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| Date: | 8 December 2017 | Application Numbers: | LU-2017-107945-00; CD-2017-107944-00; DW-2017-107943-00; DL-2017-107942-00. |
| Reporting Planner: | Todd Whittaker Consultant Planner | Site Visit on: | 7 June and 5 August 2017 |
| Applicant: | Eastland Port Limited. | | |
| Property Address: | Gisborne Port and Coastal Marine Area | | |
| Legal Description: | Various (refer application details) | | |
| Regional and District Plan: | Tairāwhiti Resource Management Plan (Tairāwhiti Plan) | | |
| Activity Status: | Discretionary | | |
| Zoning: | Port Management Zone B and CMA | | |
| Other Restrictions: | Coastal Environment Overlay Port Management Area Heritage Alert Overlay | | |
| Proposal: | <p>Slipway Application</p> <p>This application seeks consent to modify the physical shape of the existing slipway to enable better manoeuvring and access of shipping vessels. This application involves;</p> <ul style="list-style-type: none"> • Earthworks including cut and fill and removal of contaminated material, • Discharge from construction works, • Removal and alteration to the existing sheet piles and declamation of approximately 2,800m³, • Construction of new revetment wall including reclamation of approximately 670m² including excavation of seabed to form toe of wall, • Noise from construction activities and redevelopment of slipway, and • Change of use for the slipway with respect to site contamination. | | |

1 OVERVIEW OF APPLICATION

1. The application seeks consent for declamation and rehabilitation of the existing slipway to reduce the overall size of the slipway. The primary purpose of the works is to facilitate the access and manoeuvring of shipping vessels. The decontamination of the site will also facilitate the opportunity for future use of the slipway for a recreational facility however this future land use will be subject to a separate land use consent process.
2. The application is being processed concurrently with a separate application for the upgrading of Wharf 6 and Wharf 7. The two applications are linked in the sense that the combined works will enable better and more efficient use of the port area for the berthing and manoeuvring of shipping vessels.
3. The full application details are included in the application material and AEE.

2 ASSESSMENT OF EFFECTS

4. The proposal has actual and potential effects in terms of both construction works and also the future operation and activity of the Port. The site area and location includes part of the Coastal Marine Area (CMA) which may be considered as a sensitive receiving environment.
5. The actual and potential effects include;
 - Disturbance to ecological habitat as a result of construction works,
 - Discharge into and construction works within the CMA ,
 - Potential cultural effects associated with coastal environment,
 - Construction noise and Vibration, and
 - Changes in operational characteristics of Port.
6. The application has prepared a detailed assessment of effects and has also provided comprehensive measures to mitigate the actual and potential effects, including a draft set of consent conditions.
7. The assessment of effects does need to take into account the existing environment and the multiple consents that currently exist for activities at the Port.
8. It is noted that there are applications for under the Marine and Coastal Area (Takutai Moana) Act 2011 for customary marine title. It is apparent that these applications include the Port area

3 STATUTORY ASSESSMENT FOR NOTIFICATION

9. As the application was received prior to 18 October 2017, the notification assessment has applied the statutory provisions for notification in accordance with S.95A of the RMA that existing prior to 18 October 2017.

10. The essential decision in relation to S.95A is whether or not the consent authority decides that the activity will have, or is likely to have, adverse effects on the environment that are more than minor. If this threshold is met, then the application must be notified in accordance with sub-section 95A(2). It is also noted that sub-section 95A(1) enables the consent authority to decide on public notification at its discretion.
11. The scope of works is not significant and the slipway is a human-made structure located within a heavily modified environment. The environment does however comprise ecological habitats, and has coastal and cultural values. The CMA can generally be regarded as a sensitive environment in terms of construction works and discharges. In addition, the ongoing operation and Port activity will be affected by the reduced area of the Slipway alongside the concurrent application for the upgrading of Wharf 6 and Wharf 7.
12. In my opinion, the potential and actual adverse effects of the proposed activities are more than minor when assessing the cumulative effects of the activity on top of the existing baseline and Port related activity. The applicant has invested time and resources into providing a detailed assessment of effects and developing mitigation measures and these may well assist in reducing the significance and scale of actual and potential effects. However, the nature and dependency of mitigation is also a matter which I consider warrants the opportunity for public comment and review.
13. In my view, the suite of existing consents and how any new construction activities and changes in the operational scale and intensity of Port activities is an important context which supports the need for public comment and review. This in my view also brings into focus the provision for notification under special circumstances (sub-section 95A(4)).

4 RECOMMENDATION

14. The application for the redevelopment of the slipway be publicly notified on the following grounds;
 - (i) The actual and potential effects on the environment are likely to be more than minor (S95A(2)),
 - (ii) The scale and intensity of existing Port activity including the suite of existing consents and potential cumulative effects can be considered special circumstances (S95A(4)), and
 - (iii) In exercising its discretion, it is considered appropriate that the application be publicly notified (S95A(1)).

Assessment and recommendation prepared by:



Todd Whittaker

Independent Planning Consultant

8 December 2017

Notification Decision under delegated authority:

A handwritten signature in black ink, appearing to read "Reginald Proffit". The signature is fluid and cursive, with a prominent initial 'R'.

Reginald Proffit

Consents Manager

8 December 2017

A handwritten signature in black ink, appearing to read "Nick Zaman". The signature is more stylized and less legible than the one above, with a long horizontal stroke extending to the right.

Nick Zaman

Director Environmental Services and Protection

8 Dec 2017