

Draft

ARIKI TAHI SUGARLOAF WHARF

**OPERATIONAL MANAGEMENT  
PLAN**

Ariki Tahī Sugarloaf Wharf Limited

April 2022

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# 1. INTRODUCTION

## 1.1 OVERVIEW

Ariki Tahī Sugarloaf Wharf (“**Ariki Tahī**” or “**Wharf**”) is located adjacent to Te Kouma Road at the western end of Waipapa Bay, Te Kouma. Resource consents for the occupation and use of Ariki Tahī from the Thames-Coromandel District Council (“**TCDC**”) and Waikato Regional Council (“**WRC**”) are held by Ariki Tahī Sugarloaf Wharf Limited (“**ATSWL**”). The use of Ariki Tahī by recreational and commercial users is also subject to the Maritime Facilities Bylaw 2015, which is administered by the TCDC.

The purpose of this Operations Management Plan (“**OMP**”) is to outline the operational and management measures that will be implemented at Ariki Tahī to assist ATSWL with the management of its resource consent conditions and to generally avoid or minimise potential adverse effects on the amenity of the surrounding environment. This OMP does not seek to address the health and safety obligations that apply to operations at Ariki Tahī (which are addressed separately as part of a Wharf safety plan prepared by TCDC and approved by ATSWL (the “**Approved Wharf Safety Plan**”).

Day to day operational responsibilities at Ariki Tahī, in accordance with this OMP, are contracted to TCDC. However, it is noted that nothing in this OMP constitutes a fetter or limitation on the exercise of any discretion or power of decision by TCDC as a consent authority, or any other regulatory capacity which TCDC occupies as the local authority in connection with the use or management of Ariki Tahī.

TCDC will, pursuant to its Wharf Operating Agreement with ATSWL, appoint a Maritime Facilities Manager as recognised in the Maritime Facilities Bylaw 2015 to oversee activities at the recreation and commercial areas at Ariki Tahī.

This OMP also outlines a complaint and response procedures associated with operations at Ariki Tahī. In effect, the procedures outlined in this OMP are intended to provide detail on how the requirements outlined within this plan will be enforced by ATSWL.

The process by which this OMP may be revised or updated are set out in the resource consent conditions for the occupation and use of Ariki Tahī, but for completeness it is noted that any proposed changes to this plan must be certified by the TCDC (as consent authority) and be subject to consultation with the Community Engagement Committee (discussed below).

## 1.2 COMMUNITY ENGAGEMENT COMMITTEE

A Community Engagement Committee will be established to provide an interface with the community regarding operations at Ariki Tahī – which is also a requirement of the resource consent conditions.

The Community Engagement Committee will meet at least three times each year, or a lesser frequency as agreed by the Committee, to review, and provide advice on, the operational and environmental performance at Ariki Tahī, including any monitoring results or records of complaints. The Community Engagement Committee will comprise the following:

- The Maritime Facilities Manager;
- One representative of ATSWL;
- One representative from the authorised aquaculture operators (to be appointed by the Coromandel Marine Farmers Association (“**CMFA**”));
- One representative from mana whenua;
- One representative of the Waipapa Bay Protection Society; and
- One representative of the Te Kouma Residents and Ratepayers Association.

Meetings will be held at TCDC offices or any other mutually agreed venue. Site inspections may be organised through these meetings if required.

Minutes of these meetings of the Community Engagement Committee will be recorded by the Maritime Facilities Manager and circulated to attendees within five working days of each meeting. Meeting minutes shall be saved to the electronic filing management system utilised by the TCDC.

### **1.3 RESPONSIBILITIES OF ARIKI TAHI SUGARLOAF WHARF LIMITED**

ATSWL is a company in which the Crown, CMFA and TCDC are all equal shareholders.

ATSWL will carry out the following roles at Ariki Tahī:

- In its capacity as the consent holder, ATSWL will endeavour to enable users of Ariki Tahī to carry out authorised activities on the Wharf in accordance with all resource consent conditions and any other statutory / regulatory requirements;
- Engage TCDC, through a Wharf Operating Agreement, to manage and monitor wharf operations at Ariki Tahī. This will include the appointment of a Maritime Facilities Manager; and
- Reserve the right to deny access to Ariki Tahī to any authorised aquaculture operator (or individual working for an authorised aquaculture operator) who fails to comply with the requirements of the resource consent conditions and this OMP. In particular, this includes requirements relating to:
  - The generation of noise;
  - The operation of vessel lighting;

- The use of storage areas at the Wharf;
- Vehicle operations; and
- Any other procedures defined or consequently executed by ATSWL and notified to users of Ariki Tahī.

The procedures that will be utilised to enable ATSWL to limit the use of Ariki Tahī by authorised aquaculture operators that do not comply with the resource consent conditions or this OMP are outlined in Section 4 of this OMP.

#### 1.4 AUTHORISED AQUACULTURE OPERATORS

In this OMP:

- “**authorised aquaculture operators**” has the meaning given in Section 3.1;
- a “**principal operator**” is an authorised aquaculture operator which or who is the holder of a coastal permit for mussel farming (and “**principal**”, in relation to an individual, is the principal operator which employs that individual or to which the individual, or the entity of which the individual is personnel, is a contractor); and
- an “**individual**” is an authorised aquaculture operator who is an employee of or contractor to a principal operator (and includes the personnel of a contractor to a principal operator). In addition, where a principal operator is a natural person, that person is both a principal operator and an individual for the purposes of this OMP.

## **2. RECREATIONAL WHARF MANAGEMENT**

This section of the OMP relates to the management of the recreational wharf activities which occur on the portion of the wharf identified as 'Recreation Area' at Ariki Tahī, which is attached as **Appendix A**.

### **2.1 USERS OF THE RECREATIONAL WHARF**

The recreational area of Ariki Tahī is able to be utilised by members of the public for the launching and retrieving of vessels being utilised for recreational purposes, as well as associated vehicle parking. Authorised aquaculture operators may also utilise the recreational area of Ariki Tahī to access the adjacent boat maintenance grid, but only as required for that purpose and not otherwise.

The Maritime Facilities Manager will also have all the rights and powers available to TCDC, in respect of the use of the recreational area of Ariki Tahī, including under and by virtue of the Maritime Facilities Bylaw 2015.

### **2.2 PARKING, LOADING AND LAUNCHING**

Parking, loading and vessel launching in the recreation area at Ariki Tahī shall be managed as follows:

- Two parking spaces shall be marked out for use by disabled persons (and there shall be one remaining parking space);
- 21 parking spaces will be marked out in paint (and possibly signposted) for towing vehicle / boat trailer units for recreational use. Designated towing vehicle / boat trailer car parks will be reserved at all times solely for the use of towing vehicle / trailer boat units. No vehicles undertaking or associated with commercial activities are permitted to use these parking spaces;
- There will be no parking at any time in the areas marked in yellow hatched paint on the road surface; and
- The maximum speed limit within the recreation area of Ariki Tahī is 10 km/hr or as otherwise posted. All drivers are expected to drive to the conditions and reduce speed accordingly when approaching congested areas.

### **2.3 ARIKI TAHI MARITIME FACILITIES MANAGER**

The Maritime Facilities Manager will be on-site to oversee the recreation area at Ariki Tahī during peak times.

Peak times shall include a minimum of 8 hours on Saturdays and Sundays, and on all public holidays (excluding Christmas Day).

The Maritime Facilities Manager may also be required to oversee activities at the recreation area at Ariki Tahī at other times designated by the TCDC.

## **2.4 RESPONSIBILITIES OF THE ARIKI TAHI SUGARLOAF MARITIME FACILITIES MANAGER**

With respect to the recreation area of Ariki Tahī, the responsibilities of the Maritime Facilities Manager shall include:

- Overseeing recreational activities at the Wharf in accordance with the requirements of the resource consent conditions and the OMP;
- Overseeing the safe parking and traffic management of vehicles at the Wharf;
- The display of signage at the recreational area of the Wharf so that users can be expected to understand the operational and safety requirements of the Wharf;
- Requiring recreational users to keep the site clean and free of debris;
- Logging any complaints received by the Maritime Facilities Manager from members of the public in accordance with Section 5 of this OMP;
- Working with TCDC Compliance Staff in regard to any parking / launching infringements;
- Undertaking site inspections and either arrange necessary repairs, or report back to ATSWL and TCDC; and
- Conducting site inductions for any contractors engaged by ATSWL or TCDC to undertake maintenance / repair type works at the Wharf.<sup>1</sup>

It is noted that nothing in this clause limits the rights and powers of TCDC or the Maritime Facilities Manager in relation to the Wharf under applicable laws and bylaws.

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<sup>1</sup> Contractors directly engaged by authorised aquaculture operators as part of their activities at the Wharf will be inducted in accordance with Section 3.4 of this Plan.

### 3. COMMERCIAL WHARF MANAGEMENT

This section of the OMP relates to the management of the commercial wharf activities which occur on the portion of the wharf identified as 'Commercial Area' at Ariki Tahī, which is attached as **Appendix A**.

#### 3.1 AUTHORISED USERS OF THE COMMERCIAL WHARF

The commercial area of Ariki Tahī is only to be accessed by authorised aquaculture operators and the Maritime Facilities Manager.<sup>2</sup> An authorised aquaculture operator is a party / person / contractor that:

- Has been approved to use the commercial area at Ariki Tahī by ATSWL (with such approval being notified by ATSWL in writing to the Maritime Facilities Manager); and
- Has completed the site-specific induction programme for the commercial area at Ariki Tahī.

The use of the commercial area at Ariki Wharf by authorised aquaculture operators may be temporarily withheld if breaches of the resource consent conditions or requirements of this OMP occur – as set out in Section 4 below.

#### 3.2 LAYOUT OF COMMERCIAL FACILITIES

**Appendix A** to this OMP highlights the layout of the commercial area at Ariki Tahī. The following aspects are noted:

- Up to five vessel berths (three berths approximately 30 m long and two berths approximately 20 m long); and
- A storage area for aquaculture equipment; and
- Truck loading and unloading areas, and temporary parking areas.

##### 3.2.1 Parking, Loading and Manoeuvring

Parking, loading and manoeuvring in the commercial area at Ariki Tahī shall be managed as follows:

- One parking space will be marked out for use by the Harbour Master, Maritime Facilities Manager or other TCDC staff / contractors;
- The remaining parking spaces will be marked out in paint solely for use by authorised aquaculture operators. These spaces shall be stacked three spaces deep. No other vehicles will be permitted to use these parking spaces;

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<sup>2</sup> For clarification, the commercial area may also be accessed by emergency services and other authorised persons on official business (e.g. officials from the Ministry for Primary Industries).

- Trucks servicing the aquaculture barges will park in the loading area indicated in **Appendix A**; and
- There will be no parking at any time in the areas marked in yellow hatched paint on the road surface.

### **3.2.2 On-site Storage**

The temporary storage of clean mussel ropes, cages and other equipment awaiting transfer to marine farms may only occur in the storage area indicated in **Appendix A** or (but only when, and to the extent, there is not adequate capacity at the time in those storage areas) in the carparking spaces in the commercial area. Any items are to be placed in such a manner that the use of the commercial area by other authorised aquaculture operators is not obstructed.

The storage of malodorous or objectionable material in the identified storage area or carparking spaces is not permitted at any time.

### **3.3 ARIKI TAHI MARITIME FACILITIES MANAGER**

As already noted, TCDC will appoint a Maritime Facilities Manager to be responsible for overseeing operations in the commercial area of Ariki Tahī (as well as the recreation area of the Wharf). The responsibilities of the Maritime Facilities Manager shall include:

- Overseeing commercial activities at the Wharf in accordance with the requirements of the resource consent conditions and this OMP;
- Providing oversight of operations and traffic management in the commercial area of Ariki Tahī as required;
- Controlling access to the commercial area, and berths, at Ariki Tahī to vessels and vehicles of authorised aquaculture operators only, including requiring unauthorised vehicles or vessels to vacate the commercial area or any such berth;
- Requiring authorised aquaculture operators to keep the site clean and free of debris;
- The display of signage at the commercial area of the Wharf so that authorised aquaculture operators are reminded of the operational and safety requirements of the Wharf;
- Managing and maintaining any cameras, safety equipment or monitoring equipment installed at Ariki Tahī;
- Overseeing the checking and maintenance of spill kits;

- Conducting site inductions for any contractors engaged by ATSWL or TCDC to undertake maintenance / repair type works at Ariki Tahī;<sup>3</sup>
- Logging any complaints received by members of the public in accordance with Section 5 of this OMP; and
- Issuing breach notices in accordance with the process set out in Section 4 of this OMP, and temporarily suspending access to the Wharf by authorised aquaculture operators where necessary.

It is also noted that nothing in this clause limits the rights and powers of TCDC or the Maritime Facilities Manager in relation to the Wharf under applicable laws and bylaws.

### **3.4 RESPONSIBILITIES OF THE ARIKI TAHI COMMERCIAL USERS**

It is the responsibility of all principal operators at Ariki Tahī to:

- Ensure all of their employees, contractors (including all personnel of those contractors) and visitors comply with the requirements of the Approved Wharf Safety Plan for Ariki Tahī;
- Ensure all of their employees, contractors (including all personnel of those contractors) and visitors understand and comply with the resource consent conditions that apply to Ariki Tahī and the requirements of this OMP;
- Ensure they undertake the necessary site induction and training of all of their employees, contractors (including all personnel of those contractors) and visitors;
- Ensure that no permission is given by them or any of their employees or contractors (including personnel of those contractors) to any visitor to be on the commercial area at Ariki Tahī except for a legitimate and necessary purpose associated with the commercial activities of the principal operator. The principal operators will be responsible for the acts and omission of their visitors (and visitors of their employees and contractors) to the commercial area at Ariki Tahī.

It is the responsibility of all authorised aquaculture operators at Ariki Tahī to:

- Acknowledge that in the event of any non-compliance with this OMP, authority to access and use Ariki Tahī can be suspended in accordance with the Section 4 of this OMP;
- Ensure compliance with the restrictions on noise emissions at Ariki Tahī set out in Section 3.9 of this OMP, and that the measures, procedures and requirements

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<sup>3</sup> Contractors directly engaged by authorised aquaculture operators as part of their activities at the Wharf will be inducted in accordance with Section 3.4 of this Plan.

outlined in Section 3.9, in order to ensure compliance and generally to avoid or mitigate potential noise effects, are undertaken, performed and complied with;

- Report any observed non-compliances with this OMP to the offending person (if safe and appropriate) and to the Maritime Facilities Manager within 48 hours of the breach being observed;
- Ensure that all portable equipment, rubbish or other materials are removed from Ariki Tahī immediately after use, and to allow other users unobstructed access and use of the Wharf;
- Ensure that operational traffic movements are conducted in accordance with the Traffic Management Plan certified by TCDC; and
- Inform ATSWL of any proposed operations that may temporarily impact the usability of Ariki Tahī for other parties.

It is the collective responsibility of all authorised aquaculture operators to actively manage and respond to environmental risks and compliance at Ariki Tahī, to facilitate the continued efficient use of the Wharf by others and to contribute to maintaining the amenity of surrounding environment.

### **3.5 INDUCTION AND TRAINING**

All authorised aquaculture operators working at Ariki Tahī will need to complete specific site induction training, in accordance with the Approved Wharf Safety Plan, prior to commencing any work or activity at Ariki Tahī. The site-specific induction training will, as relevant to the personnel, also include:

- Understanding and complying with the resource consent conditions and the requirements of this OMP;
- Control procedures for day-to-day operational activities that can be followed to minimise potential adverse effects on the surrounding environment;
- Site layout requirements;
- Fuel handling and management of any spills;
- Waste management;
- Noise management; and
- Traffic management.

The Maritime Facilities Manager will provide site induction training for all principal operators, and provide training to the principal operators in how to conduct site induction training for their own employees, contractors (including personnel of those contractors) and visitors. Each principal operator shall be responsible for providing site induction and training to all of their employees, contractors (including personnel of those contractors)

and visitors and must provide to ATSWL and the Maritime Facilities Manager a certificate of completion of site induction and training (in accordance with this OMP) for each of their employees, contractors (including personnel of those contractors) and visitors prior to them commencing any work or activity at Ariki Tahī or, in the case of visitors, prior to their visit to the site.

### **3.6 MARINE VESSEL MAINTENANCE**

Maintenance that involves the demobilising or hull cleaning of an aquaculture barge and other vessels utilised for aquaculture activities is not permitted at Ariki Tahī, unless this occurs on the maintenance grid established on the eastern part of the Wharf in accordance with the resource consent conditions. Any vessel operator undertaking any other minor maintenance at the Wharf must immediately vacate the area should another vessel arrive to berth.

Signage outlining the conditions of use of the maintenance grid shall be erected adjacent to the grid and will be maintained by ATSWL.

Use of the maintenance grid needs to be booked with the Maritime Facilities Manager prior to use, except in an emergency.

Notification of an emergency requiring use of the maintenance grid is to be given to the Maritime Facilities Manager, ideally prior to use of the grid.

The maintenance grid is to be used only between the hours of 8 am and 5 pm Monday to Sunday, except in emergencies reported to the Maritime Facilities Manager in accordance with the above requirements.

### **3.7 REFUELLING**

Refuelling of vessels at Ariki Tahī shall be undertaken in accordance with the resource consent conditions, the Refuelling and Spill Response Plan and the Oil Transfer Site Marine Oil Spill Contingency Plan. In particular, refuelling shall be undertaken in accordance with the following requirements:

- Refuelling vehicles shall only locate in the designated area shown in **Appendix A**;
- Refuelling shall be limited to occur between 7 am to 8 pm (Monday to Saturday), and preferably during daylight hours; and
- All refuelling activity shall be carried out under the supervision and direction of a person who holds a current HSNO Approved Handler Certificate (or equivalent).

### **3.8 TRAFFIC MANAGEMENT AND SITE ACCESS**

Vehicular traffic entering and exiting the commercial area at Ariki Tahī shall comply with the resource consent conditions, and the Traffic Management Plan certified by the TCDC.

This includes complying with relevant speed limits, directional road markings / signage, stop and give way rules, and only parking in designated parking areas.

Access to the commercial area at Ariki Tahi will be controlled by automated gates with the use of an access card, or other suitable technology / barriers.

The maximum speed limit within Ariki Tahi is 10 km/hr or as otherwise posted. All drivers are expected to drive to the conditions and reduce speed accordingly when approaching congested areas.

### **3.9 NOISE**

#### **3.9.1 Induction and Training**

As set out above, all authorised aquaculture operators (and their visitors) must participate in site induction training - and attention will be given to the following noise matters (where relevant to the role of the person being inducted and trained):

- The sensitivity of residential receivers to the south east of Ariki Tahi, particularly at night;
- The noise limits specified by the resource consent condition;
- Activities with the potential to generate high noise emissions; and
- Noise mitigation and management procedures to be implemented by all users at Ariki Tahi.

Awareness of any ongoing noise management matters / procedures will be via noticeboards, staff communications or further targeted training sessions coordinated by the Maritime Facilities Manager.

#### **3.9.2 General Measures**

As set out in the resource consent conditions, noise emissions from Ariki Tahi are to be limited to:

- 45 dB  $L_{Aeq(15min)}$  and 65 dB  $L_{AFMax}$  from 10 pm to 7am on Monday – Saturday, and from 6 pm on Sunday; and
- 55 dB  $L_{Aeq(15min)}$  from 7 am to 10 pm on Monday – Saturday, and from 7 am to 6 pm on Sunday.

The following general measures will be undertaken by all authorised aquaculture operators at Ariki Tahi in order to ensure compliance with the resource consent conditions, and to generally avoid or mitigate potential noise effects:

- Avoid unnecessary noise such as shouting, slamming vehicle doors, the use of horns (except as a safety alert), loud music / radios, rough handling of material and equipment, and banging or shaking machinery attachments at all times of the day;
- Avoid steel on steel contact where practicable and take care to minimise other impacts (e.g. dropping timber planks / anchors / cages / floats);
- Avoid high engine revolutions through appropriate equipment selection, observing designated speed limits at Ariki Tahī, on public roads and in the Coastal Marine Area, and turning off engines off when idle unless needed for the use of hydraulic cranes;
- Maintain paved surfaces to avoid potholes and corrugations; and
- All aquaculture barges are required to be fitted with noise control devices, including a muffler, and these shall be well maintained and kept in good working order. Equipment found to be producing excessive noise will be identified to the Maritime Facilities Manager, and will be taken out of service and repaired.

### **3.9.3 Equipment Selection**

Noise is to be considered during the procurement of new equipment by authorised aquaculture operators. Other factors to be considered include efficiency, safety, appropriateness and cost.

When selecting equipment, authorised aquaculture operators shall:

- Prioritise quieter models and options;
- Ensure equipment is suitably sized for the proposed task (e.g. balancing efficiency with minimising engine revs / hydraulic load);
- Ensure that equipment is maintained and engines / hydraulic pumps fitted with exhaust silencers / covers; and
- Avoid equipment with tonal safety alarms (see section 3.9.4 below).

### **3.9.4 Safety Alarms**

Safety alarms are important to ensure the safety of those working at Ariki Tahī.

It is not practicable for all alarms to be muted due to occupational health and safety reasons. However, the use of tonal reversing or warning alarms will not be permitted on Ariki Tahī. Suitable alternatives may include flashing lights, broadband audible ‘squawkers’, reversing cameras inside vehicles, and / or use of a banksman / dogman.

The use of vessel horns should be avoided where practicable, noting necessary exceptions such as those required in accordance with Maritime New Zealand rules (e.g. restricted visibility and distress signals).

### 3.9.5 Night Activities

It is acknowledged that operations at Ariki Tahī may potentially occur 24 hours per day, 365 days per year. However, where practicable, activities with the potential to result in sleep disturbance for residents in the surrounding area should be prioritised / scheduled to occur during the day or early evening.

In response to the above, the following procedures shall be followed at Ariki Tahī to reduce the occurrence of loud intermittent noises and to keep low frequency noise to a minimum:

- Where practicable, load / unload vessels during the day (being 7 am to 10 pm Monday to Saturday, and 7 am to 6 pm on Sundays);
- No loading / unloading of cages is to occur at night (being 10 pm to 7 am Monday to Saturday, and from 6 pm on Sundays), except in exceptional circumstances where daytime loading / unloading has been prevented by bad weather or vehicle / vessel breakdown that has been reported to the Maritime Facilities Manager;
- Where loading / unloading must occur at night (being 10 pm to 7 am Monday to Saturday, and from 6 pm on Sundays), engine revolutions are to be kept to the minimum;
- Loading of spat can occur during the night-time hours due to the urgent need to reintroduce spat to the water as soon as possible;
- Co-ordination of berthing times between all authorised aquaculture operators shall occur to prevent queuing of barges in Waipapa Bay at night (being from 10 pm to 7 am Monday to Saturday, and from 6 pm on Sundays);
- The loading of staff onto aquaculture barges at Ariki Tahī at night (being from 10 pm to 7 am Monday to Saturday, and from 6 pm on Sundays) must be undertaken in a manner to reduce noise as far as practicable. Such measures will include:
  - Staff travelling to aquaculture barges in dinghies with 4 stroke engines operating at low speed with gradual acceleration;
  - Seeking to minimise vessels waiting for staff at the Wharf;
- The use of bow thrusters is to be minimised at night to reduce noise and should only be used for essential steering when required for safety;
- All vessels shall observe low engine speeds when approaching and leaving the Wharf. That is less than 5 knots within Waipapa Bay and within 1 km of the Wharf when departing;
- Avoiding hydraulic leg engines where practicable (given this engine type has a particularly noticeable audible character); and
- No engine breaks are to be used by trucks at Ariki Tahī or Te Kouma Road.

### **3.9.6 Noise Monitoring**

In accordance with the resource consent conditions, periodic attended and unattended noise monitoring will be undertaken to develop a representation of the noise received by residential receivers. The operational noise monitoring program will include:

- Attended monitoring for the pre-dawn operational period (usually 4 am to 7 am) in summer (being when residents are likely to be most sensitive to noise); and
- Unattended monitoring may be used to supplement attended monitoring if it helps to further understand an issue or trend. This would typically be deployed for a duration of one week and include triggered audio recordings of high noise events at night.

Additional noise monitoring may be undertaken as directed by the TCDC (as consent authority).

The results of any noise monitoring will be presented to Community Engagement Committee and any additional measures to address the noise emissions from Ariki Tahī will be discussed at this forum.

It is also noted that any exceedance of the resource consent conditions regarding noise limits at Ariki Tahī is a compliance matter subject to oversight and enforcement by the TCDC.

### **3.10 WASTE MANAGEMENT**

Authorised aquaculture operators must remove and dispose of all litter, debris and waste material from Ariki Tahī to a facility approved by the TCDC.

The Maritime Facilities Manager shall also undertake periodic inspections of the coastline located immediately adjacent to Ariki Tahī, and along Te Kouma Road for a distance of 500 m in either direction, for any evidence of litter, debris and waste material originating from Ariki Tahī.

The Maritime Facilities Manager will arrange the necessary resources for the removal of any litter, debris and waste material that is identified along the coastline.

If the debris is identifiable back to an authorised aquaculture operator, that operator will be charged for all costs originating due to that particular clean up. The operator may also be liable for infringements issued by the WRC and / or TCDC.

### **3.11 VESSEL LIGHTING**

Lights on vessels approaching Ariki Tahī are to be directed downwards as far as practicable to avoid unnecessary light spill onto residential properties in Waipapa Bay. The direction of these lights should not compromise visibility for the vessels or their safe operation.

ATSWL will also liaise with authorised aquaculture operators to ensure non-essential lighting onboard vessels is extinguished when approaching Arika Tahi, and other essential lighting is screened or shielded.

### **3.12 SIGNAGE**

On-site signage is to be displayed in appropriate locations at Arika Tahi, including:

- Pavement surface markings delineating vehicle parking, loading, and manoeuvring areas; and
- Signage setting out the operational requirements at Arika Tahi.

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## 4. BREACHES OF THE OPERATIONAL MANAGEMENT PLAN

### 4.1 INTRODUCTION

This section sets out the enforcement process for breaches of this OMP. The process outlined in this section does not override or limit the rights and powers available to the TCDC, including under, and by virtue of, the Maritime Facilities Bylaw 2015.

The Maritime Facilities Manager will issue breach notices for any breach of the requirements outlined in Section 3 of this OMP using the three-strike policy outlined in Section 4.2 below.

Breach notices will generally be issued to the individual found to be carrying out the breach of this OMP, with notification to their principal. In this regard, if a breach is found to be an operational matter it will be issued against an individual and any resulting suspension will impact that individual only (i.e. it will not prevent the principal from continuing to operate at Ariki Tahī unless the individual is also a principal operator). If the breach is in relation to the quality or maintenance of equipment, the breach notice shall be issued to the principal operator themselves.

Breaches may include, but are not limited to, the following:

- The vessel the person is in control of is found to be exceeding the noise limits or failing to undertake any of the management measures set out in the resource consent conditions and this OMP;
- The vehicle the person is in control of is found to be not operating in accordance with the approved Traffic Management Plan;
- Parking in unauthorised areas;
- Carrying out vessel maintenance in locations other than the maintenance grid or outside the authorised times;
- Refuelling being undertaken in an area not identified for this purpose in the resource consent conditions and not in accordance with the Refuelling and Spill Response Plan and the Oil Transfer Site Marine Oil Spill Contingency Plan;
- Loading or unloading a barge within the hours of 10 pm to 7 am in circumstances that haven't first been reported to the Maritime Facilities Manager; and
- Engagement or use of an unauthorised refuelling company.

### 4.2 THREE STRIKE POLICY

A three strike policy will be adopted at Ariki Tahī as follows:

**First Strike:** If the Maritime Facilities Manager is satisfied that a breach of the requirements outlined in Section 3 of this OMP has occurred, a written breach notice

will be issued to the relevant individual (and their principal will also be notified) or principal operator and a 'strike' shall be noted against their name in the register of authorised aquaculture operators. A strike shall be in effect for a period of six months. At the end of the six-month period, if no further breach notices have been assigned, the record of the 'first strike' will be removed from the register.

**Second Strike:** If an individual or principal operator is issued with a second breach notice before the first strike probation period expires (6 months), a 'second strike' shall be recorded against the individual or principal operator in the register of authorised aquaculture operators. In addition, the individual or principal operator will be issued with a written warning from ATSWL (via their principal in the case of an individual).

**Third Strike:** In the event of a third breach notice being issued to an individual or principal operator within six months of the first notice, ATSWL may deny the individual or principal operator access to Ariki Tahī (by vehicle or vessel) for a period of up to four weeks. In the case of an individual, notification is also to occur to the relevant individual's principal. In the case of a principal operator, the suspension of the principal operator's access to Ariki Tahī extends automatically to all employees and contractors (and their personnel) of the principal operator.

The three strike policy outlined above does not limit ATSWL's ability to immediately suspend, limit, or terminate any individual's or principal operator's right of access to Ariki Tahī should ATSWL be satisfied that the seriousness of the breach warrants such action.

#### **4.3 REPORTING OF BREACH OF USER TERMS**

Where any individual or principal operator witnesses a breach of the requirements of this OMP, they shall bring it to the attention of the person committing the breach if safe to do so and to the Maritime Facilities Manager within 48 hours of the breach being observed.

Where an individual or principal operator is assessed as being in breach of requirements, ATSWL will inform the individual (and their principal) or principal operator committing the breach of the time and nature of the infringement and the enforcement action being taken (if the breach is a third strike) as soon as practicable after the assessment and (in the case of a third strike) the decision on enforcement is made by ATSWL (and ATSWL will endeavour to so inform those persons within 5 working days of the assessment and decision being made).

## 5. COMPLAINTS RESPONSE PROCEDURE

### 5.1 COMPLAINTS MANAGEMENT

Whilst it is recognised that members of the community may wish to lodge any complaints regarding operations at Ariki Tahī with the consent authorities (as compliance matters), ATSWL will maintain a Community Feedback and Enquiries Register in accordance with the consent conditions.

All complaints received by the Maritime Facilities Manager from members of the community in relation to operations at Ariki Tahī will be recorded by the Maritime Facilities Manager in the Community Feedback and Enquiries Register, and subsequently advised to ATSWL. ATSWL will give public notice that complaints by members of the community in relation to operations at Ariki Tahī may be lodged with the Maritime Facilities Manager via either the telephone number or email address below.

Telephone Number - xxxx

Email - xxxx

Complaints lodged in this manner will enable appropriate action to be taken towards investigating, and potentially mitigating, the issue that has been raised. The Community Feedback and Enquiries Register will also provide a useful tool to review opportunities for improved operational management practices at Ariki Tahī into the future.

ATSWL will include in the public notice of the community complaints procedure that, as far as possible, all complaints should include accurate date and time information, and any other information potentially relevant to the complaint (e.g. weather conditions, vessel or vehicle description).

The Maritime Facilities Manager will maintain the Community Feedback and Enquiries Register and record action taken to investigate and resolve any complaints. The register of complaints will be submitted to TCDC and the Community Engagement Committee in advanced of any scheduled meetings, or at any time that they are requested by the TCDC. They will also be publicly available at any time on request. The complaints register will be consistent with the following:

**Step 1:** The Maritime Facilities Manager will receive the complaint and provide acknowledgement / feedback to the complainant within 24 hours. This initial acknowledgement / feedback will either be via telephone or email.

**Step 2:** The Maritime Facilities Manager will log the complaint in the Community Feedback and Enquiries Register. Complaint information shall include (where possible):

- The date and time of the comment, enquiry or complaint;

- The means by which the comment, inquiry or complaint was made (telephone, email or in person);
- Any personal details of the commentator, enquirer or complainant that were provided, if no details were provided, then a note to that effect is to be made;
- The nature of the complaint;
- Any actions taken by the Maritime Facilities Manager in relation to the comment, inquiry or complaint;
- If no action was taken by the Maritime Facilities Manager in relation to the comment, inquiry, or complaint, the reasons why no action was taken; and
- Any proposed follow up actions with the date and time of follow up communications to the commenter, enquirer, or complainant.

**Step 3:** The Maritime Facilities Manager will arrange an investigation to determine the cause of the complaint and, in particular, if this cause is a product of an individual's or authorised aquaculture operator's actions. The investigation may collect information through the following sources:

- Speaking with witnesses about the activities underway at the time of the complaint;
- Review of operations against the requirements of the resource consent conditions and this OMP;
- Review of work records / logged entries within the Wharf which controls the movement of barges and trucks within the Wharf;
- Review of environmental conditions at the time of the complaint from weather records online;
- Review of monitoring data, if available, including cameras and / or noise monitoring equipment or reports; and
- Advice from independent consultants, if required.

**Step 4:** The results of the investigation (including any resolutions implemented) will be communicated to the complainant in writing by the Maritime Facilities Manager.

## 6. APPEAL PROCESS

An appeal process will only occur if an individual or principal operator has breached the requirements set out in Section 3 of this OMP. Any appeal must be submitted in writing to the Maritime Facilities Manager within five working days of the individual or principal operator being served with a breach notice.

The appeal must outline the reason for the appeal, the complainant's version of events, why the breach notice is not justified, and what (if any) sanctions are considered appropriate by the individual or the principal operator.

Upon receipt of the appeal, the Maritime Facilities Manager will undertake a review of the events that resulted in the breach notice being served and will provide the outcome of their review in writing to the complainant within 20 working days.

If the results of the review are not acceptable to the complainant, the Maritime Facilities Manager will escalate the matter to ATSWL – who will contact the complainant and discuss the issue including resolution options. These include:

- A negotiated resolution that will satisfy the complainant and ATSWL's operational needs / consent compliance requirements;
- If ATSWL and the complainant do not agree on a negotiated resolution, ATSWL will offer the complainant the opportunity for external mediation; and
- If the complainant elects mediation, ATSWL will respond to the complainant in writing advising them of the details of the mediation venue and appointment.

ATSWL will arrange mediation by an impartial external party. ATSWL will fund the mediation process and both parties must accept and sign an agreement to record any agreed mediated outcome. The mediation will be documented and all relevant documents will be included in the record of the complaint.

In the absence of a mediated outcome, the matter under appeal will be referred to arbitration by an arbitrator appointed by the New Zealand Dispute Resolution Centre ("**NZDRC**") and in accordance with NZDRC's Arbitration Rules.

# **APPENDIX A**

## Site Design Plan

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