

<b>Date:</b>	8 December 2017	<b>Application Numbers:</b>	LU-2017-107936-00; LL-2017-107938-00; CD-2017-107937-00
<b>Reporting Planner:</b>	Todd Whittaker Consultant Planner	<b>Site Visit on:</b>	7 June and 5 August 2017
<b>Applicant:</b>	Eastland Port Limited.		
<b>Property Address:</b>	Gisborne Port and Coastal Marine Area		
<b>Legal Description:</b>	Various (refer application details)		
<b>Regional and District Plan:</b>	Tairāwhiti Resource Management Plan (Tairāwhiti Plan)		
<b>Activity Status:</b>	Discretionary		
<b>Zoning:</b>	Port Management Zone B		
<b>Other Restrictions:</b>	Coastal Environment Overlay Port Management Area Heritage Alert Overlay		
<b>Proposal:</b>	<p><b>Wharf 6 and 7 Upgrade Application</b></p> <p>This application seeks consent to redevelop Wharf 6 and Wharf 7 to allow the berthing and loading facilities for shipping vessels, the fishing fleet and the port tugs. This application involves;</p> <ul style="list-style-type: none"> <li>• Demolition and removal of existing concrete deck and wharf retaining wall and piles,</li> <li>• Removal of potentially contaminated fill,</li> <li>• Construction of a new deck and wharf structure,</li> <li>• Capital and maintenance dredging and disposal of spoil to an off-shore disposal ground,</li> <li>• Discharges from redeveloped wharf structures,</li> <li>• Discharges from construction works,</li> <li>• Noise from vessel loading and other activities from redeveloped Wharf 6 and Wharf 7,</li> <li>• Construction Noise, and</li> </ul> <p>Constructions works within a Heritage Alert Overlay (Archaeological Site and Post European Contact Site).</p>		

## **1 OVERVIEW OF APPLICATION**

1. The application seeks consent for the upgrading of wharf 6 and 7 which will also include capital and maintenance dredging. The proposal will provide for larger shipping vessels to berth at the Eastland Port and will also allow for an additional tug berth.
2. The application is being processed concurrently with a separate application for the slipway.
3. The full application details are included in the application material and AEE.

## **2 ASSESSMENT OF EFFECTS**

4. The proposal has a wide range of actual and potential effects given the nature and scope of works and the site area and location which includes part of the Coastal Marine Area (CMA). These effects include both construction effects and the longer term and operational changes that will be facilitated by the upgraded Wharf 6 and 7 which will enable upgraded berthing facilities for shipping vessels and Port tugs.
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,
  - Disturbance and modification of CMA to facilitate capital and maintenance dredging,
  - Disposal of dredged material to off shore disposal ground,
  - Constructions works within a heritage layer,
  - 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 and which support the 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 area is a heavily modified environment with existing port activities. The environment does however comprise ecological habitats, coastal values, heritage values and cultural values and 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 upgrading of Wharf 6 and Wharf 7 and any operational effects must take into account the existing environmental and potential cumulative effects.
12. In my opinion, the potential and actual adverse effects of the proposed activities are more than minor. The applicant has invested time and resources into developing mitigation measures and these may well assist with 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 also an important context which supports the need for public comment and review. This in my view brings into focus the provision for notification under special circumstances (sub-section 95A(4)).

### **4 RECOMMENDATION**

14. The application for the upgrade of Wharf 6 and Wharf 7 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
  - (ii) 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:



Reginald Proffit

Consents Manager

8 December 2017



Nick Zaman

Director Environmental Services and Protection

8 Dec 2017