ATTACHMENT 1

Maintenance Dredging
Permit R/REG/2016/3946
21 November 2016

Dear Mark,

Resource consent application – advice of decision

<table>
<thead>
<tr>
<th>Application number:</th>
<th>R/REG/2016/3946</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant:</td>
<td>Ports of Auckland Limited</td>
</tr>
<tr>
<td>Proposed activity:</td>
<td>To undertake maintenance dredging within the Waitemata Navigation Channel Precinct, Auckland including discharges associated with the activity (but not including the disposal of dredging material).</td>
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<tr>
<td>Site address:</td>
<td>Rangitoto Navigation Channel (demarcated in the AUP (OIP) as the Waitemata Navigation Channel Precinct)</td>
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Following an assessment of your resource consent application under the Resource Management Act 1991 (RMA) and with reference to the Auckland Council Regional Plan: Coastal, and the Auckland Unitary Plan (Operative in Part), a decision has been made to approve your application, subject to conditions of consent.

Please take the time to read and understand the conditions of consent. Council officers will undertake inspections of your project to check compliance with this resource consent. For your reference, a copy of the decision is attached. It outlines the basis for the decision and the conditions.

If you disagree with the decision, or parts of it including the conditions, you can lodge an objection with us or file an appeal with the Environment Court within 15 working days of receiving this decision.

Objections should be addressed to the Principal Planner Hearings and Resolutions – Central, Auckland Council at Private Bag 92300, Victoria Street West, Auckland 1142. Information on the objection process can be found on our website www.aucklandcouncil.govt.nz (type “objection process” in the search field).

Information on the appeal process can be found on the Environment Court website www.justice.govt.nz/courts/environment-court.

A final invoice will be sent shortly.

If you have any queries, please contact Earl Brookbanks on (09) 352 2623 or via email at earl.brookbanks@aucklandcouncil.govt.nz and quote the application number above.

Yours sincerely

[Signature]

Daniel Kinnoch
Senior Planner
Decision on an application for resource consent under the Resource Management Act 1991

Discretionary activity

Application number: R/REG/2016/3946 (coastal permit - disturbance and discharge)
Applicant: Ports of Auckland Limited (POAL)
Location: Rangitoto Navigation Channel (demarcated in the AUP (OIP) as the Waitemata Navigation Channel Precinct)


Proposal:
To undertake maintenance dredging within the Waitemata Navigation Channel Precinct, Auckland including discharges associated with the activity (but not including the disposal of dredging material).

Resource consent is required for the following reasons:

Coastal permits (ss12 & 15) disturbance and discharge R/REG/2016/3946

Auckland Council Regional Plan (Coastal)
- Maintenance dredging (including any associated discharge of contaminants into water, but not including the disposal of dredging material) in an area of the Coastal Marine Area that is not located within a Port Management Area (discretionary activity under rule 15.5.9).

Auckland Unitary Plan (Operative in Part) (AUP (OIP))
- Maintenance dredging activities (including any associated discharge of contaminants into water, but not including the disposal of dredging material) within the Waitemata Navigation Channel Precinct (controlled activity under rule I103.4.1).

Decision

I have read the application, supporting documents, and the report and recommendations on the consent application. I am satisfied that I have sufficient information to consider the matters required by the Resource Management Act 1991 (RMA) and make a decision under delegated authority on the application.

Acting under delegated authority, under sections 104, 104B, 105 and 107 and Part 2 of the RMA, the application is **GRANTED**.

Reasons

The reasons for this decision are:
1. In accordance with an assessment under section 104(1)(a) of the RMA, the actual and potential effects from the proposal in relation to sediment and water quality, seabed ecology, marine users and cultural heritage values will be avoided or mitigated, and there will be significant positive effects in relation to the proposal. Particularly:

   a. Assessments undertaken by specialist advisors for the applicant and corroborated by the council’s Coastal specialist, and accepted by me, find the sediment and water quality effects associated with the maintenance dredging activities on the environment will, in most cases, be imperceptible, both visually and ecologically.

   b. Monitoring of historic dredging activities within the channel has not identified any significant ecology within the subject site and it is expected that the benthic communities that are present will recover following the disturbance of dredging. The area has already been highly modified. The potential adverse effects of the proposed maintenance dredging activities on the environment in respect of seabed ecology will be temporary and in most cases avoided.

   c. In terms of effects on other marine users, the dredging operations will occupy a small area of the channel at any one time. Notice will be provided to channel users, and the works area will be visually demarcated. As a consequence any effects on vessel access within or through the wider Rangitoto channel or Waitemata Harbour will be minimal and temporary in nature.

   d. In relation to adverse effects on cultural heritage values, there are no identified areas of cultural significance in the channel. Ngai Tai ki Tamaki in particular has advised that it has no concerns regarding the proposed dredging activities.

   e. In terms of positive effects, the maintenance dredging activities will ensure that vessels are able to safely navigate through the channel, thus providing secure access to the port of Auckland and other marine destinations, thus contributing to the continued economic wellbeing of the Auckland Region.

2. In accordance with an assessment under section 104(1)(b) of the RMA, the proposal is consistent with the relevant statutory documents. In particular:

   **New Zealand Coastal Policy Statement (NZCPS)**

   The proposed maintenance dredging will not be contrary to any of the objectives and policies of the NZCPS, for the following reasons:

   a. Policy 11 - The proposal is not located in an area of indigenous biological diversity that is threatened, naturally rare or nationally significant;

   b. Policy 13 - The proposal does not impact on the natural character of this coastal environment having regard also to historic dredging activities;

   c. Policy 15: - The proposal does not impinge on any natural features nor on any outstanding natural landscapes in this coastal environment; and

   d. Policy 25: The proposal will be so managed as to avoid increasing the risk of social, environmental and economic harm from coastal hazards.

   **Hauraki Gulf Marine Park Act 2000 (HGMPA)**
The proposal is consistent with the provisions of the HGMPA, in particular, the proposal will not affect the life supporting capacity nor environmental amenity of the Hauraki Gulf, and will promote the sustainable management of a physical resource (the Waitemata Navigation Channel) and will not affect the ability of people and communities to benefit from and enjoy the amenity of the Hauraki Gulf.

Operative Auckland Regional Policy Statement 1999 (ARPS)

Chapters 7 (Coastal Environment) and 8 (Water Quality) are relevant to the consideration of the application.

a. The proposal will enable the ongoing use of this part of the Coastal Management Area (CMA) as the Waitemata Navigation Channel. The adverse effects on the environment associated with the proposed dredging activities will be avoided or mitigated, and public access to the coastal environment will not be permanently affected (there will only be short-term temporary effects in isolated areas while dredging is being undertaken).

b. The proposal is necessary to maintain water depths for the safe navigation and berthing of vessels, and the effects of the activity are well understood, having been monitored since at least 1992 and required by the capital dredging permit that is held by Ports of Auckland.

c. Expert analysis has found that the nature of the consequential discharges that will occur as a result of the maintenance dredging activities will have acceptable adverse effects on sediment and water quality and on the ecological values of the Waitemata Navigation Channel Precinct. Disposal of sediment is not covered under this application.

Overall the proposal is considered to be consistent with the relevant objectives and policies of the ARPS.

Auckland Unitary Plan (Operative in part) Regional Policy Statement

Chapter B8 – Coastal Environment is directly relevant to the proposal. The proposal is consistent with the policies and objectives of the Operative in Part RPS as it will enable the on-going safe navigation and berthing of vessels at the Port of Auckland in a manner that will provide for the social and economic well-being of the community and ensuring that public access to the subject part of the CMA is retained.

Auckland Council Regional Plan (Coastal) (ACRP:C)

The proposal is considered to accord with the ACRP:C for the following reasons:

a. Chapter 3 (Natural Character) – The proposal preserves the existing natural character of the coastal environment by not being undertaken in an area external to the existing established channel.

b. Chapter 4 (Landscape) – The dredging has no effect on the visual and scenic qualities of coastal landscapes and seascapes.

c. Chapter 5 (Natural Features and Ecosystems) – The foregoing assessment has found that adverse effects on the functioning of physical coastal processes and the
integrity, functioning and resilience of ecosystems within the coastal environment will be avoided or mitigated.

d. Chapter 6 (Coastal Matters of Significance to Tangata Whenua) - Values of significance to Tangata Whenua are recognised however it is noted that the channel area is highly modified and is not subject to any specific cultural sensitivities.

e. Chapter 7 (Public Access) – Public access to the CMA is mostly maintained, apart from temporary disruption in isolated areas as discussed above.

f. Chapter 9 (Subdivision, Use and Development) - The dredging is not considered inappropriate and is specifically envisaged for this area.

g. Chapter 15 (Disturbance of the Foreshore and Seabed II: Dredging) - Dredging is acknowledged by Chapter 15 as necessary in certain situations (as in this case). The dredging for the redevelopment of the existing channels is designed and located so that the need for maintenance dredging over the long term is minimised as far as practicable.

Auckland Unitary Plan (Operative in part) (AUP (OIP))

Maintenance dredging is specifically provided for in the AUP (OIP) as a controlled activity. The relevant assessment criteria under I103.7.2 are considered to give direct effect to the objectives and policies for the Zone and Precinct. In this regard:

a. The release of contaminated sediment into the water column will be at a low level and difficult to detect. A sediment testing programme is not considered to be required.

b. Methods will be implemented to avoid or mitigate effects on harbour traffic, navigation and safety.

c. Specific monitoring of the proposed dredging by the council is not considered to be necessary.

The one standard relating to maintenance dredging (I103.6.2) is complied with in relation to the disposal of dredged material. This is covered under a separate resource consent and not subject to consideration as part of this decision.

As the outcomes are the same under both the operative and proposed plan frameworks, no weighting is required.

3. In accordance with an assessment under section 104(1)(c) of the RMA, no other matters are considered relevant and reasonably necessary to determine the application.

4. For other relevant RMA sections:

Sections 105 and 107 (coastal and discharge permits)

a. In regard to the matters under s105, the nature of the discharge is consequential only to the dredging activity itself, and while the receiving environment is sensitive to adverse effects, these have been found to be avoided or mitigated for the reasons above. The applicant’s reasons for the dredging have been had regard to, and it considered that there are no possible best practicable alternative methods of discharge.
b. In regard to the restriction of grant of certain discharge or coastal permits under s107, the proposed maintenance dredging will allow those activities under ss(1)(a) and (b). However it is considered unlikely that these activities will result in effects in the receiving waters as covered in ss(1)(c), (d), (e), (f) and (g). Nevertheless, in regard to s107(2), the effects of the proposed maintenance dredging will be localised and short term, and it is required to maintain the existing depths for the safe navigation of vessels in the Rangitoto Channel.

Section 125 (lapse date)

c. The applicant has requested a 20 year term of consent. It is appropriate to set a term of 20 years for the dredging consent as the proposal is for maintenance dredging of an important navigational channel. A condition is imposed to this effect.

Section 128 (review condition)
d. A review condition is imposed that will provide Council as relevant authority the opportunity on an annual basis to consider the best practicable option to remove or reduce any adverse effect on the environment from the dredging, in particular adverse effects on water quality from the release of contaminated sediment. The review condition will also remind the consent holder of the other standard RMA opportunities for review in relation to a coastal permit.

Section 35 (monitoring)
e. As specific monitoring of the proposed dredging by Council is not considered to be necessary, a condition requiring payment of a monitoring deposit is not required.

5. The proposal is consistent with Part 2 of the RMA in that it promotes the sustainable management of natural and physical resources, while ensuring that any potential adverse effects on the environment are appropriately avoided or mitigated. In regard to matters of importance under section 6, the natural character of the coastal environment is maintained and protected from inappropriate activity. Regard has been had to those matters under section 7. There are no Treaty of Waitangi matters under section 8. Accordingly the purpose of the Act is satisfied.

6. Overall the proposal will have positive effects and any adverse effects on the environment that will be avoided or mitigated. The proposal is consistent with the relevant objectives, policies and assessment criteria in the relevant statutory documents, and is consistent with Part 2 of the RMA. The proposal can be granted consent, subject to conditions.

**Conditions**

Under section 108 of the RMA, this consent is subject to the following conditions:

**General conditions**

1. The proposal to undertake maintenance dredging activities within the Waitemata Navigation Channel Precinct, Auckland shall be carried out in accordance with the plans and all information submitted with the application, detailed below, and all referenced by the council as consent number R/REG/2016/3946:
• Application Form, and Assessment of Environmental Effects prepared by Mark Arbuthnot of Bentley & Co Ltd, dated 30 August 2016;

• Specialist reports as detailed below:

<table>
<thead>
<tr>
<th>Report title and reference</th>
<th>Author</th>
<th>Rev</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rangitoto Channel maintenance Dredging Environmental Assessment</td>
<td>Golder Associates (NZ) Limited</td>
<td></td>
<td>August 2016</td>
</tr>
</tbody>
</table>

• Plan prepared by Beca Limited as follows:

<table>
<thead>
<tr>
<th>Plan title and reference</th>
<th>Author</th>
<th>Rev</th>
<th>Dated</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintenance dredging Depths – 3123898-CE-900</td>
<td>Beca Ltd</td>
<td>A</td>
<td>25.08.16</td>
</tr>
</tbody>
</table>

2. Under section 125 of the RMA, this consent lapses five years after the date it is granted unless:
   a. The consent is given effect to; or
   b. The council extends the period after which the consent lapses.

Duration

3. This coastal permit for dredging and discharge shall expire on 4 November 2036, unless it has lapsed, been surrendered or been cancelled at an earlier date pursuant to the RMA.

Dredging Management Plan

4. Prior to the start of dredging works within the coastal marine area, the consent holder shall submit a finalised Dredging Management Plan (DMP) to the Council (Team Leader-Coastal) for certification. The DMP shall be prepared by an appropriately qualified specialist and must contain the following:

   i. confirmation of the dredging programme for the Calendar year
   ii. a schedule for reporting to the Team Leader – Coastal on the total volume of removed material associated with maintenance dredging each calendar year
   iii. a schedule for notifying the Harbourmaster’s office about dredging operations
   iv. details of how dredging operations will be managed
   v. details regarding the appropriate marking of the dredged area
   vi. details of the dredging methodology (e.g. hydraulic excavator)
   vii. methods to minimise the release of sediment and methods during maintenance dredging operations, including visual monitoring of the sediment plume
   viii. methods designed to prevent or minimise the release of contaminants into the surrounding marine environment, and prevent or minimise any associated adverse
environmental effects (noting that this consent does not authorise the disposal of dredging material)

ix. confirmation of the disposal site for the dredged material, noting what resource consent approves the disposal.

No dredging activity shall commence until confirmation is provided from the Council that the DMP satisfactorily meets the requirements of this condition.

Compliance with Dredging Management Plan

5. All works shall comply with the approved Dredging Management Plan at all times. All personnel working on the dredging activity shall be made aware of the requirements contained in the dredging management plan. A copy of the approved Dredging Management Plan shall be held on any vessels involved in the dredging while the activity is occurring.

Notification of dredging works

6. At least ten (10) working days prior to the start of any maintenance dredging the consent holder shall notify:

   a. The Council (Team Leader – Coastal) - (Auckland Council, P.O. Box 92300, Victoria Street West, Auckland 1142 or coastal.monitoring@aucklandcouncil.govt.nz).

   b. Maritime New Zealand (P.O. Box 27006, Wellington 6041).

   c. Auckland Harbormaster (Auckland Transport Harbormasters Office, Private Bag 92250, Auckland, 1142 or HarbourMaster@aucklandtransport.govt.nz) New Zealand Hydrographic Authority (Land Information New Zealand, Private Box 5501, Wellington 6011 or customersupport@linz.govt.nz).

   d. New Zealand Hydrographic Authority (Land Information New Zealand, Private Box 5501, Wellington 6011 or customersupport@linz.govt.nz).

   The notification shall include the expected start dates and estimated duration of dredging works.

Maintenance dredging volume

7. No more than 15,000 m$^3$ of material associated with maintenance dredging shall be removed per calendar year to a maximum of 300,000 m$^3$ over the duration of this consent.

   Alternatively, a cumulative amount of up to 75,000 m$^3$ of material can be removed within any five year period up to the maximum of 300,000 m$^3$ over the duration of this consent.

Dredging methodology

8. The dredging works shall be carried out using mechanical dredging techniques (e.g. hydraulic excavator).

   Any change of dredging technique from that provided in the application documentation requires certification from the Council (Team Leader – Coastal), before dredging commences. Before such certification is provided, the consent holder shall provide information showing that any proposed change of dredging technique does not result in an
increase in adverse environmental effects above those associated with the approved dredging methodology.

**Discharges to the Coastal Marine Area**

9. All maintenance dredging shall be managed to minimise the discharge of contaminants to the Coastal Marine Area.

**Public access**

10. Public access to and along the coastal marine area shall be maintained while the dredging activity is undertaken, except where it is necessary to exclude the public for health and safety reasons.

**Completion of dredging works**

11. The extent of the changes to the seabed over the area(s) subject to the maintenance dredging authorised by this consent, comprising the volume of material removed from the coastal marine area and the resultant depths below chart datum, shall be recorded. This information shall be provided to the Council (can be emailed to monitoring@aucklandcouncil.govt.nz and cc'd to coastal.monitoring@aucklandcouncil.govt.nz) upon completion of each dredging event or at the request of the Council (Team Leader – Coastal).

**Notification to the Hydrographic Authority**

12. Within twenty (20) working days of the completion of any dredging operation, the consent holder shall provide information on the extent of the changes to the seabed over the area(s) subject to the maintenance dredging authorised by this consent, comprising the volume of material removed from the coastal marine area and the resultant depths below chart datum, to the New Zealand Hydrographic Authority (Land Information New Zealand, Private Box 5501, Wellington 6011 or customersupport@linz.govt.nz) and to Council (monitoring@aucklandcouncil.govt.nz and cc’d to coastal.monitoring@aucklandcouncil.govt.nz).

**Monitoring**

13. The consent holder shall take and maintain a photographic record of the dredging operations. The photographs shall:
   
a. be taken at various stages of the tidal cycle, in different wind and wave conditions, and on days that dredging is in progress
b. be taken from an elevated vantage point
c. show the extent of any visible plume or water discoloration
d. verify that the expected range of the sediment plume is localised and of short duration
e. be accompanied by brief notes which indicate when they were taken and what they show.

In the event that a noticeable sediment plume outside of the consent area that is not localised and is not of a short duration is observed, all dredging activity shall cease, and the consent holder shall immediately notify and consult with the Council (Team Leader –
Coastal) to determine an appropriate course of action to minimise further discharges and any adverse effects associated with the plume.

Within twenty (20) working days of completion of the dredging of that Calendar year the consent holder shall provide a copy of the photographic record to the Council (Team Leader – Coastal).

**Review under section 128**

14. Under section 128 of the RMA the conditions of this consent may be reviewed by the Council (Team Leader – Coastal) at the consent holder’s cost:

a. On an annual basis following commencement of consent in order:

   i) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment, in particular adverse effects on water quality from the release of contaminated sediment.

   ii) To provide compliance with rules in any regional plan relating to water quality etc. (refer section 128(1)(b) of the RMA) that have been made operative since the commencement of consent.

   iii) To provide compliance with any relevant national environmental standard that has been made since the commencement of consent.

   iv) At any time, if it is found that the information made available to the council in the application contained inaccuracies which materially influenced the decision and the effects of the exercise of the consent are such that it is necessary to apply more appropriate conditions.

**Advice notes**

1. This consent is to be read in conjunction with any other relevant approved resource consents and does not negate the consent holder’s requirement to continue to comply with the conditions of any previously granted resource consents that have been implemented.

2. Any reference to number of days within this decision refers to working days as defined in section 2 of the RMA.

3. For the purpose of compliance with the conditions of consent, “the council” refers to the council’s Team Leader - Coastal unless otherwise specified. Please contact Alan Moore, Team Leader - Coastal at (09) 352 2755 or alan.moore@aucklandcouncil.govt.nz.

4. For more information on the resource consent process with Auckland Council see the council’s website www.aucklandcouncil.govt.nz. General information on resource consents, including making an application to vary or cancel consent conditions can be found on the Ministry for the Environment’s website: www.mfe.govt.nz.

5. If you disagree with any of the above conditions, or disagree with the additional charges relating to the processing of the application, you have a right of objection pursuant to sections 357A or 357B of the Resource Management Act 1991. Any objection must be made in writing to the council within 15 working days of notification of the decision.
6. The consent holder is responsible for obtaining all other necessary consents, permits, and licences, including those under the Building Act 2004, and the Heritage New Zealand Pouhere Taonga Act 2014. This consent does not remove the need to comply with all other applicable Acts (including the Property Law Act 2007 and the Health and Safety at Work Act 2015), regulations, relevant Bylaws, and rules of law. This consent does not constitute building consent approval. Please check whether a building consent is required under the Building Act 2004.

7. The council acknowledges that the Dredging Management Plan is intended to provide flexibility both for the consent holder and the council for the management of the dredging activity. Accordingly, the Management Plan may need to be reviewed over time. Any reviews should be in accordance with the stated objectives of the management plan and limited to the scope of this consent.

8. Certification of the Dredging Management Plan by the council relates only to those aspects of the management plan that are relevant under the Resource Management Act 1991. The certification does not amount to an approval or acceptance of suitability by the council of any elements of the management plan that relate to other legislation, for example, but not limited to, the Building Act 2004, the Heritage New Zealand Pouhere Taonga Act 2014, or the Health and Safety at Work Act 2015.

Greg Hill
Duty Commissioner
20 November 2016