

**BEFORE THE ENVIRONMENT COURT  
AUCKLAND REGISTRY**

ENV-2009-AKL-

**IN THE MATTER** of clause 14 of the First  
Schedule of the Resource  
Management Act 1991 and  
Proposed Plan Change 3 to the  
Auckland Regional Plan:  
Coastal

**BETWEEN** **BULK STORAGE  
TERMINALS LTD**

Appellant

**AND** **AUCKLAND REGIONAL  
COUNCIL**

Respondent

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**NOTICE OF APPEAL TO ENVIRONMENT COURT AGAINST DECISION ON:  
PROPOSED PLAN CHANGE 3 TO AUCKLAND REGIONAL PLAN:  
COASTAL**

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**MACKENZIE ELVIN  
TAURANGA**

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**TO:** The Registrar  
Environment Court  
Auckland

1. **BULK STORAGE TERMINALS LIMITED (BST)**

appeals against a decision of Auckland Regional Council on the following:

Proposed Plan Change 3 to Auckland Regional Council Plan: Coastal (Wynard Quarter)

2. It made a submission on that proposed plan change as submitter number 10.
3. It received notice of the decision on or about 3 December 2008.
4. Auckland Regional Council made the decision.
5. The decision that Bulk Storage Terminals is appealing is the whole plan change insofar as it relates to the Respondent's failure to adequately provide for:
  - a) The continued safe and efficient operation of the Terminalling Industry.
  - b) The efficient and cost effective relocation of the bulk liquid industry to another site prior to the redevelopment occurring.
6. The reasons for appeal are as follows:
  - a) BST has been operating in Auckland since 1984 and was established to accommodate the business opportunities generated in the Auckland region. With a total annual volume of 75,000 tonnes this represents almost 30 per cent of all bulk liquid products moving across Wynyard Wharf. The company handles product from and to 40 ships annually with the majority of overall throughput split to vegetable oils (47,000t), tallow (18,000t) and chemicals (4,000t). The company maintains an extremely high standard of adherence to mandatory requirements for both storage and handling practices. Environmental concerns are taken seriously and the site is fitted with a HDPE liner under the terminal completely isolating the facility from ground water.
  - b) BST services vital industries in the Auckland region who rely on BST's services to exist. Failure to provide continuous terminalling services could mean these business closing or relocating off shore. In most cases packaged materials handling is not a viable option.
  - c) To ensure BST can maintain it's services to Auckland industries, BST needs to be able to operate in the current location without interference until lease end in 2025. The environment surrounding BST should

remain for Port Industrial use until then to ensure adjacent uses are compatible with the BST site or as the area has been traditionally used.

- d) BST at Wynyard Wharf is a regionally significant related infrastructure and is dependent on the port zoned land adjacent to the deep water berth for their operation. Alternative locations are difficult to resolve and currently, no viable options are available in Auckland. The plan change must be implemented on the assumption that the bulk liquid industry will relocate upon the expiry of the leases.
- e) The decision does not recognise the economic contribution of the bulk liquid industry of both importers and exporters reliant on the bulk liquid industry.
- f) Due to the economic importance of the bulk liquid industry to the region, the principles of the Waterfront Vision relating to the bulk liquid industry should be adopted in the proposed plan change to ensure that a relocation strategy, acceptable to the ARC, is finalized prior to the redevelopment of these sites occurring. The transition process must be seamless and well managed, avoiding any adverse effects or disruption to regional economic activity.
- g) The decision does not reflect that the plan change is not based on current risk analysis for the area. The plan should have been impossible to formulate without reference to the appropriate risk analysis based upon internationally accepted criteria and taking into account the type and scale of the activities and redevelopment proposed.

7. Bulk Storage Terminals seek the following relief.

- a) The plan change is rejected in its entirety
- b) Failing that the plan change not be implemented unless and until the following are satisfied.
- c) BST needs to be able to operate in the current location without interference until lease end in 2025. The environment surrounding BST should remain for Port Industrial use until then to ensure adjacent uses are compatible with the BST site or as the area has been traditionally used.
- d) BST needs the ability to adjust its services to meet the needs of industry across that period as it has done so in the past.
- e) Several years prior to the end of the lease BST needs to have commercially viable options to relocate to and in an orderly or staged




fashion while being able to continue to service industry without interruption. Such a site would ideally be in East Port, Auckland.

- f) The site option needs to have access to 11 meters of water alongside the berth, be within 1 Km of the berth, with Terminalling as a permitted activity, and access to the road transport network.

8. It attaches the following documents to this notice:

- a) a copy of its submission;
- b) a copy of the relevant decision;
- c) a list of names and addresses of persons to be served with a copy of this notice.



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Marcus Wilkins  
Solicitor and authorized agent for the Appellant

19/2/09  
.....  
Date

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Of Appellant: Mackenzie Elvin  
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## **Advice to Recipients of Copy of Notice of Appeal**

### 1. How to become party to proceedings

You may be a party to the appeal if you made a submission on the matter of this appeal and you lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court within 30 working dates after this notice was lodged with the Environment Court. You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing requirements ( see form30)

### 2. How to obtain copies of documents relating to the appeal

The copy of this notice served on you does not attach a copy of the Appellant's submission, the submissions of the other parties and (or) the decision (or part of the decision) appealed. These documents may be obtained, on request from the Appellant.

### 3. Advice

If you have any questions about this notice, contact the Environment Court Unit of the Department for Courts in Auckland.

## **Contact Details of Environment Court for Lodging Documents:**

Documents may be lodged with the Environment Court by lodging them with the registrar.

The Auckland address of the Environment Court is:

8<sup>th</sup> floor District Court Building  
3 Kingston Street  
Auckland

The postal address is:

P O Box 7147, Wellesley Street, Auckland

And it's telephone and fax numbers are:

Telephone; (09) 916 9091  
Fax; (09) 916 9090