However, over time, improvement can be achieved in the harbour through remedial work and ensuring that the range of activities that take place in the harbour and adjoining the harbour comply with the relevant modern standards and best practice to minimise the activity's environmental impact.

The POAL application is one such activity that has implemented best practice measures and has proposed a number of improvements which will prevent and minimise the environmental impact of the port operations. The sedimentation into the harbour that may occur as a result of the stormwater runoff from the activity areas is likely to be negligible (Section 2.2.2 of this report) due to the control measures that are proposed in the application. In order to monitor the effectiveness of the controls used in the activity area, such as the sweeping programme and the source control measures, a monitoring programme will be required to monitor the level of sediment in the discharges that are generated on the site. This can be achieved through monitoring the levels of sediment collected by the sweeper vehicle proposed in the application through inclusion as a condition of consent.

## Chapter 15 - Waste

### Objective 15.3

1. *To minimise the quantity of waste being generated and disposed of within the Auckland Region in order to promote the sustainable use of natural and physical resources.*
2. *To avoid, remedy, or mitigate actual or potential adverse environmental effects arising from the waste management activities."*

### Policy 15.4.4

*All waste generators, transporters and disposers shall transport, store and dispose of all residual wastes, including controlled and hazardous waste, in a manner which avoids, remedies, or mitigates actual or potential adverse environmental effects."*

The application is consistent with the objectives and policies of Chapter 15 in that the application has outlined measures for waste disposal through its proposed standard operating procedures.

### Summary

The relevant provisions of the ARPS have been considered and it is concluded the proposal is consistent with the ARPS. The proposed combination of source controls and stormwater treatment are considered best practice and will therefore prevent and avoid contamination of water that may arise from the operation of the industrial or trade processes occurring onsite.

### **3.2.5 Section 104(1)(b)(iv) – Consideration of the relevant provisions of the Proposed Auckland Regional Plan: Air, Land and Water (PARP:ALW).**

The ALW Plan applies to all of the area within the Auckland Region and sets out the management of air, land and water resources in the region including: air, soil, rivers and streams, lakes, groundwater, wetlands and geothermal water. The ALW Plan was notified for public submissions in October 2001 and several chapters of the plan are now operative.

## **Chapter 2 Values**

The provisions of Chapter 2, Values, seek to recognise, provide and give effect to Part 2 of the RMA in terms of the Council's responsibilities for the management of the air, land and freshwater resources of the Auckland Region. Collectively, Chapters 2, 2.1, 2.2 and 2.3 considers the natural values of the region; use and development; and Tangata Whenua values. Section 2.0.1 Urban Sustainability (related policy 2.2.4.1) describes enabling people to provide for their social, economic, cultural well-being, and health and safety while ensuring the protection of natural ecosystems and environmental amenity. The Ports of Auckland provides a regionally and nationally significant infrastructure; through this application, measures have been proposed to mitigate any adverse effects associated with the discharge of stormwater.

### **Chapter 2.1 – Natural Values**

The POAL application seeks consent to discharge into the CMA and therefore the objectives and policies of chapter are not relevant by virtue of their reference to freshwater systems.

### **Chapter 2.2 – Use and Development**

#### **Objectives**

*2.2.3.2 To manage the use and development of natural and physical resources in a sustainable, efficient and integrated manner that is consistent with the strategic growth management provisions of the Auckland Regional Policy Statement and the Auckland Regional Growth Strategy. This Objective relates to Policies 2.2.4.1 to 2.2.4.15.*

*2.2.3.3 To enable the use and development of air, land and water in a way that provides for the efficient use of land and supports increased urban densities within the Urban Areas. This Objective relates to Policy 2.2.4.1*

*2.2.3.4 To provide for the ongoing operation, maintenance, development and upgrading of physical infrastructure, in a manner that meets regional growth requirements and supports the economic, social and cultural wellbeing of the Region's people and communities and provides for their health and safety, while avoiding, remedying or mitigating adverse effects on the environment. This Objective relates to Policies 2.2.4.2, 2.2.4.3 and 2.2.4.6 to 2.2.4.11.*

## **Policies**

### *2.2.4.1 Use and development of air, land and water within Urban Areas (the*

*Metropolitan Urban Limits and rural and coastal settlements) is appropriate where:*

- a it is consistent with the strategic directions of the Auckland Regional Policy Statement and the Auckland Regional Growth Strategy; and*
- b adverse effects are avoided, remedied or mitigated.*

*2.2.4.8 The positive social, economic and cultural effects and benefits arising from any proposal for use and development shall be considered when assessing the overall effects of a proposal on air, land or water resources.*

*2.2.4.16 Use and development of, air, land and freshwater shall consider any effects on sites, buildings, places or areas which have cultural heritage values and which are identified in the ARC's Cultural Heritage Inventory, and should avoid, remedy or mitigate, adverse effects on these resources.*

Policy 2.2.4.1 relates to the use and development of air, land and water within Urban Areas and requires these activities to be consistent with the strategic directions of the ARPS and the Auckland Regional Growth Strategy; and requires adverse effects to be avoided, remedied or mitigated. This application is considered to be generally consistent with these provisions, as it is consistent with the ARPS (See section 3.3.4 above), as it will not interfere with the operations of the Ports, and the adverse effects will be appropriately avoided, minimised or mitigated.

Policy 2.2.4.8 requires the assessment of resource consents to have regard to positive economic and social effects. It is considered that the proposal is consistent with this requirement, and that the measures set out in the application will provide positive benefits in terms of improved operations of the Ports, which in turn can then continue to perform an important social and economic role for the country.

Policy 2.2.4.16 identifies that the effects from any use or development of air land or freshwater on any cultural heritage sites identified in the Auckland Council Cultural Heritage be avoided, remedied or mitigated. It is considered that the proposal is



consistent with this requirement, as discussed in section 3.3.7 (Chapter 8 – Cultural Heritage).

### **Chapter 2.3 – Matters of significance to Tangata Whenua**

The objectives of this chapter are the same as the objectives in section 3.3 of the ARPS. As indicated in section 3.3.4 above, Chapter 3 (Matters of Significance to Iwi) of the ARPS states broad issues which are of significance to Tangata Whenua. No issues of significance to iwi have been identified.

### **Chapter 5 Discharges to land and water and land management**

This chapter contains provisions relating to land management and water quality, and it deals with the discharge of contaminants into water, or onto or into land.

Furthermore, as required by Rule 20.5.15 of the Auckland Regional Plan: Coastal, activities that divert and discharge stormwater to the coastal marine environment which are not provided for by another rule in Chapter 20 of that Plan, shall be assessed under the provisions of rule 5.5.19 (if an industrial or trade process). In considering such applications, Policies 5.4.2, 5.4.4, 5.4.5, 5.4.13 – 5.4.18 shall apply as if those policies were contained in chapter 20 of the Auckland Regional Plan: Coastal.

Taking this direction into account, the following objectives and policies are deemed relevant to this application.

#### **Objectives**

**5.3.1** *To protect, maintain or enhance the quality of land and water in the Auckland Region by:*

- a) *Maintaining areas of high environmental quality;*
- b) *Minimising adverse effects on degraded natural and physical resources where these cannot be avoided; and*
- c) *Enhancing degraded areas where practicable.*

*This shall be achieved by avoiding or minimising the adverse effects arising from:*

- (i) *the discharge of sediment;*
- (iii) *contaminant levels in stormwater runoff, including from an industrial or trade process;*

- (viii) *discharges from contaminated land;*
- (x) *contaminant levels in geothermal discharges;*
- (xi) *contaminant levels in washwater and wastewater from industrial and trade processes; and*
- (xii) *discharges from emergency fire service training exercises.*

**5.3.5** *To prevent or minimise the adverse effects of stormwater and wastewater discharges. (This Objective relates to Issues 5.2.1- 5.2.4)*

**5.3.9** *To promote sustainable site management practices that avoid discharges of contaminants from an industrial or trade process where practicable.*

General Objective 5.3.1 seeks to protect, maintain or enhance land and water quality by maintaining areas of high environmental quality, by minimising adverse effects on degraded natural and physical resources, where these cannot be avoided, and enhancing degraded areas where practicable. The mechanisms identified for achieving this objective, relevant to the application, are by avoiding or minimising adverse effects arising from discharge of sediment and contaminant levels in stormwater. As discussed in Sections 1.4 and 2.2.2, the best practicable option has been taken to avoid or minimise the adverse effects from discharges to land.

Objective 5.3.5 and 5.3.9 promotes the use of sustainable site management practises to avoid potentially contaminated discharges from industrial or trades processes where practicable.

### ***Policies***

**5.4.2** *To have regard to the objectives and policies of Chapters 2.1, 2.2 and 2.3 in assessing any resource consent to discharge contaminants, into water or onto or into land.*

**5.4.16** *To manage the environmental risk of contaminant discharges onto or into land or water by the operation of an Industrial or Trade Process by:*

- a) *setting performance standards for low risk Industrial or Trade Processes;*
- b) *requiring a discharge consent for high risk Industrial or Trade Processes, or where low and moderate risk Industrial or Trade Processes do not meet the Permitted Activity conditions; and*
- c) *requiring operators of moderate and high risk Industrial or Trade Processes to prepare and implement environmental management plans aimed at*

*minimising and managing activities which could adversely impact groundwater or stormwater.*

**5.4.17** *In assessing an environmental management plan for a moderate or high risk Industrial or Trade Process, regard shall be had to the extent to which risks to water quality have been identified and managed so as to avoid, remedy or mitigate discharges to the stormwater system.*

**5.4.18** *When processing discharge consent applications for Industrial or Trade Processes, the ARC shall have regard to the impact on company operations and financial resources when requiring upgrading of existing site infrastructure, while ensuring that significant adverse effects are appropriately avoided, remedied or mitigated.*

**5.4.44** *Reuse of washwater will be encouraged. Washwater disposal to land will be acceptable where it will not result in contaminant runoff or the accumulation of contaminants, such as hydrocarbons and heavy metals, above acceptable levels in the receiving environment. Washwater should only be discharged to water where other options including disposal to the sanitary sewer are impractical, and a thorough evaluation of the assimilative capacity of the receiving environment has been carried out proving the discharge will not give rise to any significant adverse effects. [E508/04/16 Ports of Auckland]. (This Policy relates to Objectives 5.3.1 and 5.3.9)*

Policy 5.4.16 seeks to manage the environmental risk of contaminant discharges onto or into land or water by the operation of an industrial or trade process by requiring discharge consent for high risk industrial or trade processes. This policy also requires operators of high risk industrial or trade processes to prepare and implement environmental management plans aimed at minimising and managing activities which could adversely impact groundwater or stormwater.

Policy 5.4.17 requires the assessment of an environmental management plan for an industrial or trade process to have regard to the extent to which risks to water quality have been identified and managed so as to avoid, remedy or mitigate discharges to the stormwater system.

Policy 5.4.18 requires Council to have regard for the impact on company operations and financial resources when requiring the upgrading of existing site infrastructure without negating the need to address and significant adverse effects.

Policy 5.4.44 discourages the discharge of wastewater to a water body and encourages the reuse of this water where possible. POAL will generate wastewater through the wash down of vehicles onsite. There is no designated bay or catchment proposed in this application; however the mixing and assimilative capacity of the receiving water body that is the CMA, when taking into account the volume of wastewater which will be generated will be sufficient to deal with any potential contamination. Therefore the application broadly complies with this policy.

Section 104(1)(b)(iv) requires consideration of any relevant objectives and policies of a plan or proposed plan. In this case, the relevant objectives and policies of the PARP:ALW have been considered in the assessment of this application. It is concluded that the proposal is consistent with the relevant objectives and policies of the PARP:ALW as outlined above.

### **Rules**

**5.5.19** *The discharge of contaminants from an industrial or trade process that is:*

*listed as high risk in Schedule 3: Industrial or Trade Processes and was established after the date the Plan was notified; or*

*unable to comply with Rule 5.5.17,*

*are Discretionary Activities subject to the following standards and terms:*

(a) *An Environmental Management Plan which:*

- i has regard to all the appropriate matters listed as conditions for Rule 5.5.14 and Rule 5.5.15;*
- ii identifies the specific contaminants associated with the industrial or trade process on site;*
- iii sets out the methods to be used to ensure the contaminants identified avoid contacting stormwater runoff; and*
- iv identifies appropriate assessment requirements to ensure performance of all components of the Environmental Management Plan.*

- (b) *Treatment shall be implemented to reduce contaminants that are entrained in the stormwater runoff to minimise adverse environmental effects, including cumulative effects, to acceptable levels;*
- (c) *All contaminant treatment devices shall be installed and maintained in accordance with either the manufacturer's recommendations or the best practicable option.*
- (d) *Contaminant monitoring requirements to ensure the performance of the site's Environmental Management Plan and contaminant treatment devices.*
- (e) *The appropriate site management practices and/or contaminant treatment devices necessary to avoid, remedy or mitigate adverse environmental effects commensurate with:*
  - i the requirements of the relevant ICMP, and*
  - ii the assimilative capacity of the receiving environment.*

The applicant has addressed the requirements of an industrial or trade process consent and has submitted in support of this application an Environmental Management Plan for Stormwater which covers the elements as set out by Rule 5.5.19 and the rules referenced in that rule of the PARP:ALW. The measures proposed by the applicant to minimise the residual risk of contaminants entering the receiving environment are regarded as best practicable option taking into account the nature and scale of the operations.

### **3.2.6 Section 104(1)(b)(iv) – Consideration of the relevant provisions of the Transitional Auckland Regional Plan (TARP) 1991**

The TARP 1991 remains the operative plan until the PARP:ALW is fully operative. Section 1.5 of this report outlines the function of the TARP in the context of this application.

### **3.2.7 Section 104(1)(b)(iv) – Consideration of the relevant provisions of the Auckland Regional Plan: Coastal (ARP:C)**

In 2001, when the application by POAL was lodged, the ARP:C had proposed status. It is now operative and consideration has been given to the relevant sections in this report.

Rule 20.5.4 of the ARP:C allows for discharges into the CMA as a permitted activity, and remains unchanged from the PARP:C except for renumbering (previously Rule 20.5.3). POAL's position remains consistent with that stated in the 2001 application, however the discharges at the Onehunga Port may occasionally fall outside the scope of Rule 20.5.4. Therefore, in the 2001 application, consents were sought for the Onehunga Port as a discretionary activity under Rules 20.5.5 and 20.5.7, which applied to the discharge of all other contaminants or water into the CMA. Rule 20.5.5 (now renumbered 20.5.6) has been amended by Variation 1 and now references ARP:C Rules 20.5.13 to 20.5.16, and through them the relevant stormwater discharge rules in the PARP:ALW. Rule 20.5.7 has been deleted by Variation 1. As a result, discharge consents for the Onehunga Port area will now be sought under Rule 20.5.15 of the ARP:C and Rules 5.5.4 (stormwater diversion and discharge) and 5.5.19 (ITP) of the PARP:ALW.

The ARP:C recognises the regional importance of the Port Management Areas and the need to permit appropriate development and continued efficient use in these areas in the interest of the economy and the surrounding area. Under Section 384A of the RMA, Ports of Auckland Ltd have been granted occupation rights to a specific designated area as outlined in the ARP:C Plan Map Series 2 (Sheet 3). This is for the purpose of operating port related commercial undertaking that it acquired under the Port Companies Act 1988.

There are five overall Port management areas identified in the ARP:C, with areas 1 and 4 further subdivided into discrete geographical areas. The Onehunga Port falls into the Port Management Area 1B.

The following objectives and policies of the Auckland Regional Plan: Coastal are deemed relevant:

### **Chapter 3      Natural character**

#### **Objective**

- 3.3.1** *To preserve the natural character of the coastal environment by protecting the coastal marine area from inappropriate subdivision, use and development*

#### **Policies**

- 3.4.1** *The natural character of the coastal environment shall be preserved and protected from inappropriate subdivision, use, and development by avoiding where practicable, remedying or mitigating the adverse effects of subdivision,*



*use and development on the qualities, elements and features which contribute to the natural character of the coastal environment, including those areas characterised by modification and development.*

**3.4.2** *In assessing the actual or potential effects of subdivision, use and development on natural character particular regard shall be had to:*

- a) *preserving the natural character of the coastal marine area in Coastal Protection Areas 1 and 2;*
- b) *preserving the natural character of the coastal marine area in Outstanding and Regionally Significant Landscape Areas, where these areas are predominantly natural;*
- c) *avoiding, where practicable, adverse effects on natural character values in other areas of the coastal marine area which are predominantly in their natural state and which have a high natural character;*
- d) *protecting appropriate remaining elements of natural character in those areas characterised by modification and development.*

**3.4.3** *In assessing the actual or potential adverse effects of subdivision, use and development, including cumulative adverse effects, on the natural character of the coastal environment particular regard shall be had to the relevant policies in Chapters 4, 5, 6, and 8, in recognition of the role that landscape, natural features, ecosystems, and certain cultural and historical areas and sites make to natural character.*

**3.4.4** *When subdivision, use and development in the coastal marine area gives rise to actual or potential adverse effects on the natural character of the coastal environment, where appropriate these effects shall be remedied or mitigated by restoration or rehabilitation of the natural character of the coastal environment. In determining whether any adverse effects on natural character can be remedied or mitigated by restoration or rehabilitation, and if so, the level and extent of restoration and rehabilitation that is to be carried out, regard shall be had to:*

- a) *the extent to which the qualities and features of natural character in the area of the proposed subdivision, use and development will be adversely affected and the ability to restore or rehabilitate natural character in the area subject to the proposal; or*

- b) *where restoration or rehabilitation is not practicable in the area subject to the proposal, the potential to mitigate any adverse effects by the rehabilitation or restoration of natural character in another area of the coastal environment; and*
- c) *where restoration plantings are carried out, preference shall be given to the use of indigenous species with a further preference for local genetic stock.*

The Onehunga Port is located in a highly modified and urbanised area. The Port activities are confined to distinct wharfs which have little natural character or features and to improve the use of this area by reducing and mitigating impacts is in keeping with this policy. The application seeks to improve the quality of the discharges that will be made into the harbour and through these processes, will reduce the impact that the activities currently have on the coastal environment. Policy 3.4.4 has been revised from the PARP:C version and refers more specifically to adverse effects and assessing remediation or mitigation of these effects.

## **Chapter 5      Natural features and ecosystems**

### **Objectives**

- 5.3.1** *To protect the dynamic functioning of physical coastal processes*
- 5.3.2** *To protect the integrity, functioning and resilience of ecosystems within the coastal environment.*

### **Policies**

- 5.4.4** *In those areas not identified in this plan as Coastal Protection Areas 1 and 2, any subdivision, use and development in the coastal marine area shall as far as practicable, remedy or mitigate adverse effects on indigenous vegetation or fauna, their habitats, natural features and ecological and physical processes.*
- 5.4.5** *In assessing the effects, including cumulative effects, of subdivision, use and development on natural features and ecosystems throughout the coastal marine area regard shall be had to:*
  - e) *Maintaining or enhancing water quality to safeguard the life-supporting capacity of ecosystems*
  - g) *Maintaining the natural substrate composition by:*

- i) *avoiding the addition of material not found naturally in the area;*
- iii) *avoiding disturbance and deposition which would have significant or irreversible effects on the substrate composition.*

### **Policy**

**5.4.6** *When subdivision, use and development in the coastal marine area gives rise to actual or potential adverse effects on natural features and coastal and marine ecosystems, where appropriate these effects shall be remedied or mitigated by restoration or rehabilitation of the natural features and coastal and marine ecosystems. In determining whether any adverse effects on natural features and coastal and marine ecosystems can be remedied or mitigated by restoration or rehabilitation, and if so, the level and extent of restoration or rehabilitation that is to be carried out, regard shall be had to:*

- a) *the extent to which the qualities and features of natural features and coastal and marine ecosystems in the area of the proposed subdivision, use and development will be adversely affected and the ability to restore or rehabilitate natural features and coastal and marine ecosystems in the area subject to the proposal; or*
- b) *where restoration or rehabilitation is not practicable in the area subject to the proposal, the potential to mitigate any adverse effects by the rehabilitation or restoration of natural features and coastal and marine ecosystems within other parts of the coastal marine area; and*
- c) *where restoration plantings are carried out, preference shall be given to the use of indigenous species with a further preference for local genetic stock.*

There are limited natural features in and around the coastal environment of the Onehunga Ports area. The sea bed is regularly dredged around the wharf and the movement of both commercial and cargo vessels creates significant disturbance to the sediments in the immediate wharf area. Any contaminated sediments that may be discharged from the activity area may have the potential to be carried farther out into the harbour.

## **Chapter 6 (Coastal matters of significance to Tangata Whenua) and Chapter 8 (Cultural Heritage)**

In assessing any applications for developments in the CMA, Council must recognise and provide for the relationship of Maori and their culture and traditions with their ancestral taonga (Policy 6.4.1). Objective 8.3.1 of the ARP:C seeks to preserve and protect significant maritime cultural heritage sites, buildings, places or areas in the coastal environment.

As discussed earlier in this report, due to the amendment to the RMA, no consultation was undertaken by the applicant. However through the Application Diary, no queries or comments were received from any party regarding this application and there is considered to be no impact on the cultural heritage sites identified within the boundaries of the site subject to this application. The proposal is considered consistent with the provisions of chapters 6 and 8 in the ARP:C.

## **Chapter 7 Public access**

### **Objectives**

**7.3.2** *To provide for the restriction of public access in specified circumstances*

### **Policies**

**7.4.1** *Subdivision, use, development and protection should ensure that public access to, along and within the coastal marine area is maintained or enhanced, except where it is necessary to restrict access in order to:*

- d) *protect public health or safety; or*
- e) *ensure a level of security consistent with the activities being undertaken or the purpose of a resource consent, including a consent under section 384A of the RMA for Ports of Auckland Ltd to occupy part of the coastal marine area.*

Restricting public access around the Ports area is consistent with the above objectives and policies set out above. It is not unreasonable to make a determination that possible affected parties are potentially unaffected as a result of this exclusion.

## **Chapter 9 Subdivision, use and development**

### **Objectives**

**9.3.1** *To enable appropriate subdivision, use and development in the coastal marine area, recognising that the coastal marine area is a finite resource.*

**9.3.2** *To recognise the national and regional importance of activities which depend upon the use of natural and physical resources of the coastal environment, such as maritime and air transport services, regional infrastructure and other water based industrial, commercial and recreational activities.*

#### **Policies**

- 9.4.1** *Subdivision, use and development within parts of the coastal marine area shall generally be considered appropriate where that subdivision, use and development depends upon the natural and physical resources of the coastal marine area, and where adverse effects are avoided, remedied or mitigated.*
- 9.4.2** *Subdivision, use and development within the Port, Defence, Marina, Mooring, Airport and Special Activity Management Areas, for those purposes, shall be considered appropriate, provided that the subdivision, use and development is consistent with the objectives and policies for those areas.*

Objectives 9.3.1 and 9.3.2 and Policies 9.4.1 and 9.4.2 regarding coastal subdivision, use and development are unchanged from the PARP:C, except that Policy 9.4.2 no longer requires that subdivision, use and development within the management areas be consistent with the rules for those areas.

## **Chapter 10 General**

### **Objectives**

- 10.3.1** *To provide for appropriate subdivision, use and development in the coastal marine area, and to protect the coastal marine area from inappropriate subdivision, use and development.*

### **Policies**

- 10.4.2** *Recreation is a significant and important use of the coastal marine area, and any proposal for subdivision, use and development shall have regard to the desirability of maintaining or enhancing recreational use of the coastal marine area while avoiding, remedying or mitigating adverse effects on existing activities.*
- 10.4.3** *Subdivision, use and development of the coastal marine area shall be considered more appropriate where the environment has already been highly modified by human activities, or located in areas where development already exists, unless:*

- a) *location elsewhere in the coastal marine area of the Auckland Region would better avoid, remedy, or mitigate significant adverse effects of that subdivision, use and development; or*
  - b) *an application brought by Tangata Whenua better provides for the special relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wāahi tapu, and other taonga.*
- 10.4.4** *The positive environmental effects and benefits arising from any proposal for subdivision, use and development shall be taken into account when assessing the overall effects of a proposal.*
- 10.4.7** *Subdivision and development within Coastal Protection Areas shall generally be considered inappropriate where it will:*
- f) *result in a reduction in water quality which would adversely affect the natural ecological functioning of the area; or*
  - g) *result in the deposition of material at levels which would adversely affect the natural ecological functioning of the area; or*
- 10.4.11** *A precautionary approach shall be taken where potentially significant adverse effects, which cannot be fully assessed due to inadequate information or understanding (particularly where this is due to a lack of scientific or technical knowledge), may arise from a proposal for subdivision, use or development. In assessing any applications the ARC or its agents may impose conditions that will ensure that the effects of the activity are avoided, remedied or mitigated, including, but not limited, to any or all of the following:*
- a) *that consent conditions be reviewed in order to avoid, remedy or mitigate any adverse effects that may be generated by the activity; and*
  - b) *that the consent holder be required to regularly monitor the effects of any activity; and*
  - c) *that bonds be imposed to ensure that any works or actions required by any consent is undertaken; and*
  - d) *that the term of any consent is limited.*

The Objectives and Policies in Chapter 10 (use of the coastal marine area) are unchanged or not materially changed (in relation to the 2001 application) from the PARP:C version. Taking into account the proposal by the applicant and the above objective and policies; the application will be compliant with this chapter.



## **Chapter 11 Discharge of contaminants**

### **Objectives**

**11.3.1** *To ensure that efficient use is made of the coastal marine area.*

### **Policies**

**11.4.3** *The relevant provisions of Part:III Values, chapters 3 to 9 shall be considered in the assessment of any proposed activity (which is the subject of this chapter) in the coastal marine area.*

Objectives and Policies in Chapter 11 are unchanged or not materially changed (in relation to the 2001 application) from the PARP:C. Taking into account the proposal by the applicant and the above objective and policies; the application will be compliant with this chapter.

## **Chapter 20 Discharge of contaminants**

### **Objectives**

**20.3.1** *To maintain appropriate water and sediment quality in the coastal marine area and to enhance water and sediment quality where practicable in the parts of the coastal marine area where water and sediment quality is degraded.*

**20.3.2** *To adopt the best practicable option for avoiding, remedying or mitigating the adverse effects from stormwater and wastewater discharges on the coastal environment.*

### **Policies**

**20.4.2** *The relevant provisions of Part III: Values, Chapters 3 to 9 shall be considered in the assessment of any proposal to discharge contaminants into the coastal marine area.*

**20.4.3** *Any proposal to discharge contaminants or water into the coastal marine area (unless the discharge is prohibited) shall be considered appropriate only if it can be demonstrated that it is the best practicable option (as defined in s2(1) RMA) in terms of preventing or minimising the adverse effects on the environment having considered whether:*

- c) *the volume and level of contamination of the discharge has been minimised to the greatest extent practicable;*

- d) *the receiving environment is able to assimilate the discharged contaminants and water, with any adverse effects being avoided where practicable, remedied or mitigated particularly within:*
  - i *the areas identified in Tables 8.1 and 8.2 and Map Series 5, Sheets 1-4 (Degraded and Susceptible Areas and Areas of High Ecological Value Susceptible to Degradation) of the Auckland Regional Policy Statement;*
  - ii *those Coastal Protection Areas, set out in this Plan, which are based upon ecological rather than geological values;*
- e) *the adverse effects on the present and foreseeable use of the receiving waters have been avoided where practicable, remedied or mitigated, particularly in areas where there is;*
  - i *high recreational use;*
  - ii *relevant initiatives by Tangata Whenua (established under regulations relating to the conservation or management of fisheries) including Taiapure, rahui or Whakatupu areas;*
  - iii *the collection of fish and shellfish for consumption;*
  - iv *areas of maintenance dredging.*
- f) *any adverse effects on people or communities have been avoided where practicable, or remedied or mitigated;*
- g) *adverse effects on the present and reasonably foreseeable use of the receiving waters for recreational purposes and the suitability of fish and shellfish for consumption have been avoided, where practicable, or remedied or mitigated;*
- h) *cleaner production methods which would result in the volume and level of contamination of the discharge being minimised, to the greatest extent practicable have been adequately investigated, and where practicable put in place;*
- i) *the discharge after reasonable mixing, does not either by itself or in combination with other discharges, give rise to any or all of the following effects:*
  - i *the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;*
  - ii *any conspicuous change in the colour or visual clarity;*
  - iii *any emission of objectionable odour;*

iv any significant adverse effects on aquatic life;

v any significant adverse effects on aesthetics and amenity value.

**20.4.5** *The discharge of contaminants which contaminate the foreshore and seabed, into areas that require maintenance dredging, should be avoided as far as practicable, remedied or mitigated.*

**20.4.6** *Where appropriate, provision should be made in locations such as new ports, marinas, and other areas (eg wharfs), or at the time of significant upgrading of these facilities, for those vessels using these facilities, to ensure the adequate and convenient collection and appropriate disposal of:*

- a) *sewage from vessels; and*
- b) *rubbish from vessels; and*
- c) *recyclable material including waste oils; and*
- d) *residues from vessel construction and maintenance; and*
- e) *spills from refuelling operations and refuelling equipment.*

**20.4.7** *The direct discharge of litter into the coastal marine area shall be avoided.*

### **General Rules**

**20.5.15** *Subject to Rule 20.5.16, the following activities not provided for by Rules 20.5.13 or 20.5.14:*

- (a) *The diversion of stormwater;*
- (b) *The discharge of stormwater;*
- (c) *The discharge of wastewater (via pumping station or network overflows) and except for discharges to a CPA1 listed in Table 20.2A that is located outside the Urban Area as provided for by Rule 20.5.7, shall be assessed under the provisions, conditions, standards and terms of Rules 5.5.1 to 5.5.8 or 5.5.19 (if an industrial or trade process) inclusive of the Operative or Proposed Auckland Regional Plan: Air, Land and Water as if those rules were rules contained in this chapter. In considering applications for resource consent for those activities, in addition to the policies in this chapter, Policies 5.4.2, 5.4.4, 5.4.5, 5.4.13, 5.4.14, 5.4.15, 5.4.16, 5.4.17 and 5.4.18 of the Operative or Proposed Auckland Regional Plan: Air, Land and Water shall apply as if those policies were policies contained in this chapter.*

The operative Objective 20.3.1 has been amended from the PARP:C version so that it recognises maintenance of appropriate water and sediment quality and enhancement of degraded water and sediment quality where practicable. Objective 20.3.2, which seeks to adopt the best practicable option for avoiding, remedying and mitigating adverse effects from stormwater and wastewater discharges, has been added. Policies 20.4.1 to 20.4.7 are either unchanged or have not materially changed (in relation to the 2001 consent application) from the PARP:C and Policies and the measures set out in the EMP:S (which supports the 2001 consent application), provide a range of BPO which aim to address Objectives 20.3.1 and 20.3.2 and the requirements of Policies 20.4.2, 20.4.3, 20.4.5, 20.4.6 and 20.4.7.

These objectives have been addressed and a best practice approach has been adopted by POAL in the application through the use of structural and procedural measures to prevent and minimise sediment being discharged from the wharfs to the CMA.

Rule 20.5.15 has been amended under Variation 1, directing that Policies 5.4.2, 5.4.4, 5.4.5 and 5.4.13 to 5.4.18 of the PARP:ALW apply when considering consent applications, in addition to the ARP:C policies. This has been taken account of in section 3.3.5 of this report.

## **Chapter 25     Ports: Overview and general provisions**

Contains the objectives, policies and rules relating to Port Management areas as previously described. It is classed as a permitted activity in this chapter.

### ***Objectives General***

**25.3.1** *To facilitate the efficient subdivision, use and development of the Port Management Areas for port activities.*

**25.3.2** *To avoid, remedy, or mitigate adverse environmental effects arising from subdivision, use and development within the Port Management Areas.*

**25.3.3** *To facilitate, where appropriate, the use and development of Port Management Areas for other marine-related purposes.*

### ***Policies***

**25.4.8** *In order to avoid the direct discharge of contaminants or deposition of solid matter into the coastal marine area, appropriate provision shall be made by the owner, user or developer of port facilities and structures for adequate and convenient facilities in sufficient quantity to meet the needs of all vessels which berth or anchor within the Port Management Areas, for the collection and appropriate disposal of:*

- a) *sewage, bilge water, and litter from vessels; and*
- b) *residues from vessel servicing, maintenance and repair; and*
- c) *spills from refuelling operations and refuelling equipment; and*
- d) *spills, residues, and debris from cargo operations.*

**25.4.10** *Significant adverse environmental effects from subdivision, use and development within the Port Management Areas, particularly on coastal processes and water quality, shall be avoided, remedied, or mitigated.*

Objectives 25.3.1 and 25.3.2 are unchanged from the PARP:C version. Objective 25.5.3 is amended by Plan Change 3 (potentially subject to appeal) to provide for non-port activities in Port Management Areas where these do not significantly adversely affect port activities.

Policy 25.4.10 is unchanged from the PARP:C. and seeks to minimise the possibility of such discharges by ensuring provision of adequate and appropriate facilities for the handling and disposal of such contaminants. The avoidance of significant adverse effects will be achieved through the compliance with the EMP:S.

Amendments to Policies 25.4.13 and 25.4.14 under Plan Change 3 are not material to the application.

## **Chapter 26 Port Management Areas 1a and 1b – 2b**

### **Objective**

**26.3.1** *To facilitate the efficient use and development of Port Management Areas 1A and 1B for commercial working port activities, in particular container and cargo handling, by providing for the consolidation, intensification, redevelopment and expansion within the Port Management Areas of these port activities and associated structures.*

## **Policies**

**26.4.1** *The development of new port facilities for cargo handling and associated passenger movement should be consolidated, intensified and redeveloped within Port Management Areas 1A and 1B.*

**26.4.2** *Any use and development that adversely affects the efficient use and development of Port Management Areas 1A and 1B for commercial working port activities, including container and cargo handling shall be considered inappropriate.*

Objective 26.3.1 and Policies 26.4.1 and 26.4.2 are unchanged from the PARP:C.

### **3.3 CONSIDERATION OF ANY OTHER MATTERS - SECTION 104(1)(C)**

Section 104(1)(c) requires that any other matter the consent authority considers relevant and reasonably necessary to determine the application be considered. In this case there are no other matters that are considered necessary to determine the application.

### **3.4 CONSIDERATION OF PART 2 (PURPOSE & PRINCIPLES) OF THE RMA**

Section 104(1) requires the consideration of any resource consent application to have regard to specific factors, subject to Part 2 of the RMA ("Purpose and Principles"). The purpose of the RMA is to promote the sustainable management of natural and physical resources. Sustainable management means the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety while: sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and safeguarding the life-supporting capacity of air, water, soil, and ecosystems; avoiding, remedying or mitigating any adverse effects of activities on the environment.

The proposal is considered to meet the purposes of the RMA and be a sustainable development of the land and water resource which will provide for the efficient use of the land and water resource whilst ensuring any adverse effects on the environment will be appropriately avoided, remedied or mitigated through the measures discussed in Section 2.2.2 and recommended conditions of consent.



Having considered each of the sections in Part 2 of the RMA, it is concluded that the proposal would be aligned with the intentions of each section for the following reasons;

**Section 5:** The proposal will promote the sustainable management of the wharfs operated by the POAL and protect and mitigate against potential impacts on the natural resource of the CMA by implementing source controls and treatment to prevent and mitigate contaminated discharges entering the receiving environment, whilst continuing industrial or trade process activities which provide for the social, economic and cultural wellbeing of the Region.

The Onehunga Port is a regionally significant infrastructure with a significant contributor to New Zealand's economy.

**Section 6:** The area subject to the application is intensively urbanised and there are no outstanding natural features, areas of significant indigenous vegetation and significant habitats of indigenous fauna. Public access to the coastal marine area around the wharfs of the commercial ports area is restricted for both security and safety purposes. Having considered the matters set out in section 6, it is concluded that the proposal will not affect any matters of national importance listed in this section.

**Section 7:** The matters listed in this section that could be considered relevant are:

*“(b) the efficient use and development of natural and physical resources;  
and*

*(f) maintenance and enhancement of the quality of the environment.”*

The proposal for the use and development of the Onehunga Port does not impact on the matters set out in this section as the proposal seeks to amend and improve existing operations to reduce the potential of environmental harm.

**Section 8:** The proposal for the use and development of the wharf does not impact on the matters set out in this section. The proposal will operated by the POAL and protect and mitigate against potential impacts on the natural resource of the CMA by implementing source controls and treatment to prevent and mitigate contaminated discharges entering the receiving environment.

In summary, the proposal will promote the sustainable management of the wharves whilst continuing industrial or trade process activities which provide for the social, economic, and cultural wellbeing of the Region and it is not considered to affect any matters of national importance identified in section 6. Regard has been had to section 7 of the RMA and it is concluded that the application does not compromise the matters identified under section 7 of the RMA. Furthermore, it is considered the proposal does not have any implications on the application of the principles of the Treaty of Waitangi as set out in section 8.

### **3.5 MATTERS RELEVANT TO DISCHARGE OR COASTAL PERMITS (SECTION 105)**

Section 105 of the RMA requires the consent authority to have regard to additional matters in relation to a discharge permit or a coastal permit that would contravene section 15 or section 15B of the RMA. It is considered the proposal satisfactorily addresses the matters set out in section 105 because the proposed combination of structural and procedural controls should prevent the contamination of water which may arise from the POAL operations at the Onehunga Port.

It is considered the provisions of section 105 have been met subject to appropriate conditions of consent to ensure there is no significant adverse effect on the receiving environment. It is further considered the applicant's reasons for the proposed choice are appropriate in the circumstances and there are no alternative methods of discharge applicable in this case.

### **3.6 RESTRICTIONS OF CERTAIN PERMITS (SECTION 107)**

The consent authority must have regard to the restriction on the grant of certain discharge permits that would contravene sections 15 or 15A of the RMA. It is considered the proposal satisfies provisions of section 107 because the proposed combination of structural and procedural controls will ensure that any discharges do not give rise to any of the effects listed in Section 107 of the RMA.

### **3.7 LAPSING OF CONSENT**

Section 125 of the RMA provides that if a resource consent is not given effect to within five years of the date of the commencement (or any other time as specified) it automatically lapses unless the consent authority has granted an extension. In this

case, it is considered five years is an appropriate period for the consent holder to implement the consent due to the nature and scale of the proposal.

### 3.8 DURATION OF CONSENT

It is considered appropriate to set a term of **35 years** for the coastal discharge permit/industrial or trade process discharge permit because although the proposed control methods are aligned with current industry best practice, it is expected that best practice will change as more compliance information is received and new technologies are developed.

As such, it is considered that an appropriate expiry date for the ITP consent for this site is **30 June 2046**.

### 3.9 CONCLUSION

It is considered that the proposal is consistent with the purpose of the RMA and is sustainable in terms of Part 2 of the RMA.

Having assessed the proposal in terms of the relevant matters detailed in Section 104 of the RMA, it is considered that the proposed management of the Onehunga Port area through source control will provide the best practicable options to avoid, remedy and mitigate adverse effects with respect to the discharge of contaminants to land and water from the industrial and trade processes of the Ports of Auckland.

It is considered that any adverse effects from the proposed activity on the natural environment can be mitigated subject to the recommended consent conditions. It is also considered that the proposed activity is consistent with the objectives and policies of the relevant Regional Plans and the ARPS.

## SECTION 4 – RECOMMENDATION AND CONDITIONS

### 4.1 RECOMMENDATION

It is recommended that pursuant to sections 104, 104B, 105, 107 and 108 of the RMA 1991, consent is granted to the discretionary activity application by Ports of Auckland Limited (POAL) to authorise the discharge of contaminants onto or into land or water from an industrial or trade process, namely the operation of the

**Onehunga Port** by POAL at Ports of Auckland Building, Sunderland Street, Auckland, PO Box 1281, being Consent Application 25182 for the following reasons:

1. The proposal will be consistent with Part 2 of the RMA by promoting the sustainable management of natural and physical resources. Overall it is considered the cumulative safeguards of section 5(2)(a) to (c) have been met and the proposal thereby meets the purpose of the RMA.
2. The proposal is considered to be consistent with the relevant provisions of the Auckland Regional Policy Statement, in particular the integrated management of the Region's natural and physical resources.
3. The proposal is considered to be consistent with the relevant objectives and policies of the Proposed Auckland Regional Plan: Air Land and Water because of the reasons set out in section 3.3.5 of this report.
4. The proposal contributes to the social, economic and cultural well being of people and their community because the POAL is both regionally and nationally a significant employer and service provider. Moreover, the facility at Onehunga is considered to represent regionally significant infrastructure vital to the commerce of the Auckland region.
5. It is considered the overall adverse effects on the receiving environment are no more than minor. Subject to the imposition of conditions, the effects can be further avoided, remedied or mitigated.
6. The application merits the granting of a resource consent pursuant to sections 104, 104B, 105, 107 and 108 of the RMA.
7. The sensitivity of the receiving environment to the adverse effects of the discharge will not be compromised given the level of the discharge, the application of suitable on site management techniques and appropriate stormwater treatment.

## 4.2 CONDITIONS

Consent shall be subject to the following conditions:

### GENERAL CONDITIONS

1. Pursuant to section 36 of the Resource Management Act 1991, this consent (or any part thereof) shall not be exercised until such time as all charges in relation to the receiving, processing and granting of this resource consent are paid in full.
2. The proposal shall be undertaken in general accordance with the plans and information submitted with the application and numbered 25182 by the Auckland Regional Council (now Auckland Council) as detailed below, subject to such amendments as may be required by the following conditions of this consent.

- Report: Ports of Auckland Ltd. *'Assessment of Environmental Effects: Stormwater Discharges with Existing Authorities – Port of Onehunga'*. Prepared by Beca, dated 28 March 2001,
- Report: Ports of Auckland Ltd. *'Port of Onehunga: Standard Operating Procedures & Inspection & Maintenance Requirements'*. Prepared by Beca, dated September 2010.
- Report: Ports of Auckland Ltd. *'Port of Onehunga: Environmental Management Plan: Stormwater'*. Prepared by Beca, dated September 2010.
- Plans: Ports of Auckland Stormwater Management Figure 1 Sheet 1, drawn by Beca. Located in the *'Port of Onehunga: Environmental Management Plan: Stormwater'* dated September 2010.
- Letter: From Francelle Lupis (Russell McVeagh) to Jacqueline Anthony (ARC) dated 13 November 2008. Subject: *'Ports of Auckland Ltd ("POAL") Applications for Permits to Discharge Contaminants and Divert and Discharge Stormwater'*.
- Letter: From Roger Seyb (Auckland Regional Council) to Ports of Auckland Ltd dated 2 October 2001. Subject: *'Resource Consent Application – Request for Further Information'*.

### Expiry Date

3. This consent shall expire on **30 June 2046** unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the Resource Management Act 1991.

**Access**

4. Access to the relevant parts of the property shall be maintained and be available at all reasonable times to enable the servants or agents of the Auckland Council to carry out inspections, surveys, investigations, tests, measurements or take samples whilst adhering to the Consent Holder's health and safety policy.
5. Legal and physical access to the sampling and monitoring locations on the site shall be maintained at all times.

**SPECIFIC CONDITIONS****Site Management**

6. The site shall be operated and managed in accordance with the Environmental Management Plan: Stormwater (EMP:S) for the Port of Onehunga to ensure the risk of environmental discharges from the site is managed appropriately. That EMP:S includes:
  - i) Identification of the specific activities and contaminants associated with the activities conducted on the site;
  - ii) Methods to be used to manage the environmental risks from the activities and ensure that contaminants identified avoid contacting stormwater runoff as far as practicable;
  - iii) An emergency spill response plan;
  - iv) An up-to-date and accurate site drainage plan showing the location of the final discharge point of the site stormwater management works;
  - v) Stormwater monitoring programmes as required by **Conditions 21 to 25 inclusive**;
  - vi) The procedure for obtaining and recording the data relating to the quantity of sediment collected as required by **Condition 25**; and
  - vii) Identification of appropriate auditing requirements to monitor performance of all components of the site EMP:S.
7. The EMP:S document shall be kept on site **at all times**.



8. The EMP:S shall be reviewed by the consent holder **annually** from the date of granting of this consent, or as part of the incident review for a major pollution incident, to ensure all components of the EMP:S are still relevant. A summary of all revisions and the revised sections shall be submitted to the Manager as part of the annual report required by **Condition 26**.
9. Provide secondary containment for the storage of Hazardous Substances on the site in accordance with the EMP:S.

*Advice Note: The condition is intended for the covering of substances used on the site rather than transiting cargo. Secondary containment processes are outlined in Standard Operating Procedures 4, 6 and 11.*

10. All spills of Hazardous Substances of Classes 1 to 6, 8 and 9 over 20 litres and all spills of other substances over 50 litres that have entered the stormwater system or a waterbody will be reported **immediately** to the Auckland Council's Harbourmaster or the Auckland Council's 24 Hour Water Pollution Hotline (09-377-3107).

#### **Pre Works Conditions**

11. The Consent Holder shall inform the Manager in writing **at least two weeks** prior to the commencement of the installation of the oil/water separator referred to in **Condition 13**.
12. The Consent Holder or their agent shall arrange and conduct a pre-construction site meeting between POAL, Auckland Council and the Design Engineer, with regard to the stormwater management works, required by **Condition 13**, prior to the construction of any infrastructure works on the site.

#### **Stormwater Management Works**

13. The following stormwater management works are to be constructed for the following catchment areas and to the following design standards (as defined by TP10).

<b>Works</b>	<b>Location</b>	<b>Design Standard</b>	<b>Date for Implementation</b>
Refuelling area: construct new refuelling area including bunds,	Adjacent to workshop	Discharge not to exceed 15mg/l oil and grease. Catchment area for	September 2017

Works	Location	Design Standard	Date for Implementation
drainage and oil/water separator		any single oil/water separator not to exceed 1,000m <sup>2</sup>	

*Advice Note: If there is a change to processes or chemicals used within the sub-catchment areas treated by the oil/water separator specified by Condition 13, the monitoring parameters set in Condition 22 will need to be re-evaluated.*

14. The following additional stormwater management works are to be constructed for the following catchment areas:

Works	Location	Date for Implementation
Onehunga Wharf: Fill in rail slots on wharf	Onehunga Wharf	September 2017
Catchpit Insert	Catchpit north of the Packing Shed	Within 3 months following grant of consent.

### Post Construction Requirements

15. The consent holder or their agent shall arrange and conduct a post construction site meeting **within 30 working days** of completion of installation of each of the stormwater management works specified in **Condition 13**. The meeting shall include Auckland Council and all relevant parties, including the consent holder's engineering advisor. As-Built Plans as specified in **Conditions 19 and 20** shall be available for this meeting.

### Inspection and Maintenance Plan

16. An updated Inspection and Maintenance Requirement (contained in the 'Port of Onehunga: Standard Operating Procedures and Inspection and Maintenance Requirements' document) for the stormwater management works shall be submitted to the Manager **within 30 working days** of completion of the installation of each of the stormwater management works. The updated Inspection and Maintenance Requirement shall set out how the stormwater management works are to be operated and maintained to the design standard set out in **Condition 13** so that adverse environmental effects are minimised.
17. The Inspection and Maintenance Requirement shall include:

- i) A programme for regular maintenance and inspection of the stormwater management works authorised under **Condition 13** of this Consent;
  - ii) A programme for the collection and disposal of debris and sediment collected by the stormwater management works or practices;
  - iii) A programme for post storm / post spill maintenance;
  - iv) General inspection checklists for all aspects of the stormwater management works;
  - v) Details of the person or bodies whom will hold responsibility for long-term maintenance of the stormwater management works and the organisational structure which will support this process.
18. The stormwater management works shall be inspected and managed in accordance with the Inspection and Maintenance Requirement as required by **Condition 16**.

#### **Certification of Construction Works**

19. As-Built plans for the stormwater management works specified in **Condition 13** shall be certified as a true record of the stormwater management works by a Chartered Professional Engineer and shall be submitted to the Manager **within 30 working days** of the completion of installation of each of the stormwater management works.
20. The **As-Built plans** of the Stormwater Management Works shall include:
- i) The surveyed location (to the nearest 0.1m) and level (to the nearest 0.01m) of the discharge structure, with co-ordinates expressed in terms of the New Zealand Map Grid and LINZ datum;
  - ii) Plans and cross sections of all stormwater management works, including confirmation of the water quality volume, storage volumes, and levels of any outflow control structure; and
  - iii) Documentation of any discrepancies between the design plans and the As-Built plans.

**Stormwater monitoring**

21. A stormwater monitoring programme to assess the maintenance requirements of the oil / water separator as required by **Condition 13** shall be implemented over a period of three years for the installed device.
22. The stormwater monitoring programme shall include:
- i. Collection locations, methods, and procedures for stormwater discharge sampling on a quarterly basis;
  - ii. Monitoring parameters for analysis shall include:
    - Total Petroleum Hydrocarbons mg/L
    - Poly Aromatic Hydrocarbons mg/L
  - iii. The methods and procedures for investigating and reporting stormwater discharge monitoring results to the Manager annually.

*Advice Note: Condition 21 requires the individual oil/water separator specified by Condition 13 to be monitored for three years to determine maintenance requirements.*

*Advice Note: The Manager will advise the consent holder in writing if any aspects of the environmental management plan: stormwater or monitoring plan are inconsistent with achieving the provisions of this consent.*

23. The stormwater monitoring programme shall begin immediately following the commissioning of the stormwater device as required by **Condition 13**.
24. Following completion of the three year monitoring period for the device installed, the Consent Holder shall provide a monitoring report to the Manager. The contents of this report shall include:
- i. Summary and interpretation of the monitoring programme results;
  - ii. Records of all maintenance that has been undertaken on each of the stormwater management works;
  - iii. Proposed long term maintenance programme of the installed devices; and

- iv. Proposed options in the event that the device(s) are not complying with the design standard required by **Condition 13**.

### **Additional monitoring**

25. The quantity of material collected by sweeper truck and the quantity of material collected by catchpit cleaning will be recorded prior to off-site disposal. A summary of all of these results shall form part of the annual reporting requirements as defined in the EMP:S and **Condition 26**.

*Advice Note: The monitoring required by the above condition shall be utilised to determine the effectiveness of the standard operating procedures in minimising the volume of gross pollutants discharging to the receiving environment.*

### **Annual Reporting Requirements**

26. A report shall be forwarded to the Manager before **30 June on an annual basis** from the date of granting of this consent. The report shall include but not be limited to:
- i) All aspects of the performance of the EMP:S relating to this consent, including results of any audits required by **Condition 6 (vii)**;
  - ii) All documentation associated with the updated EMP:S as a result of the review required by **Condition 8**;
  - iii) Details of all inspections and maintenance of the stormwater management works for the **preceding 12 months**;
  - iv) Details of the person(s) or body responsible for maintenance of site;
  - v) Results and analysis of the **past 12 months** stormwater quality monitoring, along with an interpretation of those results and where identified, suggestions for improvement to the site operations; and
  - vi) A summary of the records required by **Condition 25**.

### **Review Condition**

27. The conditions of this consent may be reviewed by the Auckland Council pursuant to Section 128 of the RMA, (with the costs of the review process being borne by the

consent holder), by the giving of notice pursuant to Section 129 of the RMA, in one of the following years:

- June 2013
- June 2014
- June 2015
- June 2016

And/or at two yearly intervals after either the date of that review (if such review occurs) or after June 2014 whichever is earlier.

The purpose of the review may be for any of the following purposes, namely:

- i) To deal with any adverse effect on the environment which may arise from the exercise of the consent or upon which the exercise of the consent may have an influence and which becomes apparent, or is found appropriate, to deal with at a later stage, and in particular but without limiting the ambit of this clause to:
  - a) insert conditions, or modify existing conditions, to require the consent holder to identify the character or nature of any discharges authorised by this consent and to report the results of that monitoring to the Auckland Council; and/or
  - b) insert conditions, or modify existing conditions, to require the consent holder to monitor the effects of any discharges authorised by this consent on the local receiving environment and to report the results of that monitoring to the Auckland Council;
  - c) the conditions may relate to the matters contained in s108(4) of the RMA or any Act in substitution thereof.
- ii) Insert conditions, or modify existing conditions, to remedy, mitigate or minimise any adverse effects on the environment resulting from the discharges authorised by this consent, including remedying or mitigating any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage.



*Advice Note: For the removal of doubt, purpose (ii) of review Condition 27 may include the need to: achieve consistency with performance measures implemented on catchment wide discharge consents for the area; and investigate the necessity of modifying or enhancing existing treatment or management systems should the results of receiving environment monitoring indicate that the discharges authorised by this consent are causing or exacerbating the occurrence of adverse effects in the receiving environment.*

#### **4.3 ADVICE NOTES**

1. *The consent holder is advised that they will be required to pay to Auckland Council any administrative charge fixed in accordance with Section 36(1) of the RMA, or any additional charge required pursuant to Section 36(3) of the RMA 1991 in respect of this consent.*
2. *The date of the commencement of this consent will be as determined by Section 116 of the RMA, unless a later date is stated as a condition of consent. The provisions of Section 116 of the RMA are summarised in the covering letter issued with this consent.*
3. *The consent holder is referred to Section 124 of the RMA, which provides for the exercising of a consent while applying for a new consent for the same activity.*
4. *The consent holder is advised that, pursuant to Section 125 of the RMA, this resource consent lapses on the expiry of five years after the date of commencement of this consent unless the consent is given effect to or other criteria contained within Section 125 are met.*
5. *The consent holder is advised that, pursuant to Section 126 of the RMA, if this resource consent has been exercised, but is not subsequently exercised for a continuous period of five years, the consent may be cancelled by the Auckland Council unless other criteria contained within Section 126 are met.*
6. *Pursuant to Section 136 and 137 of the RMA, the consent holder may transfer the consent to another party by notifying Auckland Council in writing of their intention to do so.*
7. *Unless the consent has lapsed, been surrendered or cancelled, or transferred to another party, the consent holder is responsible for compliance with all conditions of the consent for the duration of the consent.*

#### 4.4 APPROVAL UNDER DELEGATED AUTHORITY

##### 4.1.1 Adequacy of Information

It is considered that the information submitted with the application is sufficiently comprehensive to enable the consideration of the following matters on an informed basis:

- a) The level of information provides a reasonable understanding of the nature and scope of the proposed activity as it relates to the regional plan(s).
- b) The extent and scale of any adverse effects on the environment are able to be assessed.
- c) Persons who may be adversely affected are able to be identified.

Report Prepared by: Michael Dunphy

Title: Consultant Environmental Planner

Signed:

Date:

pp (Anthony)  
15/06/11

Acting under delegated authority and as recommended in section 4.1, Consent Number 25182 shall be **granted** subject to the conditions of consent specified in section 5.2.

Team Manager: Jacqueline Anthony

Title: Team Leader: Stormwater

Signed:

Date:

(Anthony)  
15/06/11

## SECTION 5 – DEFINITIONS

ARC:	means Auckland Regional Council
AC:	means Auckland Council
Council	means Auckland Council
ARP:SC:	means Auckland Regional Plan: Sediment Control
ARPS:	means Auckland Region Policy Statement
Commencement of Dewatering:	Means when the pumping to dewater the pit the subject of this consent are about to commence.
Completion of Dewatering:	Means when the pumping to dewater the pit the subject of this consent is no longer required due to the pit having been backfilled above standing water levels existing prior to the Commencement of Dewatering.
HGMPA:	means Hauraki Gulf Marine Park Act
LGAAA:	means Local Government Amendment Act 2004
Manager:	means Group Manager, Consents & Consents Compliance – Land, ARC, or nominated ARC staff acting on the Manager’s behalf
NZCPS:	means New Zealand Coastal Policy Statement 1994
ARP:ALW	means Auckland Regional Plan: Air, Land and Water
RMA:	means Resource Management Act 1991 and further amendments