

Appendix E:

Recently Expired Inner Port Maintenance Dredging and Disposal Permits



GISBORNE DISTRICT COUNCIL RESOURCE CONSENT



COASTAL PERMIT - DREDGING

Pursuant to, section 104 & 104A of the Resource Management Act 1991 the GISBORNE DISTRICT COUNCIL hereby grants the following:

CONSENT NUMBER: CR-2013-105825-00 **FILE NUMBER:** 2030/ 39

CONSENT HOLDER: EASTLAND PORT LIMITED

OF: PO BOX 1048
GISBORNE 4040

LEGAL DESCRIPTION: LOT 15 DP7819

SITE LOCATION: Eastland Port adjacent berths 4, 5 and 6
at or about Map and Grid Ref: NZTM 2037438 5707517

CONSENT TO: complete maintenance dredging to return water depths at berths 4,5,6 to depth of 7m at chart datum

APPROVAL DATE: 26 June 2013 **EXPIRY DATE:** 30 June 2018

This consent is subject to the conditions attached.

Signed at Gisborne this Wednesday 26 June 2013 for and on behalf of the Gisborne District Council

T G Freeman
Environmental Services Manager (Issued pursuant to delegated authority)

Any enquiries concerning this consent may be directed to:- Dennis Crone
TEAM LEADER WATER CONSERVATION

Conditions of Resource Consents

Eastland Port Limited

CR-2013-105825-00

Maintenance Dredging

adjacent berths 4, 5 and 6



Conditions for the following consent CR-2013-105825-00

1. All activities shall be in accordance with the submitted application dated 29th May 2013, and accompanying plans and maps, except to the extent that these are required to be modified to comply with the conditions of this permit.
2. Dredging authorised by this permit is limited to the harbour area adjacent to wharves 4, 5 and 6 of Eastland Port as shown in the map that is part of the application.
3. There shall be no conspicuous change in colour in the water column as a result of the consent holders operations and activities that are authorised by this permit after two hours of the cessation of each dredge run.
4. Dredging shall not take place, during the period of April to September, inclusive, in any year that this consent is exercised, without prior written permission from the consent authority. (see advice note [b] below).
5. All dredge spoil shall be disposed of within the outer disposal zone identified by the NZTM co-ordinates:

Northings	Eastings
5703102	2032605
5704450	2034095
5702065	2034417
5702583	2034951

Note: These coordinates represent the spoil dump outer zone as mapped on Coastal Plan map 2B.1 of the Gisborne District Council Proposed Regional Coastal Environment Plan.

6. The Environmental Services Manager, of the Gisborne District Council. May after the granting of this permit give notice of the intention to review the conditions of this permit, pursuant to S128 of the Resource Management Act 1991. The review shall occur within one month following the 30 June of each year for all or any of the following purposes to:
 - (a) require the permit holder to adopt the best practicable option to remove or reduce any adverse effects on the environment; or
 - (b) deal with any adverse effects on the environment on which the exercise of this permit may have an influence.

A handwritten mark, possibly initials or a signature, located in the bottom right corner of the page.

7. The permit holder shall pay to the Gisborne District Council any administration, inspection or monitoring charges fixed in accordance with S36 (1) of the Resource Management Act 1991, or any additional charge pursuant to S36 of the Resource Management Act 1991, payable in respect of this permit.
8. This consent shall be for a period of five years

Advice Notes

- a) For further information about the Gisborne District Council charging policy refer to the current Manual of Fees and Charges-Environment and Planning.
- b) If dredging is programmed for times when rock lobster *Peureli* are likely to be settling in the harbour area then written permission will be provided only if the potential effects are managed. This could include close liaison with Fisheries kaitiaki personnel and the agreement of methods for avoiding or minimising any such effects.

Reasons for Decision

1. Provided the proposed activities are undertaken in the manner proposed and in compliance with the recommended consent conditions the effects of this consent is unlikely to cause adverse effects on the environment.
2. The granting of this consent is consistent with the Regional Policy Statement, Regional Plans and the sustainable management of natural and physical resources. The proposal is therefore in keeping with the purpose and principal of Part A of the Resource Management Act 1991.

CONSENT MAPS



location of berths 4,5 and 6 (shaded)



Red shaded area shows extent of spoil disposal site with NZTM Co-ordinates:

Northings	Eastings
5703102	2032605
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5702065	2034417
5702583	2034951

JL

Report on Non-Notified Resource Consent (Regional)

Applicant:	Eastland Port Limited
Subject:	Maintenance dredging of berths 4,5, and 6
Site Location:	Port of Gisborne
Legal Description:	Lot 7 DP 7819 within Coastal Marine Area (CMA)
Status:	Controlled Activity
Consent No.:	CR-2013-105825-00
Reporting Officer:	Dennis Crone

1. Introduction

1.1 Proposed Activity

This proposal is for maintenance dredging of the inner harbour of Eastland Port adjacent to berths 4, 5, and 6. Depth will be re-instated to 7m at chart datum with disposal to the outer dredging disposal site in Poverty Bay. Dredging is to be completed by a suction dredge that is available to the Port Company.

1.2 Location

Site Location and Surrounding Environment

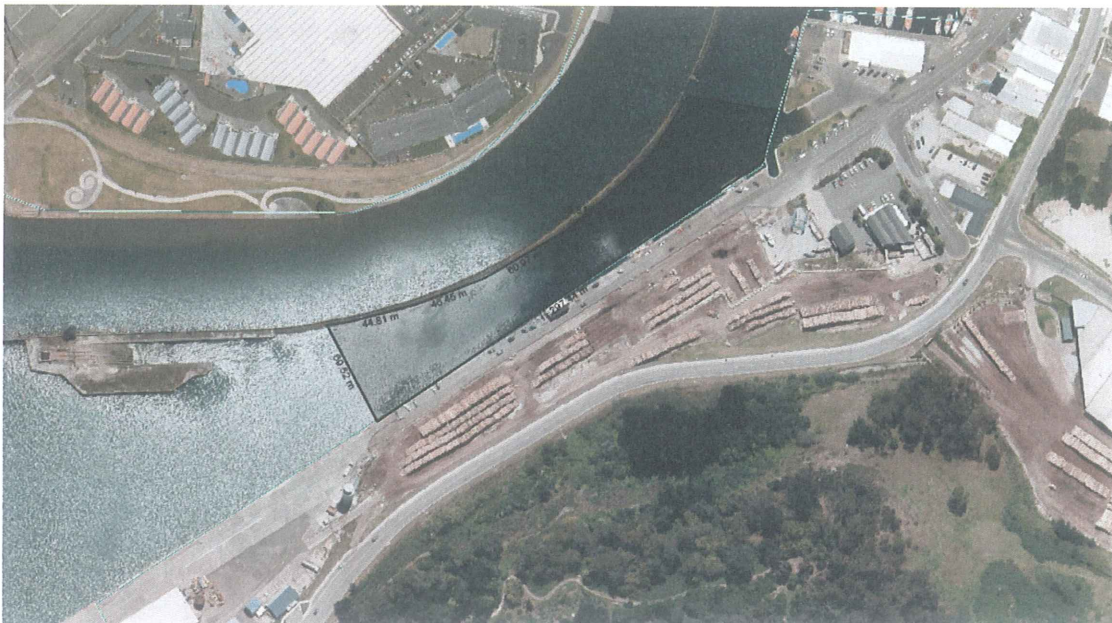


Figure 1: General location of berths 4,5 and 6 (shaded)

1.2 Background

The depth of the harbour at berths 4, 5, and 6 have originally been dredged to a depth of 7m chart datum. This depth is approximately 2.5m shallower than the berths for larger vessels on the

seaward side of this area. Recent sedimentation means that up to 12,000m³ may be dredged initially and then ongoing dredging of between 500-1500m³ per year will be required

2. Reason for Consent

Consent is required as the proposal is deemed a **controlled** activity under Rule 4.4.9D and disposal is a permitted activity under rule 4.4.9G, covering maintenance dredging within the Port Management Area of the Gisborne District Council's Proposed Regional Coastal Environment Plan.

Consents required: Coastal permit is required for the proposed activity:

CR-2013-105825-00: Coastal permit dredging within CMA

The locality to which this application relates is within the Port Management Area, of the Proposed Regional Coastal Environment Plan. Section 4 Rules 4.4.9 D and G apply.

As the activity is a controlled activity under rules in the Proposed Regional Coastal Environment Plan there is a limited scope for attaching consent conditions. The scope of conditions allows restrictions on the timing of the activity and the location that the activity can take place. This does not allow a wider array of consent conditions and in particular conditions relating to monitoring of effects cannot be attached to the controlled activity consent.

Relevant legislation relating to the proposed activity includes the following, S12 Restrictions on use of Coastal Marine Area of the Resource Management Act 1991 (RMA 1991), the New Zealand Coastal Policy Statement (NZCPS), Chapter 6 Coastal Management of the Gisborne District Council Regional Policy Statement (RPS), Chapters 3 & 4 Activities & Management Process of the Proposed Regional Coastal Environment Plan (PRCEP).

Section 12 of the RMA determines that rules within a Regional Coastal Plan must be considered and that (in this case) resource consent is required. Appropriate rules are outlined in the Port Management Area section of the Proposed Regional Coastal Environment Plan.

The **New Zealand Coastal Policy Statement** contains objectives and policies that this application is required to have regard for. Key objectives consider maintaining and enhancing public open space and walking access, enabling communities to provide for social, economic and cultural wellbeing, accounting for the principles of the Treaty of Waitangi, recognising an efficient network of safe ports and protecting historic heritage in the coastal environment.

Policy 23 of the NZCPS relates to the Discharge of Contaminants and requires that the sensitivity of the receiving environment and the nature and concentration of contaminants is given regard to.

Chapters 3 (Water management) and 6 (Coastal management) of **the Regional Policy statement** outlines objectives, policies and methods that guide managing the use, development and protection of the regions water and coastal resources.

The RPS provides that Regional Plans shall provide more detailed methods for managing water and coastal areas.

3. Consultation

3.1 Port operations

Eastland Port is the applicant for this consent. Other users of the Port also need to be considered as potentially affected parties due to any disruption to access to berths and ability to carry on normal recreational and commercial activity within the inner harbour area.

Maintenance dredging is a regular activity at the port and shipping movements are managed around such activities

The proposed dredging is unlikely to disrupt Port activities in any way considered to be more than minor.

No other Port users have provided any written approval and this is considered to be appropriate in relation to the scale of the proposed activity and the likely extent of any effects on other parties using this part of the port.

3.2 Port Dredging Liaison Committee

A Port Dredging Liaison committee has been in existence for some time. This committee does not meet regularly but annual reports from Eastland Port Ltd are circulated each year. The liaison committee has been provided with a summary of this proposal and this is considered to provide greater level of consultation than is required considering the scale and status of the controlled activity that is proposed. No members (other than those recorded separately below) of the liaison committee have provided comments and this is taken to mean that they consider themselves well informed of the proposal.

3.3 Cultural and Iwi consultation

Fisheries Kaitiaki have had a copy of the consent summary and comments have been provided by them. The monitoring of Port Activities is considered by Ian and Bill Ruru together with representatives of the Turanganui – a - Kiwi runanga as part of a project associated with consent conditions that apply to the Waste Water treatment plant. The Turanganui-a-Kiwi Water Quality Project is required as Wastewater consent condition and the quality of water throughout Poverty Bay is considered by this project as a fully integrated approach to improving water quality Poverty Bay. As earlier discussed, in section 2.0 of this report monitoring conditions cannot be attached to this consent due to the fact that the activity is a controlled activity with limits applying to the scope of consent conditions that may be attached to the consent. The monitoring proposed by members of the Wastewater Technical Advisory Group (and the Turanganui-a-Kiwi Water Quality project, as part of the activities of this committee) will need to be considered under the scope allowed within the wastewater suite of consents and the particular monitoring requirements in regard to activities within the port may need to be carefully considered after separating issues that may be appropriate for different consents.

Communication between the reporting officer and Ian Ruru concluded with an agreement to include a consent condition in relation to the timing of dredging activities to avoid impact on the rock lobster nursery.

3.4 Department of Conservation

As a member of the Port Dredging Liaison committee DoC was provided with a copy of the application. Comments were received from Rebecca Lander (Ecologist) in regard to the potential for disturbing the rock lobster nursery from April to September. DoC agreed that the condition recommended that restricts the time of dredging to avoid this window unless the written approval from the consenting authority is provided, would provide adequate provision for this effect.

Summary of consultation

The proposed activity is a controlled activity under the rules associated with dredging within the Port Management Area and the activity proposed has not been considered to require notification in this report and recommendations. In relation to the potential adverse effects, the status of the activity and considered environmental effects it is considered that the level of

consultation is greater than is legally required but acknowledges the potential for cumulative effects and the communities need to be kept informed of such activities.

4. Statutory Assessment

4.1 Section 104 requirements

Subject to Part 2 of the Act, Section 104(1) requires Council, when considering an application for a resource consent, to have regard to:

- a) Any actual and potential effects on the environment of allowing the activity; and
- b) Any relevant provisions of National or Regional Policy Statements, National Environmental Standard and Regional Plans.
- c) Any other matter the consent authority considers relevant and reasonably necessary to determine the application.

104A Determination of applications for controlled activities

After considering an application for a resource consent for a controlled activity, a consent authority—

[[a) must grant the resource consent, unless it has insufficient information to determine whether or not the activity is a controlled activity; and]]

(b) may impose conditions on the consent under section 108 for matters over which it has reserved control in its plan or proposed plan.]

Comment: This coastal permit should be granted subject to those conditions recommended in Section 8.0 of this report.

4.2 Actual and potential Effects

The application contains a brief assessment of environmental effects and concludes that any adverse effects will be such that environmental and cultural values will not be affected. The Proposed Regional Coastal Environment Plan provides objectives, policies and rules that allow the operation of Eastland Port under rules that apply to the Port Management zone of the plan and that acknowledge that the operation of a working port within the Coastal Environment is an operational necessity.

Effects of sediment disturbance

Stormwater run-off from a logyard adjacent to the berths 4, 5 and 6 is providing build up of sediment in the location requiring dredging. This stormwater discharge is not provided for by any consent and the applicant is proposing to seal the logyard area and provide adequate treatment over time.

A puerelus nursery (juvenile rock lobster) exists immediately under the berths adjacent to where the dredging is proposed. Disturbed sediment may have an impact on the nursery that is not described in the application. Consideration of the puerelus nursery has been included in the assessment of a recent application for the Port Upper logyard development. In a peer review completed by Cawthron Institute, of the application for stormwater discharge from this proposed logyard a conclusion was made that an evaluation of the effect from stormwater on the rock lobster nursery is warranted and that it would be instructive to know existing levels of resin acids in both stream and harbour sediments.

No research has been carried out in regard to sediment loads in the Swinging basin over time due to the highly modified nature of the environment and the high clay content of sediments. However, a peer review by NIWA dated 10 July 1998, stated that the impacts of the capital dredging in the Harbour (increase in water depth and alteration of the seafloor) would not have any significant impact on the rock lobster populations in the harbour.

NIWA did express a concern that the dredging within the harbour take place outside the main pueruli settlement period that is, not between April and September inclusive (the most critical time is May to July inclusive). The reason for this restriction was to minimise as far as possible any deleterious effects on juvenile crayfish.

The potential effects on the puerelus nursery are likely to be cumulative and a specific evaluation in regard to discretionary consents for stormwater was not considered essential. This dredging consent application being for a 'Controlled' activity may also not justify a specific evaluation of the effects on puerelus. Comments from Ian Ruru (Pers com) suggest that observations at the time of dredging may be able to allow deferment of dredging if juvenile rock lobster is present or if suited the juveniles may be able to be moved to an alternative location.

The controlled status of this activity allows consent conditions to be attached to the consent that may control the timing of activity. The recommended consent activities do in fact provide some control on the timing of activity.

Effects of discharge

Discharge of dredged material is a permitted activity so long as the location of any discharge is within the outer disposal area and that volumes are less than 50,000m³ per annum. This proposal fits within the criteria for permitted activity and effects will be managed under the discharge consent for disposal to the outer dredge disposal site.

The outer dredge disposal site comprises approximately 3 km² and has a water depth in the range of 18m BCD to 20m BCD. In the period 2003 to the end of 2007, 264,650m³ of material has been deposited on the grounds. Since the beginning of 2008, 78 dumps of 150m³ each have been deposited on the site¹.

The Outer Disposal Ground is considered to be superior to other sites used for dredge spoil because:

- The surficial seabed lithology is naturally muddy from effects of the Waipaoa River which discharges to the Bay almost directly adjacent to the site;
- Investigations associated with 1999 dredging consents application identified that sediment transport appears to be offshore, so material is less likely to re-suspend and return to port dredging zone;
- There are no reefs nearby and benthic muddy ecology is relatively sparse;
- The disposal site covers a large area and because of sparse benthic ecology is not a known fishing or recreational users zone of the Coastal Marine Area;

- Oceanographic investigation and numerical modelling associated with the 1999 resource consents application identifies a net anticlockwise residual circulation occurs over this part of Poverty Bay so that fine suspended material would be expected to migrate offshore with time.



Aerial photomap: Showing location of outer spoil disposal area Poverty Bay.

A recent study of infaunal organisms in the Outer Disposal Ground completed by NIWA in July 2008, confirms that the impacts of depositing dredging spoil on the marine environment within and adjacent to the site, are minor or less

Effects on Navigation

The harbour and port area will continue to operate as normal throughout the dredging period.

All required navigational lighting, rules and relevant bylaws will be adhered to throughout the period of dredging.

4.3 Part 2 of the RMA

Part 2 of the RMA is titled *Purposes and Principles* and comprises Sections 5, 6, 7 and 8.

Section 5 states that the purpose of the act is to promote the sustainable management of natural and physical resources. 'Sustainable management' means managing the use, development and protection of these resources in a manner which enables people and communities to provide for their social, cultural and economic wellbeing while:

- a) sustaining the potential of natural resources (excluding minerals) to meet the reasonably foreseeable need of future generations; and
- b) safeguarding the life supporting capacity of air, water, soil and ecosystems; and
- c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

In achieving the purpose of the Act the Council must:

- Recognise and provide for matters of National importance (s6).
- Have particular regard for other matters (s7).

- Take account of the principles of Treaty of Waitangi (s8).

No matters of National importance are considered to be affected by the proposed activity and other matters covered by s7 of the RMA have been given regard to. It is considered that the proposed activity is consistent with Part 2 of the RMA for the following reasons:

- It will enable people to provide for their social, economic and cultural wellbeing;
- It will be undertaken in a manner that avoids, remedies or mitigates any actual or potential effects on the environment; and
- The proposed activity will not give rise to any issue in relation to the other aspects of Part 2 of the RMA.

5.0 Notification

Under Section 95A of the Resource Management Act 1991, resource consents must be publicly notified if the Council believes the activity will have or is likely to have adverse effects on the environment that are more than minor. As discussed in the assessment above, the environmental effects will be less than minor.

It should be noted that in determining whether or not adverse effects on the environment would be minor or more than minor under Section 95D, in respect of section 95A, any adverse effects on the environment that would arise from a permitted activity under the Plan or a national environmental standard may be disregarded. In making this decision, the Council must also disregard trade competition and the effects of trade competition, any effects on persons who own or occupy the land that is the subject of the proposal or any land adjacent to that land or any person who has given written approval to the proposal.

Section 95B requires that even if public notification is not required under section 95A, that the Council must give limited notification of application to any affected person unless the District Plan or a national environmental standard expressly precludes limited notification of the application. There were no persons deemed to be affected by the proposal.

Section 95E requires that a person must be considered to be adversely affected if the effects of the activity on that person are minor or more than minor. The Council must disregard any effect on a person who has already given written approval to the proposal.

The applicant has not requested public notification and there are no special circumstances that would warrant public notification. Therefore the application can be considered on a non-notified basis in accordance with sections 95A to 95E of the Resource Management Act 1991.

6.0 Conclusion

The actual and potential effects of allowing the activity have been assessed and discussed in "Assessment of effects" above. The sensitivity of the receiving environment in relation to the proposed work has been considered. The decision, including the consent conditions reflects appropriate regard for the environmental effects, and avoids, remedies or mitigates them as required by Part 2 of the RMA.

7.0 Decisions

Pursuant to Section 95A to 95E of the Resource Management Act 1991 and delegation from the Gisborne District Council, it is resolved that this application be considered on a non-notified basis.

AND

Pursuant to Sections 104 and 104B of the Resource Management Act 1991, I hereby grant consent to Eastland Port Limited for maintenance dredging of the harbour adjacent to berths 4, 5 and 6, legally described as Lot 7 DP 7819, for a period of 5 years, subject to the following conditions and footnotes:

1. All activities shall be in accordance with the submitted application dated 29th May 2013, and accompanying plans and maps, except to the extent that these are required to be modified to comply with the conditions of this permit.
2. Dredging authorised by this permit is limited to the harbour area adjacent to wharves 4, 5 and 6 of Eastland Port as shown in the map that is part of the application.
3. There shall be no conspicuous change in colour in the water column as a result of the consent holders operations and activities that are authorised by this permit after two hours of the cessation of each dredge run.
4. Dredging shall not take place, during the period of April to September, inclusive, in any year that this consent is exercised, without prior written permission from the consent authority. (see advice note [b] below).
5. All dredge spoil shall be disposed of within the outer disposal zone identified by the NZTM co-ordinates:

Northings	Eastings
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These coordinates represent the spoil dump outer zone as mapped on Coastal Plan map 2B.1 of the Gisborne District Council Proposed Regional Coastal Environment Plan.
6. The Environmental Services Manager, of the Gisborne District Council. May after the granting of this permit give notice of the intention to review the conditions of this permit, pursuant to S128 of the Resource Management Act 1991. The review shall occur within one month following the 30 June of each year for all or any of the following purposes to:
 - (a) require the permit holder to adopt the best practicable option to remove or reduce any adverse effects on the environment; or
 - (b) deal with any adverse effects on the environment on which the exercise of this permit may have an influence.
7. The permit holder shall pay to the Gisborne District Council any administration, inspection or monitoring charges fixed in accordance with S36 (1) of the Resource

Management Act 1991, or any additional charge pursuant to S36 of the Resource Management Act 1991, payable in respect of this permit.

8. This consent shall be for a period of five years

Advice Notes

- a) For further information about the Gisborne District Council charging policy refer to the current Manual of Fees and Charges-Environment and Planning.
- b) If dredging is programmed for times when rock lobster Peureli are likely to be settling in the harbour area then written permission will be provided only if the potential effects are managed. This could include close liaison with Fisheries kaitiaki personel and the agreement of methods for avoiding or minimising any such effects.

8.0 Reasons for Decision

1. Provided the proposed activities are undertaken in the manner proposed and in compliance with the recommended consent conditions the effects of this consent is unlikely to cause adverse effects on the environment.
2. The granting of this consent is consistent with the Regional Policy Statement, Regional Plans and the sustainable management of natural and physical resources. The proposal is therefore in keeping with the purpose and principal of Part A of the Resource Management Act 1991.

Prepared by:

Dennis Crone
Team Leader Water Conservation

Date: ____/____/2013

Approved under delegated authority by:



Trevor Freeman
Environmental Services Manager

Date: 26/6/2013

Map showing location of spoil disposal site



Red shaded area shows extent of spoil disposal site with NZTM Co-ordinates:

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