

**Appendix O:**

**Eastland Port Draft Consent Conditions**

**EASTLAND PORT LTD  
GISBORNE PORT  
COASTAL PERMIT APPLICATIONS FOR MAINTENANCE DREDGING & DISPOSAL**

**DRAFT CONSENT CONDITIONS FOR DISCUSSION**

**Additions and amendments to existing consent conditions are highlighted in grey**

***Insert RC Numbers***

Pursuant to Sections 104 and 104B of the Resource Management Act 1991, consent to Eastland Port Limited for maintenance dredging of the port navigation channel, vessel turning basin and Wharves 4-8 area at the Port of Gisborne, legally described as Lot 7 DP 7819, and the coastal marine area adjoining Lots 2, 6 and 7 DP 7819, for a period of 20 years, subject to the following conditions and advice notes:

**General Conditions (Applying to both Maintenance Dredging and Disposal of Dredgings)**

**1. Activities to be In Accordance with the Applications**

The maintenance dredging and disposal activities shall be carried out in general accordance with the submitted applications, accompanying plans and maps, except to the extent that these are required to be modified to comply with the conditions of this permit.

**2. Payment of Council Charges**

The consent holder shall pay to the Gisborne District Council (the Council hereafter) any administration, inspection or monitoring charges fixed in accordance with Section 361) of the Resource Management Act 1991, or any additional charge pursuant to Section 36 of the Resource Management Act 1991, payable in respect of these consents.

**3. Annual Maintenance Dredging & Disposal Report**

The consent holder shall submit to the Council and the Port Community Liaison Group before the 30th of June each year a report on the years maintenance dredging and disposal operations, including the approximate quantities of dredged material, the principal areas of dredging (i.e. the port navigation channel, vessel turning basin, and wharves), along with the results of the coastal processes, sediment, and water quality monitoring required under the specific conditions of these consents.

**3A. Marine Pest Management Plan**

Not less than 30 working days prior to the commencement of maintenance dredging and disposal activities the Consent Holder shall submit to the Council's Consents Manager for certification, a Marine Pest Management Plan (MPMP) developed in conjunction with Ministry of Primary Industries and the Council, addressing the following matters:

- (i) The results of the annual Council Biosecurity Surveys for the port and adjacent harbour areas;
- (ii) Procedures for checking all maintenance dredging vessels residing within the port or entering the Gisborne District waters are appropriately cleaned and antifouled;
- (iii) Management of maintenance dredging operations to so far as is practicable to avoid or mitigate, the effects of spreading any marine pest organism present in sediment dredged from the port area;
- (iv) Management of dredge spoil transport operations to so far as is practicable to avoid or mitigate, the effects of spreading any marine pest organism present in sediment dredged from the port area; and
- (v) The procedures for regular review of the plan by the Consent Holder and any re-certification required by the Council.

#### **4. Review of Consent Conditions by Council**

- (a) The Consents Manager of the Council may give notice to the consent holder of the intention to review the conditions of these consents, pursuant to Sections 128 and 129 of the Resource Management Act 1991.
- (b) The review shall occur within one month following the 30 June of each year for all or any of the following purposes:
  - (i) To require the consent holder to adopt the best practicable option to remove or reduce any adverse effects on the environment; or
  - (ii) To deal with any adverse effects on the environment on which the exercise of these consents may have an influence; or
  - (iii) To consider the need to apply any specific effects monitoring regime which may be required from time to time;
  - (iv) To consider the need vary the areas over which the consents apply; or
  - (v) To apply restrictions on the maintenance dredging or disposal operations in terms of rates, quantities or times.

#### **5. Port Community Liaison Group**

- (a) The consent holder shall maintain the established Port Community Liaison Group (PCLG hereafter) so as to provide an on-going point of contact between the consent holder, the community and the Council, as a forum for discussing any issues that arise from the exercise of consents and to ensure that the channels of communication are kept open.
- (b) The consent holder shall invite the following parties with interests in the maintenance dredging and disposal operations and other port activities to be members of the PCLG:
  - (i) The Council
  - (ii) Ngati Oneone

- (iii) Rongowhakaata
- (iv) Ngati Tamanuhiri
- (v) Te Runanga o Turanganui a Kiwa
- (vi) Department of Conservation
- (vii) Tairawhiti Rock Lobster Industry Association
- (viii) Gisborne Kayak Club
- (ix) Midway and Waikanae Surf Club (1 representative)

- (c) The PCLG functions include, but are not limited to, the following:
- (i) Receiving and reviewing reports from the consent holder, including those on monitoring, required under the consent conditions;
  - (ii) Providing advice to the consent holder and Council on any cultural, environmental or recreational use issues of concern to the community arising from the maintenance dredging and disposal operations;
  - (iii) Providing advice to the consent holder and Council on any applications by the consent holder to change the consent conditions or any review of consent conditions initiated by the Council;
  - (iv) Developing with the consent holder and Council informal protocols and practices to address any issues of concern to the community that may compliment the consent conditions.
- (d) The consent holder shall convene the first meeting of the PCLG within four weeks of the commencement of the consents. The consent holder shall be responsible for convening all subsequent meetings of the PCLG, generally at 6 monthly intervals.
- (e) The consent holder shall provide the Council with minutes of all meetings of the PCLG.

Advice Notes

*Provision of advice from the PCLG may include advice regarding the provision of catching juvenile rock lobster for release beyond the dredging area. Protocols may be developed to allow this to occur. The consent holder has agreed to have a holding space on the Company website. This space will hold all relevant reports, technical material, monitoring results and interpretation.*

*An independent chair is recommended for the PCLG to ensure that there is independence with the running and co-ordination of the meetings and the topics under discussion. Ultimately any decision of an independent chair can be made by the members of the PCLG given this is a voluntary membership group.*

**5A Kaitiaki Partnership Group (KPG)**

*To be inserted from final Wharf 6/7/slipway consent decisions*

**Conditions Specific to Maintenance Dredging**

**6. Area of Maintenance Dredging**

The maintenance dredging authorised by this consent is limited to the port operating area, including the port navigation channel, vessel turning basin and wharf berth pockets, shown in Plan A.



**Plan A: Maintenance Dredging Area & Sediment Sampling Sites**

**7. Management of Operations to Limit Effects on Water Colour & Visual Clarity**

There shall be no conspicuous change in the colour and visual clarity of the seawater as a result of the consent holders operations and activities that are authorised by this consent after two hours of the cessation of each dredge run.

**8. Sediment Quality Monitoring Programme**

(a) The consent holder shall, annually in February or March, arrange representative sampling and analysis of metals and a metalloid (arsenic), along with Polycyclic Aromatic Hydrocarbons (PAH) and Total Resin Acids, within the sediments to be maintenance dredged. The sampling shall be related to the exposed port navigation channel and the more sheltered vessel turning basin and wharf berth pocket areas and generally involve the four sites shown in Plan A. A Standard Operating Procedure for the sampling and analysis is to be provided to the Council before provided the work is undertaken.

(b) The sediment sampling and analysis shall be for the metals and metalloid (arsenic) identified below. The results shall be carried with reference to the ANZECC Guidelines for Marine Water Quality 2000 Table 3.5.I Recommended Interim Sediment Quality Guidelines - Low Trigger Value also listed below in order to assess the suitability of the dredged sediments for offshore disposal.

Parameter	ANZECC Marine Interim Sediment Quality Guidelines (ISQG)
	ISQG-Low Trigger Value (mg/kg)
Arsenic	20
Cadmium	1.5

Chromium	80
Copper	65
Lead	50
Mercury	0.15
Nickel	21
Silver	1
Zinc	200
<b>Organics</b>	<b>ISQG-Low Trigger Value (ug/kg)</b>
Total PAH	4000
Total Resin Acids	No guideline

- (c) All sampling and analysis shall be carried out by suitably qualified independent contractors and analytical laboratories approved by the consent authority and such sampling and analysis shall be carried out at the cost of the consent holder. The analysis shall be carried out in accordance with the American Public Health Association, American Water Works Association and Water Pollution Control Federation: Standard Methods for Examination of Water & Wastewater: 22nd (2012) or newer edition.
- (d) A report presenting and interpreting the results of each sediment metals and metalloids monitoring survey with reference to the ANZECC trigger value guidelines shall be prepared by an independent contractor(s), and a copy forwarded to the consent holder, the Council and Port Community Liaison Group within 20 working days of completion of the laboratory analysis.
- (e) Where an ANZECC trigger value guideline is exceeded in a particular survey, further sampling shall be undertaken to verify the exceedance and background concentrations in nearby parts of Poverty Bay that are beyond the port. If background levels in nearby parts of Poverty Bay are also above the trigger value guideline then no further action is required. If the background levels are below the trigger value guideline limit, then the monitoring report provided to the Council shall identify the possible sources of the contaminant and if one or more of the sources can be related to port related activities then the report shall identify any possible management options for the reducing the levels of contaminant discharge to the port.
- (f) Where an ANZECC trigger value guideline is exceeded in two or more surveys and for which background levels do not also exceed the guideline sediment limit, then a sediment quality survey shall be undertaken to representatively determine metal concentrations in the sediments at the Offshore Spoil Disposal Ground (OSDG hereafter). The results of the OSDG survey shall be reported to the Council within 20 working days of completion of the laboratory analysis. The report shall assess the significance of the results in relation to the continued use of the OSDG, along with any recommended measures to avoid remedy or mitigate any adverse effects that are assessed to be of a more than minor nature.

Advice Notes

The ISQG - Low guideline values are those below which toxicological effects on biota are unlikely, and above which such effects are more probable. They are not 'compliance limits' that have to be met on all occasions as outlined in clauses (e) and (f).

The Council has under Condition 4 the ability to review the consent conditions in response to any matter that arises from the reporting procedures in Condition 9 Clauses (e) and (f).

**9. Water Quality Monitoring Programme**

- (a) The consent holder shall once every three years, in February or March, as part of the sediment sampling in the vessel turning basin and wharf berth pocket areas, arrange for an elutriate test of metals to be carried out by a registered analytical laboratory. A Standard Operating Procedure for the testing is to be provided to the Council before the work is undertaken.
- (b) The elutriate testing will require the metals identified below to be measured in the following samples:
  - (i) sediment used in the elutriate test;
  - (ii) seawater used in the elutriate test; and
  - (iii) filtered elutriate generated by the elutriate test.
- (c) The metal concentrations tested in the seawater and the elutriate shall be compared with the ANZECC 2000 Guidelines for Marine Water Table 3.4.1 Trigger Values for Toxicants at the 95% Species Protection Level set out below.

<b>Parameter</b>	<b>ANZECC Marine Water Guidelines Trigger values for 95% species protection level (ug/l)</b>
Cadmium	5.5
Chromium {CR 111}	27.4
Chromium (CR VI)	4.4
Copper	1.3
Lead	4.4
Mercury (inorganic)	0.4
Nickel	70
Silver	1.4
Zinc	15

- (d) If the elutriate testing indicates that after reasonable mixing and dilution, concentrations of one or more of the tested metals exceed the above mentioned ANZECC 2000 trigger values then additional water quality testing and analysis for the same parameters shall be undertaken in order to establish background concentrations of the metals, the gradient of metal concentrations near the working dredge and possible influencing factors.
- (e) The results of the further water quality testing and analysis shall be reported to the Council within 20 working days of completion of the laboratory analysis. The monitoring report provided to the Council shall identify the possible sources of the contaminant and if one or more of the sources can be related to port related activities then the report shall identify any possible management options for the reducing the levels of contaminant discharge to the port.

**10. Process for Maintenance Dredging of Areas with any Sediment Heavy Metal or Elutriate Result Exceedances**

Dredging of areas from which samples exceeding the ANZECC Marine Water Guidelines recorded in conditions 8 and 9 have been taken is only to be undertaken following consent authority written approval after a review of results of any investigation or reports commissioned pursuant to conditions 8 and 9 and , remedial measures, or alternative selective removal and disposal proposals contained therein.

**11. Review of Sediment and Water Quality Monitoring Programme**

The consent holder may as part of the any sediment or water quality monitoring report submitted to the Council request changes to the frequency of the testing, analysis and reporting to the Council where the concentrations of metalloids/metals have over a significant period of time been consistently below the ANZECC guideline trigger values.

Advice Note

*This condition is simply intended to enable the consent holder to not test for certain parameters where they are consistently below the ANZECC trigger value guidelines. They are not intended to give the consent holder the ability to alter the nature of the testing nor the ANZECC trigger value s, which can only be changed through an application under Section 127 of the RMA.*

**12. Limits on Noise Emissions**

Noise emitted by dredging activities authorised by this consent shall comply with the following noise limits when measured at any point in the Amenity Commercial Zone, Residential General Zone or Inner City Residential Zone:

- (a) 65 dB Ldn
- (b) 60 dB LAeq(9h) (2200h-0700h)
- (c) 65 dB LAeq(15 min) (2200h-0700h)
- (d) 85 dB LAFmax (2200h-0700h)



Measurement shall be in accordance with NZS 6801: 1991- Measurement of Sound and assessment shall be in accordance with NZS 6809:1999: Acoustics - Port Noise Management and Land Use Planning.

#### **12A. Noise Monitoring**

The Consent Holder shall maintain a permanent noise monitor at the Portside Hotel or an alternative location agreed by the Council's Consents Manager. The monitor shall be regularly calibrated and continuously measure sound levels to provide sufficient valid data for the Consent Holder to prepare reports regarding compliance with the limits applying at this location under these conditions. The Consent Holder shall prepare a summary report of monitoring results and submit this to the Council's Consents Manager and the PCLG every three months, within one month of the end of the reporting period. Data from the monitor must be publicly available on a website in real-time.

#### **12B. Maintenance Dredging Coastal Processes Effects Monitoring**

- (a) The consent holder shall within 6 months of the commencement of this consent submit to the Council and Liaison Group a report from a coastal processes scientist or engineer a report detailing the maintenance dredging effects monitoring to be carried out as generally outlined in the MetOcean Monitoring report of 4 February 2020 submitted with the application. This report shall identify the beach profile monitoring to be undertaken in the vicinity of the port to compliment the monitoring currently undertaken by the Council in Poverty Bay.
- (b) The consent holder shall within 1 year of the commencement of this consent and at subsequent 1 year intervals submit to the Council and PCLG a progress report from a coastal processes scientist or engineer on the maintenance dredging effects monitoring, including any recommendations on changes to the coastal processes monitoring related conditions set out in this consent .
- (c) The consent holder shall not less than 6 months before the expiry of this consent submit to the Council and PCLG a final report on the findings of the maintenance dredging coastal processes monitoring at the Port of Gisborne.

#### **Conditions Specific to Disposal of Dredgings**

##### **13. Area of Dredgings Disposal**

All dredged material shall be disposed of within the Offshore Spoil Disposal Ground (OSDG) identified by the following NZTM co-ordinates and shown in Plan B.

Northings	Eastings
5703102	2032605
5704450	2034095
5702065	2034417
5702583	2034951

## Plan B - Offshore Spoil Disposal Ground



### 14. Spread of Dredged Material

The dredged material shall be evenly discharged so as to spread over the OSDG and not concentrated in any one particular location. Each dredge discharge track is to be logged and a copy of the log forwarded to the Council annually by the 31st of October in the year in which the disposal occurs until this consent expires.

### 15. Management of Operations to Limit Effects on Water Colour and Visual Clarity

There shall be no conspicuous visual change in colour and visual clarity of the seawater as a result of the consent holders operations and activities that are authorised by this consent after six hours of the cessation of each dredge discharge run.

### 16. Offshore Spoil Disposal Ground and Control Area Surveys and Monitoring

The consent holder shall undertake annual hydrographic and side-scan sonar surveys of the OSDG and control area identified in the MetOcean Monitoring report submitted with the applications. The results of the surveys are to be sent to the Council and Liaison Group by the 31st of October of each year in which the surveys has occurred until this consent expires.

### 17. Offshore Spoil Disposal Ground Benthic Ecology Monitoring Programme

- (a) The consent holder shall every five years undertake in-faunal sampling and analysis of the sediments within and near the OSDG and at appropriate control sites. Such control sites shall include reference sites located in areas of soft substrate, where possible, in close proximity to known sub-tidal reef habitats identified in consultation with the KPG, until expiry of this consent.

- (b) The sampling sites, methodology and data analysis shall be generally consistent with the last previous programme undertaken and reported on by the National Institute of Atmospheric Research (NIWA) in May 2014.
- (c) Not less than 20 working days prior to the first field survey in accordance with this condition, the Consent Holder shall submit to the Council's Consents Manager for certification a proposed methodology for the Benthic Monitoring Programme. The proposed methodology shall detail engagement with the KPG regarding the proposed methodology, including reasons why any recommendations made and implemented by the KPG have not been accepted.
- (d) The results of the sampling and analysis are to be reported to the Council, the PCLG and KPG by the 31st October of the year sampling occurs.

#### **17A. Offshore Spoil Disposal Ground Sediment Quality Monitoring Programme**

- (a) Sediment quality surveys shall be undertaken annually for the term of the dredging consent to representatively determine metal concentrations in the sediments at the OSDG, the background site in the Turanganui River below the Gladstone Road Bridge, and at the sites monitored under condition 65. The results of these sediment quality surveys shall be reported to the Council, PCLG and the KPG within 20 working days of receipt of the laboratory analysis. The Consent Holder shall retain (or ensure the retention of) the sediment quality survey samples to assist with evaluating any exceedances in the subsequent annual Port Sediment Survey (and thereafter may be destroyed).
- (b) Within 4 weeks of reporting of results in accordance with condition 56, the Consent Holder shall provide a further report to the Council, the PCLG and the KPG that:
  - (i) assesses the significance of the results of the relevant sediment quality surveys (in relation to the continued use of the OSDG, for the disposal of dredging sediments under these consents); and
  - (ii) identifies any recommended measures to avoid remedy or mitigate any adverse effects on the OSDG resulting from the disposal of the dredging sediments under these consents that are assessed to be of a more than minor nature.

#### **18. Offshore Spoil Disposal Ground Coastal Processes Investigations and Monitoring Programme**

- (a) The consent holder shall within 6 months of the commencement of this consent submit to the Council and Liaison Group a report(s) from a coastal processes scientist/engineer detailing the OSDG and control area surficial sediment investigations and monitoring to be carried out as generally outlined in the MetOcean Monitoring Report submitted with the application.
- (b) The consent holder shall within 1 year of the commencement of this consent and at subsequent 1 year intervals submit to the Council, the PCLG and KPG a progress report(s) from a coastal processes scientist/engineer on the OSDG coastal processes/sediment quality investigations and monitoring, including any recommendations on changes to the coastal processes and sediment quality monitoring related conditions set out in this consent.

- (c) The consent holder shall not less than 6 months before the expiry of this consent submit to the Council, the PCLG and the KPG a final report on the findings of the OSDG coastal processes and sediment quality investigations and monitoring, along with recommendations on the future use of the facility and/or any possible alternative facilities for the disposal of maintenance dredgings from the Port of Gisborne.