

# Report for an application for resource consent under the Resource Management Act 1991



Discretionary activity

## 1. Application description

Application number(s):	CST60442819 (s12 coastal permit)
Applicant:	Auckland Council – Eke Panuku
Site address:	55 Onehunga Harbour Road Onehunga 1061
Legal description:	PT ALLOT 17 SEC 30 Village ONEHUNGA, PT ALLOT 18 SEC 30 Village ONEHUNGA, Land on DP 702, Lot 5 DP 135212, Lot 7 DP 135212, Lot 6 DP 135212
Site area:	5,0238Ha (occupation area)
<b>Auckland Unitary Plan (Operative in part)</b>	
Zoning and precinct:	Coastal – Minor Port Zone Coastal – General Coastal Marine Zone
Overlays, controls, special features, designations, etc:	Overlays: <ul style="list-style-type: none"><li>• Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - M6, Mount Mangere, Viewshafts</li><li>• Natural Heritage: Regionally Significant Volcanic Viewshafts And Height Sensitive Areas Overlay [rcp/dp] - M5, Mount Mangere, Viewshafts</li><li>• Historic Heritage and Special Character: Historic Heritage Overlay Extent of Place [rcp/dp] - 2736, Onehunga Wharf</li><li>• Infrastructure: National Grid Corridor Overlay - National Grid Yard Uncompromised</li><li>• Infrastructure: National Grid Corridor Overlay - National Grid Subdivision Corridor</li><li>• Natural Heritage: Outstanding Natural Features Overlay [rcp/dp] - ID 46, Hopua explosion crater and tuff exposure (this overlay is adjacent to the site and none of the occupation area falls within this overlay).</li></ul> Controls: <ul style="list-style-type: none"><li>• Vehicle Access Restriction Control - Motorway Interchange Control (does not affect occupation area)</li><li>• Coastal Inundation 1 per cent AEP Plus 1m Control - 1m sea level rise (does not affect occupation area)</li><li>• Macroinvertebrate Community Index – Urban</li></ul>

#### Designations:

- Designations - 6774, East West Link, Designations, New Zealand Transport Agency (does not affect occupation area)
- Airspace Restriction Designations - ID 1102, Protection of aeronautical functions - obstacle limitation surfaces, Auckland International Airport Ltd

#### Proposed plan change(s):

78

#### Zoning:

- Coastal - Minor Port Zone
- Coastal - General Coastal Marine Zone

#### Overlays

As above

#### Controls

As above

#### Qualifying Matters:

- Designation
- Regional Maunga Viewshafts and Height and Building Sensitive Areas Overlay
- Coastal Inundation (i)
- Historic Heritage Extent Of Place Overlay
- Outstanding Natural Features Overlay
- National Grid Corridor Overlay.

## 2. Locality Plan



### 3. The proposal, site and locality description

#### Proposal

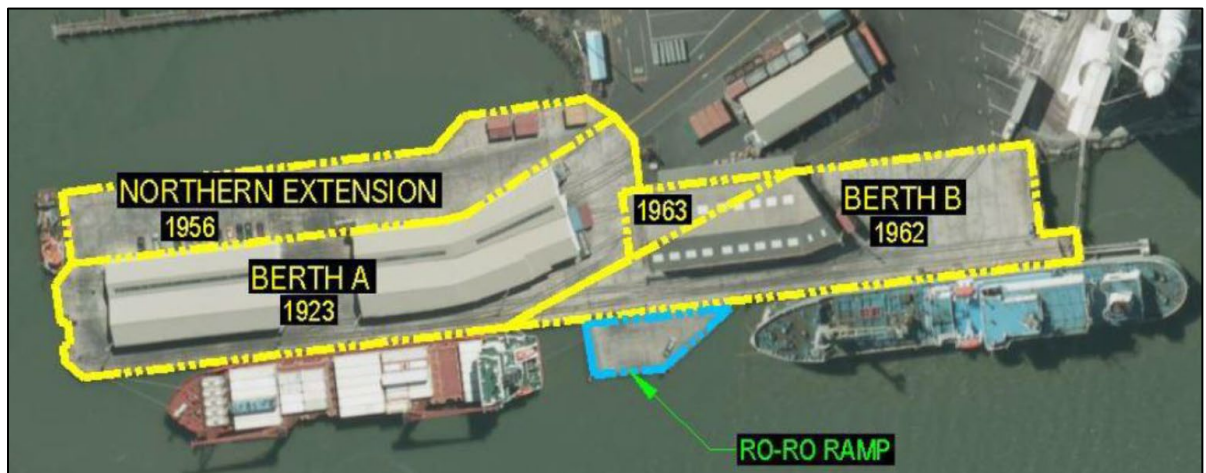
Mark Vinall of Tattico Limited has provided a description of the proposal in Section 5 of the AEE on pages 16-18 of the Assessment of Environmental Effects (AEE) titled: '*Coastal Occupation Permit – Onehunga Wharf*', dated March 2025. The proposal is summarised below:

- A new coastal permit to enable the continued occupation, by the applicant, of Onehunga Wharf including the existing structures and buildings located on the wharf and the occupation of the surrounding waterspace. The existing buildings on the wharf include:
  - Shed A (approximately 1,200m<sup>2</sup>).
  - Shed B (approximately 1,400m<sup>2</sup>).
  - Shed D (approximately 1,300m<sup>2</sup>).
- The existing wharf includes common area of approximately 7,500m<sup>2</sup> including Berth A, Berth B and the northern extension. There is a roll-on roll-off ramp (RO-RO Ramp) located centrally on the southern side of the wharf. A breakwater (hard protection device) and a boat ramp are located on the northwestern extent of the occupation area.
- The map below demonstrates the location of the buildings on the wharf. The area clouded out is located on land and does not form part of the coastal permit resource consent. The berthages circled in red have been removed (this is evident in more recent aerial photos as was confirmed on my site visit). The breakwater and boat ramp are circled in orange and yellow respectively:



Extracted from the AEE (page 12).

- The map below shows the wharves and the RO-RO ramp. The wharves are outlined in yellow and the RO-RO ramp in blue:



*Extracted from AEE (page 12).*

- The use of, operation and maintenance of the Onehunga Wharf and the surrounding waterspace for marine and port activities, marine and port accessory structures and services and marine and port facilities (refer to Chapter J1 of the Auckland Unitary Plan (Operative in Part) (AUP(OP) for the list of activities included under each activity). The main activities include:
  - General port operations (e.g. cargo handling)
  - Fishing fleet operations and marine services (e.g. towage, pilotage, line handling)
  - Storage and warehousing (for the marine activities).
  - Carparking associated with marine and port activities.
  - Supporting activities such as logistics, port infrastructure, and port security.
- The exclusive occupation of the wharf, buildings and structures located on the wharf, the breakwater, RO-RO ramp, boat ramp, and the surrounding waterspace in the coastal common marine area. The proposed occupation area is 50,238m<sup>2</sup>. The area shaded in purple demonstrates the area of the coastal common marine area which the applicant is seeking exclusive occupation over:





*Extract from the Onehunga Coastal Permit (Proposed 2024) Plan.*

- The proposed duration of the consent is the maximum 35 years prescribed in s12 of the Resource Management Act (RMA).
- As confirmed in the AEE, the Holcim cement operations located on the wharf and the activities related thereto do not form part of this resource consent.
- In an email dated 11 April 2025, the agent confirms that Marlin (the transport operation) has vacated the site and shed D is empty. Therefore, no transport operations are taking place on the wharf.

## Site and surrounding environment description

The AEE has provided a description of the subject site and surrounding environment in Section 4 on pages 11-15.

Having undertaken a site visit on 3 February 2025, I concur with and adopt that description of the site and surrounding and note the following additional points:

- As mentioned above, the berthages located on the northern extent of the occupation area have been removed and no longer exist.
- The Nga Hau Mangere pedestrian bridge is located to the east of the proposed occupation area and further east of that is the Magere Bridge (SH20 motorway).

## 4. Background

### Specialist Input

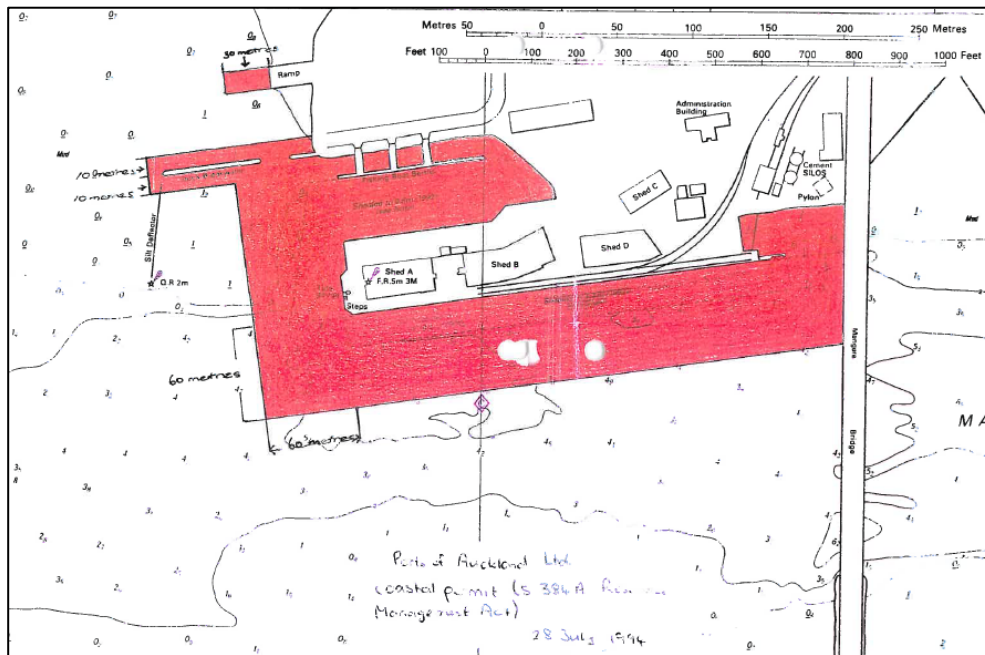
The proposal has been reviewed and assessed by the following specialists:

- Alan Moore, Principal Specialist, Coastal, Auckland Council.
- Kala Sivaguru, Senior Specialist, Coastal, Auckland Council.
- Sally Peake, Principal / Specialist Urban Design, consultant for Auckland Council.
- Honwin Shen, Senior Traffic Engineer, Auckland Council.
- Rebecca Fox, Team Leader, Built Heritage Implementation, Auckland Council.
- Scott Patton, Team Leader, Regulatory Engineering, Auckland Council.
- Jason Son, Maritime Officer, Harbourmasters Office, Auckland Transport.
- Catherine (Kate) Lewis, Natural Features Specialist, Auckland Council.
- Sharon Tang, Senior Specialist, Contamination, Auckland Council.

## Consenting background

### S384A Deemed Coastal Permit

As described in Section 2 of the AEE, on page 6, currently Onehunga Wharf occupies waterspace under Port of Auckland's (POAL) s384A Coastal Permit granted on 28 July 1994 expiring on 30 September 2026. This wharf is owned by the Council and operated by Eke Panuku. The occupation area is illustrated on the extract below:



### Discharge Consent – Consent number 25182

Resource consent was granted on 15 June 2011 “[t]o 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. [SIC]” This resource consent authorises the discharge of contaminants into the Coastal Marine Area from activities taking place on the wharf structures including shipping container activities; fishing fleet activities; barrage operations; accessory workshops; a slipway (for structural maintenance and repairs of boats); refuelling (refer to Section 1.4 of resource consent 25182<sup>1</sup> on pages 4-6 for a full description of the activities covered by that consent).

<sup>1</sup> Refer to document titled “29 - Discharge Consent for Onehunga Port Activities - DIS60264351”

### Certificate of Compliance – Holcim Cement Operation (Application number PA 52547)

The Holcim cement operations taking place adjacent to the proposed occupation area is authorised by this Certificate of Compliance (COC). The description of the proposal states that “...*Cement is received at the facility by ships and is transferred to the silos via sealed pneumatic system... From the silos, the cement is transferred to the trucks via sealed network of pipes...*”. Note this COC is only to authorise activities located adjacent to the occupation area.

The agent has confirmed that the proposed occupation permit and this resource consent does not include any cement operations that may be occurring on the wharf.

### Land use consent – R.LUC.1996.6101463

This resource consent issued on 18 April 1996 was for the erection of an overweight cement storage silo, a walkway between silos and sundry pipe work. This is for the cement operations located adjacent to the proposed occupation area.

### **Engagement**

Section 6 of the AEE on pages 19-20 provides an overview of the engagement undertaken by the applicant.

### Mana Whenua

Attachment C to the AEE confirms that two hui were held, one on 6 November 2023 and another on 25 March 2024 regarding the proposed occupation permit. It is evident from the information provided in the engagement summary that in the first hui Mana Whenua raised queries regarding matters such as ownership of Onehunga Wharf; dredging; responses from MACA consultation; infrastructure (including draining pipes maintenance, etc. and whether the application includes upgrades to the infrastructure). The purpose of the second hui was to update Mana Whenua on stormwater issues raised. Mana Whenua were informed that stormwater infrastructure and treatment on the wharves was limited. Concerns were raised regarding vehicles on the wharves and contaminants from vehicles discharging into the harbours. The applicant noted they were discussing the stormwater discharge matter with the asset team and that any improvement works would need to form part of future budget rounds.

The AEE and section 92 response dated 31 March 2025 confirms that no iwi requested to undertake a cultural values assessment and no iwi expressed opposition to the proposal in engagement sessions undertaken via Eke Panuku's Mana Whenua Forum.

### Harbourmaster (Ports of Auckland)

As mentioned above, POAL hold the current s384A coastal occupation permit for Onehunga Wharf. The applicant has obtained written support from the Ports General Manager Infrastructure & Property, Alistair Kirk. Mr Kirk confirmed in an email dated 5 June 2024 that “*I don't have any concerns with Panuku's proposal for occupation of the areas bound by the blue outline.*” The agent confirmed in an email response dated 27 February 2025, and provided evidence, that the email from Mr Kirk was also in relation to the Onehunga Wharf as well as the other four occupation permits the applicant is seeking to renew.

## Auckland Council

The applicant engaged with the Council in a pre-application meeting held on 1 June 2023. The minutes are attached as Attachment F to the AEE.

### **Marine and Coastal Areas (Takutai Moana) Act 2011 (MACA)**

As noted in the AEE, the applicant notified applicants for customary marine title applicable to this part of the CMA on 20 May 2024. The AEE notes that the following response from received from Ngāti Te Ata:

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

The AEE states that the applicant is “...continuing engagement with Ngāti Te Ata on this issue. No other feedback has been received at the timing of writing this application.” The section 92 response letter dated 31 March 2025 confirms that “[a] further hui with Ngāti Te Ata was canvassed, however a meeting did not eventuate. There is no further correspondence to provide. Ngāti Te Ata did not request that they prepare a [Cultural Values Assessment]”.

### **Plan changes**

On August 18th, 2022, Auckland Council notified Plan Change 78 and Plan Change 79 which involves a number of changes to the Unitary Plan provisions in response to the government’s National Policy Statement on Urban Development 2020 (amended in 2022) and requirements of the Resource Management (Enabling Housing Supply and Other Matters) Amendment Act 2021. PC 79 involves amendments to the Unitary Plan transport provisions in relation to parking, vehicle and pedestrian access and lighting.

Both PC 78 and 79 are not considered relevant to this proposal.

## **5. Reasons for the application**

Resource consent is required for the following reasons:



## Coastal consent (s12) – CST60442819

### Auckland Unitary Plan (Operative in part)

#### **Regional land use (operative plan provisions)**

##### *F2 Coastal – General Coastal Marine Zone*

- For exclusive occupation of the common marine and coastal area for activities which are otherwise permitted activities within the General Coastal Marine Zone and in this case include marine and port activities (such as navigation, anchoring, mooring, berthing, manoeuvring of vessels), is a discretionary activity under rule F2.19.8(A114A).

##### *F5 Coastal – Minor Port Zone*

- For the wharf structure to continue to be located within the common marine and coastal area and for the exclusive occupation of the wharf is a restricted discretionary activity under rule F5.4.3(A30).
- For the breakwater which is a hard protection structure is a restricted discretionary activity under rule F5.4.3(A35).
- For the existing buildings (Sheds A, B, and D) located on the wharf which are coastal marine area structures or buildings not otherwise provided for is a discretionary activity under rule F5.4.3(A36).
- For the exclusive occupation of the common marine and coastal area for activities that would otherwise be permitted in the Minor Port Zone and in this case include marine and port activities (including navigation, berthing, repair of vessel, loading and unloading of cargo), is a restricted discretionary activity under rule F5.4.3(A42).

The reasons for consent are considered together as a discretionary activity overall.

## **6. Public notification assessment (sections 95A, 95C-95D)**

Section 95A specifies the steps the council is to follow to determine whether an application is to be publicly notified. These steps are addressed in the statutory order below.

### **Step 1: mandatory public notification in certain circumstances**

Mandatory notification is required as the applicant has requested that the application be publicly notified (s95A(3)(a)) as confirmed on the submitted application form. The \$20,000 notification deposit was paid when the application was lodged.

## **7. Notification recommendation**

### **Public notification**

For the above reasons under section 95A this application must be processed with public notification.

Accordingly, I recommend that this application is publicly notified.



Bradley Peens  
Senior Planner  
Resource Consents

Date: 16 April 2025

## 8. Notification determination

Acting under delegated authority, and for the reasons set out in the above assessment and recommendation, under sections 95A of the RMA this application shall be processed on a publicly notified basis.



Karen Long  
Team Leader  
Resource Consents

Date: 17 April 2025