



Gisborne

GISBORNE DISTRICT COUNCIL



RESOURCE PERMIT

COASTAL PERMIT TO CARRY OUT ANY ACTIVITY IN ANY COASTAL MARINE AREA

Pursuant to Sections 105 and 108 of the Resource Management Act 1991, the GISBORNE DISTRICT COUNCIL hereby grants the following -

PERMIT NO: CP 199005 **FILE NO:** WA 23-001

TO: Inner Harbour Marinas Ltd

OF: 310 Lytton Road
GISBORNE
Attn: Mr R. Noble

COPY

LEGAL DESCRIPTION: Lot 7 on DP 7819, Blk VII Turanganui S.D.

SITE LOCATION: Inner Harbour Basin.
Grid Reference: NZMS 260 Y18: 4750 6930

PERMIT TO: Construct Floating Pontoon Marina for berthing of small vessels as outlined on accompanying plan.

APPROVAL DATE: 2/8/99 **EXPIRY DATE:** 30/9/2026

This permit is subject to conditions as specified on the following 1 attached pages.

Signed at Gisborne this 2nd day of August 1999 for and on behalf of the Gisborne District Council.

T G Freeman

DISTRICT CONSERVATOR

Any enquiries concerning this Permit may be directed to: Kerry Hudson
Senior Water Conservator

CONDITIONS OF RESOURCE CONSENT

The following condition(s) are attached to Resource Consent Number CP 199005:

1. The Marina Development : Inner Harbour Port Gisborne is to be constructed as per the plan attached to this consent, First Light Construction Ltd / B H Ritchie & Sons Ltd and specifications outlined in the Consent Application for Inner Harbour Marina at Port Gisborne Inner Harbour Basin.
2. The New Zealand Maritime Safety Authority (MSA) is to be notified of the new structures to be constructed within the Coastal Marine Area prior to commencement of construction.
3. The Hydrographic Office is to be notified of the new structures to be constructed within the Coastal Marine Area prior to the commencement of construction.
4. Upon completion of the marina construction the consent holder shall provide photographic evidence of the completion of works to the consent authority.
5. Marina Rules, attached in total to this permit, (Berth Holders Licence - Marina Rules) are to be enforced as per the rules outlined by the consent holder.
6. The District Conservator, of the Gisborne District Council may after the granting of this consent give notice of intention to review the conditions of this consent, pursuant to section 128 of the Resource management Act 1991. The review period shall occur on the 30th June of each year for all or any of the following purposes:
 - (a) to require the consent holder to adopt the best practicable option to remove or reduce any adverse effects on the environment; or
 - (b) to deal with any other adverse effects on the environment on which the exercise of this consent may have an influence.
7. The consent holder shall pay to the consent authority any administration, inspection, supervision, enforcement or monitoring charges fixed in accordance with S 36(1) of the Resource Management Act 1991, or any additional charge pursuant to S 36 of the Resource Management Act 1991, payable in respect of this permit.

Footnotes.

1. The consent holder is advised that this consent does not in itself give any authority to enter or carry out work on private land nor does it imply any exclusive right to operate over the area allotted to the holder. It also does not excuse the holder from obtaining all other legal and statute requirements for instance Health and Safety Act, Building and Land Use Consents.
2. Port Gisborne Ltd has provided written notice to the applicant and the consent authority indicating that Port Gisborne Ltd will utilise the Coastal Permit for the marina development and provide Harbour Basin Marinas Ltd with a license for the Occupation of Space for the duration of the Coastal Permit.



GISBORNE DISTRICT COUNCIL

CP199005

27th July 1999.

The District Conservator.

Resource Consent Application by: Inner Harbour Marinas Ltd.

Coastal Permit, CP199005.

1.0 Introduction.

A resource consent application has been received from Inner Harbour Marinas Ltd to install a marina in the commercial port area to be used by charter, pleasure and smaller commercial vessels. Earlier expansion consisted of the installation of 12 walk on floating berths in 1990, with this proposed installation being a continuation of that earlier development. The development will likely enhance the inner harbour and increase the areas capacity to service the local community.

This development aims at catering for the present and growing demands of pleasure and fishing vessels as well as providing a facility for the increasing number of visitors to Gisborne. While this expansion is particularly relevant during 1999, as the millennium approaches, there is a long term benefit with the inner harbour likely to be the destination of increasing numbers of visitors requiring berthage.

2.0 The Marina Project.

Harbour Basin Marinas Ltd is a company specifically established to develop and manage the proposed marina project. Port Gisborne Ltd is quite agreeable to the development proceeding with the intention of having the development completed prior to the millennium.

The project site is within the area owned by Port Gisborne Ltd and covered by the existing coastal permit, issued by the Minister of Transport, allowing Occupation of Space of the Coastal Marine Area. The site will occupy an area within the Inner Harbour. The project encompasses the construction of proprietary concrete pontoons which will be anchored to the sea bed using a flexible tension system (Sea-Flex) which holds the pontoons on top of the water but allows rise and fall with the tide and swell action within the inner harbour.

The development consists of:

Stage 1, Located directly in front of No 2 Wharf and consisting of 18 berths varying from 9 to 15 metres in length and a single 30 metre visitor berth.

Stage 2, Located partly in front of No 2 Wharf and partly on the river wall adjacent to the existing Marina and consisting of 16 berths varying in length from 9 to 15 metres and a single 30 metre visitor berth.

Stage 3, Located alongside No 3 Wharf. This stage is intended to accommodate Port Gisborne's trailer suction dredge, tugs and 8 berths available for commercial vessels.

See Figure 1 for layout of marina.

The proposed pontoons will consist of proprietary components that will be pre-assembled in Gisborne (off-site from the development site) and floated into position and anchored. There is no dredging required to install the structures and no alteration to the existing wharf structure other than securing and provision of access platforms and ramps to the pontoons.

3.0 Objective Of The Proposal.

Currently the inner harbour is utilised by pleasure, fishing and commercial vessels with mooring around the perimeter of the harbour other than the existing marina. This leaves the inner harbour itself largely under-utilised. It would be of benefit to Port Gisborne Ltd and the community at large to maximise the usage of the existing inner harbour facility.

The construction of the initial 12 berths in 1990 provided an alternative to the only other option which was mooring to the wharf and walkway structures. Since this construction the existing marina has been fully utilised and remains as the only berthing facility available within the inner harbour.

The proposed marina is designed to best utilise the available space within the inner harbour area, which is consistent with the long term plans of Port Gisborne Ltd for the development of the inner harbour area.

The site is in a commercial port area that services pleasure, fishing and commercial services. The surrounding hardstand area is undergoing ongoing development for the greater community. This development will provide an added attraction that compliments the increase in restaurants, cafes in the immediate area along with the service industries reliant upon the harbour for their business.

4.0 Environmental Impacts.

4.1 Hydrological and Physical Impacts,

This proposed marina pontoon system has shown elsewhere over time to have had no effect to existing tidal patterns and sedimentation into sites where pontoons have been installed. The system utilises concrete encased polystyrene floatation blocks to provide excellent buoyancy in all sea conditions. The low obtrusiveness in the water causes almost nil effects to existing tidal patterns. The sea bed below the proposed site is silt covered and is subject to tidal rise and fall with very little wave action.

The visual impact of the proposed berths will improve the overall aesthetics of the site especially given the intention not to secure pontoons with poles and use a flexible sea anchor

system mounted below the pontoons. The system also leads itself to easy relocation by simply unscrewing the anchor and towing it to a new site.

4.2 Ecological Impacts,

To date this marina system has shown that it causes no ill effects to marine life. The pontoons actually offer a structure which is constantly half submerged creating a safe habitat for marine life. It has been evident from the existing marina development, which has now been in place for nine years, that the marina provides a habitat for fish and coral growth.

4.3 Environmental Reports,

Two reports relating to the marine environment have been produced with the application, one being a report by Mr G E Barrington, outlining details and photographs of the piles and floating docks in 1994 and the second a report by Mr Cliff Blumfield of Wainui Dive commissioned by the applicant and produced on 25th May, 1999.

4.3.1. Mr Barrington's report states that the marina environment appears to be a normal habitat for the fish and the coral growths that would be found in a harbour with reasonable water surroundings free from pollution.

There was little growth on the piles at the time which appeared to be a result of the floating dock movement prohibiting any opportunity for corals to attach themselves. Further down the piles was some growth, (inclusive of sponges) which appeared to be normal considering there is less light and growth is normally inhibited by poor light conditions.

The floating docks themselves were completely covered in growth due to closer proximity to the light, the corals and sponges found the floating docks a very suitable habitat and were growing profusely. The composition of the floating docks was also important, as the concrete surface would appear to closely resemble rocks which would be the normal habitat for organisms to attach to. This dense growth was attracting other free swimming species such as crayfish, crab and shrimps which would in turn attract predator fish including herrings, spotties and smaller snapper. This environment appeared to be typical of life in a healthy harbour and not affected by the marina.

The marina area was a popular fishing spot, with the site being particularly safe due to the structure being close to the water level and not the 3 to 4 metre drops which are normal over the remainder of the wharf.

4.3.2. Mr Blumfield's report begins by stating that little has changed between Mr Barrington's inspection in 1994 and his more recent inspection in 1999.

The piles continue to be clean due to the movement of the rollers surrounding them as the marina rises and falls with the tide. Below the low water mark growth on the piles was still limited by the lack of a constant light source, it being assumed that it gets darker as the tide rises.

The floating marina contained a wealth of growth, especially at the edges, as well as the expected fine weed there were sponges and barnacle type species. The fine weed which tends to give a poor visual appearance is in fact an asset to the marine life, being evident by the schools of small fish that feed in the area. These small fish were attracting larger species, such as Kahiwai, which are attracting recreational fisherman (predominantly children) to the site.

It is suggested that the marine life growing on the marina indicates that there is a balanced environment in the harbour basin and that the existing marina is having no detrimental effect, in particular, on the habitat.

The report concludes by suggesting that the development of further marinas in the harbour basin could not be seen as detrimental to the marine environment but more an advantage to the existing and future marine life in the habitat.

5.0 Proposed Marina Construction and Services.

5.1 Pontoon Construction.

The proposed marina pontoons are to be pre-fabricated offsite and delivered upon completion to the site by road and lifted into the inner harbour with a mobile hydraulic crane. The actual assembly time on site is very brief with 90 % of the work carried out off site. Pontoon construction consists of:

- partly submerged floating concrete pontoons
- extruded Aluminium Fendering support rails with built in fender cushions
- stainless steel Flexible Sea Anchor Systems

Assembly on site is expected to take 2 to 3 weeks.

5.2 Services.

Power and water services are to be provided along each marina walkway and terminated in proprietary combination outlet boxes at each finger junction. These services are to be run in special ducting built into the pontoon system with flexible connections back to the wharf.

Rubbish receptacles are provided and emptied daily. Sewerage disposal is not permitted by either Port Gisborne Ltd or the Marina Berth Licence regulations. A holding tank is to be provided adjacent to the fuel pump for berth holders to pump out sewerage if required.

5.3 Berth Holders Licence - Marina Rules.

Rules have been established to provide for the efficient and harmonious operation of the Marina and for the safety of the Berthholder and visitors to the marina. A full copy of the rules is attached to this document with the following points outlined:

When a vessel enters the marina it immediately comes under the jurisdiction of the Marina Management and is required to comply with Port Gisborne Ltd harbour regulations and the Maritime Safety Authority rules and regulations. Rules address the following issues:

- Obstruction of entrance and piers *
- Berth Lines *
- Services *
- Navigation *
- Security
- Fire Hazards
- Refuelling *

Dangerous Goods *
Conduct and noise *
Rubbish *
Notice of Defects
Alcohol
Storage
No swimming
Living on Board
Animals
Emergency Contact
Visitors to the Marina
Skateboards, Rollerblades, Bikes
Height Restrictions
Workmen
Sewerage Pump Out Facilities *
Berth Size
Sailing
Boat Repairs
Fenders
Power Points
Signs *
Circulars
Signage *

* RMA issues.

6.0 Statutory Requirements.

The documents relevant to this proposal are as follows:

- **Resource Management Act 1991,**
- **NZ Coastal Policy Statement,**
- **The Proposed Regional Policy Statement For The Gisborne Region (RPS)**
- **The Transitional Regional Coastal Plan**
- **Proposed Regional Coastal Environment Plan For The Gisborne District, and**
- **The Proposed Gisborne Combined Regional and District Plan.**

6.1 The Resource management Act 1991 (RMA)

The proposed works are to be carried out within the “Coastal Marine Area”, being the *foreshore, seabed and coastal water, and the air space above the water-*

(a) Of which the seaward boundary is the outer limits of the territorial sea:

(b) Of which the landward boundary is the line of mean high water springs, except that where that line crosses a river, the landward boundary at that point shall be whichever is the lesser-

(i) one kilometre upstream from the mouth of the river: or

(ii) the point upstream that is calculated by multiplying the width of the river mouth by 5.

Section 12 of the RMA 1991 details “*Restrictions on use of the Coastal Marine Area*”

Relevant to this application is:-

(1) No person may, in the Coastal Marine Area,-

(b) Erect, reconstruct, place, alter, extend, remove, or demolish any structure that is fixed in, on, under, or over any foreshore or seabed;

unless expressly allowed by a rule in a regional plan and in any relevant proposed regional coastal plan or a resource consent.

(2) No person may, in relation to land of the Crown in the coastal marine area, or land in the coastal marine area vested in the regional council,-

(a) Occupy the land and any related part of the coastal marine area;

unless expressly allowed by a rule in a regional coastal plan and in any relevant proposed regional coastal plan or by a resource consent.

(3) Without limiting subsection (1), no person may carry out any activity-

(a) In, on, under, or over any coastal marine area; or

(b) In relation to any natural and physical resources contained within any coastal marine area,-

in a manner that contravenes a rule in a regional coastal plan or a proposed regional coastal plan unless the activity is expressly allowed by a resource consent or allowed by section 20, RMA 1991.

The PRCEP, section 6.5 of this report, provides rules as required by section 12 RMA 1991.

Within the RMA 1991 section 87 outlines the types of resource consents, in this instance-

(c) A consent to do something in a coastal marine area that would otherwise contravene any of sections 12, 14 and 15 (in the Act called a "coastal permit").

6.2 The New Zealand Coastal Policy Statement.

The purpose of the New Zealand Coastal Policy Statement is to state the policies in order to achieve the purpose of the Resource Management Act 1991, in relation to the coastal environment of New Zealand (s56).

This section establishes the role of the NZCPS in relation to the coastal marine area and the coastal environment. This proposal is to be carried out within the coastal marine area.

The NZCPS establishes a number of general principles for sustainable management of New Zealand's coastal environment, with the following being relevant to this application:

1. Some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to 'the social, economic and cultural well-being' of 'people and communities'. Functionally, certain activities can be located on the coast or in the coastal marine area.

2. The protection of values of the coastal environment need not preclude appropriate use and development in appropriate places.

4. *Expectations differ over the appropriate allocation of resources and space in the coastal environment and the processes of the Act are to be used to make the appropriate allocations and to determine priorities.*
5. *People and communities expect that the lands of the Crown in the coastal marine area shall generally be available for free public use and enjoyment.*
6. *The protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities.*
8. *Cultural, historical, spiritual, amenity and intrinsic values are the heritage of future generations and damage to these values is often irreversible.*
9. *The tangata whenua are the kaitiaki of the coastal environment.*
10. *It is important to maintain biological and physical processes in the coastal environment in as natural a condition as possible, and to recognise their dynamic, complex and interdependent nature.*
12. *The ability to manage activities in the coastal environment sustainability is hindered by the lack of understanding about coastal processes and the effects of activities. Therefore, an approach which is precautionary but responsive to increased knowledge is required for coastal management.*
13. *A function of sustainable management of the coastal environment is to identify the parameters within which persons and communities are free to exercise choices.*

Those objectives and policies relevant to this application are restated here;

Chapter 1- National Priorities for the Preservation of the Natural Character of the Coastal Environment including Protection from inappropriate Subdivision, use and Development.

Policy 1.1.1

It is a national priority to preserve the natural character of the coastal environment by:

- (a) encouraging appropriate subdivision, use or development in areas where the natural character has already been compromised and avoiding sprawling or sporadic subdivision, use or development in the coastal environment;*
- (b) taking into account the potential effects of subdivision, use or development on the values relating to the natural character of the coastal environment, both within and outside the immediate location.*

Chapter 3- Activities Involving the Subdivision, Use or Development of Areas of the Coastal Environment.

3.2 Providing for the Appropriate Subdivision, Use and Development of the Coastal Environment

Policy 3.2.2

Adverse effects of subdivision, use or development in the coastal environment should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse should be mitigated and provision made for remedying those effects, to the extent practicable.

3.3 Adoption of a Precautionary Approach to Activities with Unknown but Potentially Significant Adverse Effects

Policy 3.3.1

Because there is a relative lack of understanding about coastal processes and the effects of activities on coastal processes, a precautionary approach should be adopted towards proposed activities, particularly those whose effects are as yet unknown or little understood. The provisions of the Act which authorise the classification of activities into those that are permitted, controlled, discretionary, non-complying or prohibited allow for that approach.

Schedule 1 of the NZCPS outlines activities which are Restricted Coastal Activities (RCA's) due to the scale or irreversibility that the effect may have. With regard to this application the sections to be considered are:

S1.3 Structures in the coastal marine area more or less parallel to mean high water springs:

S1.4 Structures in the coastal marine area oblique or perpendicular to mean high water springs

In both cases the proposal falls well short of the minimum parameters required for the proposal to be deemed a Restricted Coastal Activity.

6.3 The Proposed Regional Policy Statement For the Gisborne Region.

The Gisborne Regional Policy Statement (RPS) has been publicly notified and provisionally adopted by the Gisborne District Council. The RPS provides an overview of resource issues of the region and sets out policies and methods to achieve integrated management of the regions natural and physical resources.

This proposal relates to Chapter 6, Coastal Management. An overwhelming response to the first discussion paper considered coastal management to be an important issue. Submissions were received from a wide cross-section of the community.

Issues raised in the RPS are more than adequately addressed by the Proposed Regional Coastal Environment Plan or The Proposed Gisborne Combined Regional and District Plan.

6.4 The Transitional Regional Coastal Plan.

The TRCP, October 1991, was prepared pursuant to s370 of the RMA. It provides for matters related to the Water Quality Classification of Poverty Bay and Coastal Waters, General Authorisations, By-Laws and Restricted Coastal Activities, (RCA'S).

Upon notification of the PRCEP, the Minister's Direction ceases to have effect, s372 (2) (c). Notification occurred on 7th July 1997 and the directives ceased to exist. The PRCEP is as yet not operative. Until the Minister of Conservation signs the plan deeming it operative the TRCP still applies to s370, RMA 1991.

It would appear that the two sections of the TRCP which require consideration will not trigger requirements for application for RCA's.

Section 12 (1(b)) Structures.

B. Solid (or effectively solid) structures placed alongshore. These structures would require to be of 200 metres in length or greater which will not be the case. In this application there is actually only very minor work occurring alongshore.

C. Solid (or effectively solid) structures placed obliquely or perpendicular to the shoreline, which are 100 metres or more in length. Once again in this instance while the structures protrude perpendicular to the shoreline. pontoons protrude 60 metres, 40 metres and 20 metres respectively in the three proposed structures which are insufficient to require the activity being Restricted Coastal Activity, (RCA).

6.5 The Proposed Regional Coastal Environment Plan For The Gisborne Region, (PRCEP).

The PRCEP has been prepared in accordance with s64 RMA and was notified in July 1997. The plan covers the Coastal Marine Area (CMA) of the region and incorporates policies for that part of the coast landward of the CMA that is defined in the Coastal Environment.

Section 4.2 of the PRCEP establishes three management areas which provide for different management options, with respect to specific issues. The three are the Port Management Area (to which this application applies), the Protection Management Area(s) and the General Management Area.

The Port Management Area:

The Port Management Area includes the existing Port Gisborne Basin, a section of the mouth of the Turanganui River, and the existing dredged navigation channel. It also includes two anchorage points and the dredged spoil dumping site in Poverty Bay. This is a highly modified environment where human structures dominate and ecological and natural landscape values are significantly altered. The purpose of this management area is to provide for the efficient and sustainable operation of the Port infrastructure and service while avoiding, remedying or mitigating significant adverse effects on the environment.

Objectives relating to the Port Management Area and this application are:

PRCEP 4.4.3 D

Non port related development, including commercial fishing operations and associated facilities, in the Port Management Area that does not compromise the operational requirements of the port provided for.

Principal Reason. Recent development at Port Gisborne has featured the development of services given to recreational and social pursuits such as wine bars and boat ramp proposals. These pursuits do not contribute to the operation of the Port but rely on the atmosphere and nature of the Port for their commercial and functional viability. Such activities should be provided for as long as they do not interfere with the operational needs of the Port.

Policies relating to the Port Management Area and this application are:

PRCEP 4.4.4 C

The development of recreational and commercial enterprises other than those necessary for the continued operation of the port and fishing industries will be provided for where they do not conflict with the operational requirements of Port Gisborne within the Port Management Area.

Explanation.

Port Gisborne is currently undergoing considerable development along lines experienced by many New Zealand ports. Tourism and associated service industries have identified ports as having an atmosphere suitable for the entertainment market and a number of facilities ranging from marinas to boutique cafe and wine bars are being, or will be, developed within the Port Management Area. Such activities generate issues like car parking and safety issues which have the potential to interfere with the safe and efficient operation of the Port as a Port.

They should be provided for so long as they do not create a situation where the primary purpose of the Port is compromised.

PRCEP 4.4.6 Rules For Structures.

Note 1: S32 of the Building Act, 1991, states that no "building" shall be constructed, altered or demolished without a building consent. It is important, notwithstanding anything else in this plan. It is important, notwithstanding anything else in this plan, that requirements for a building consent are established prior to the commencement of any work. The Definition of Structure in the Building Act is very broad.

Note 2: In addition to rules contained in this plan the Harbours Act, 1950 and harbour bylaws may also regulate structures on matters of navigation and safety as the need arises.

Note 3: This section should be read in conjunction with the section on occupation of space in the Coastal Marine Area.

Note 4: The New Zealand Coastal Policy Statement requires that the New Zealand Maritime Safety Authority and the Hydrographic Office are notified of new structures in the Coastal Marine Area. This plan implements that policy by requiring consent holders for new structures/or significant changes to existing structures in the Coastal Marine Area to notify those offices BEFORE construction begins. This will be a condition of all consents granted.

Note 5: It will be a condition of all consents for new structures in the CMA to provide, at the completion, photographic evidence of their completion.

Note 6: No resource consent or coastal permit gives the holder rights to occupy or move over the private property of another. Rules in this chapter do not state that the permission of occupiers or land owners is required in order to exercise the resource consent or permit because that requirement should go without saying.

Note 7: Unless clearly stated otherwise all standards and terms in a rule must be met for that rule to apply.

Rules applicable to this application are:

PRCEP 4.4.6 O Moorings.

The construction or placement of pile and swing moorings in the Port Management Area is a controlled activity provided the following standards and terms are met:

Standards and terms

- a) The Harbour Master is consulted.*
- b) The mooring does not adversely affect port operations.*
- c) The mooring is not located in the Gisborne Harbour Swinging Basin.*
- d) Consultation has occurred with the Hapu which is the kaitiaki of the site proposed.*
- e) The activity will not adversely affect any values identified for or sought to be protected by a Protection Management Area.*

Council will limit its control to:

- Disposal of material on or away from the site; and*
- Requiring rentals or bonds as specified elsewhere in this plan; and*
- Monitoring the effects of the structure; and*
- The duration of any permit granted.*

Provided that:

In the event of standard and term c) not being met the activity is a prohibited activity for which no resource consent will be granted. Otherwise the activity is a discretionary activity. (Note: The construction or placement of moorings within the harbour limits must also comply with the Harbours Act 1950 and harbour bylaws.)

This application has;

- a) Undergone consultation with the Harbourmaster
- b) The mooring does not adversely affect port operations and Port Gisborne Ltd have provided written support.
- c) The Swinging Basin is described as :
The area of water bounded by No.7 Wharf and the main breakwater on the Eastern Side, Butlers Wall on the South Western side and the Diversion Wall from its junction with Butlers Wall to the slipway and the slipway on the North Western side.
The development is clear of the swinging basin.
- d) Consultation with Ngati Oneone Whanau Trust and Te Runanga O Turanga A Kiwa has been carried out.
- e) The area is clear of any Protection Management Area.

PRCEP 4.4.6 R Placement/Erection Permanent Structures.

Unless specified elsewhere to the contrary and more specifically and notwithstanding rules 4.4.6 S and 4.4.6 T of this section any activity that requires the construction, erection or alteration of a structure in the Coastal Marine Area, (but excepting minor alterations and any reclamations), is a controlled activity in the Port Management Area provided the following standards and terms are met:

Standards and terms

- a) The structure is directly related to the operational requirements of the port.*
- b) There is no adverse effect on public safety and navigation safety.*
- c) There will be no adverse effect on the drainage and navigation capacity of the Turanganui River diversion.*
- d) Contaminants are not disposed of into the Coastal Environment.*
- e) Consultation has occurred with the Hapu which is the kaitikai of the proposed site.*
- f) The activity will not adversely affect any values identified for or sought to be protected by a Protection Management Area.*

Council will limit its control to:

- The exact location of the structure (to avoid cultural or historic sites); and*
- Disposal of material on or away from the site; and*
- Requiring rentals or bonds as specified elsewhere in this plan; and*
- Monitoring the effects of the structure.*

Provided that:

If any of the above standards and terms are not met the activity is discretionary.

Principal reason: There are some very specific rules for this management area. This rule ensures that structures not covered by those rules treated as controlled activities.

This application;

- (a) is not directly related to operational requirements of the port.*
- (b) will not have an adverse effect on public safety and navigation.*
- (c) will not impact upon drainage and navigation capacity of the Turanganui River diversion.*
- (d) will not result in disposal of contaminants and is a rule requirement of the Marina.*
- (e) consultation has occurred with both Ngati Oneone Whanau Trust and Te Runanga A Turanganui O Kiwa.*
- (f) The activity is well clear of any Protection Management Area.*

PRCEP 4.4.8 Rules for the Occupation of Space in the CMA.

In relation to this application Port Gisborne Ltd currently holds a Coastal Permit for Occupation Of Space of the Coastal Marine Area pursuant to section 384A of the RMA 1991. The initial permit was issued by the Minister Of Transport on 27 July 1994 and amended on

10 December 1996 authorising Port Gisborne Ltd to occupy the area within the application until 30 September 2026.

Port Gisborne Ltd has provided written notice to the applicant and the consent authority indicating that Port Gisborne Ltd will utilise the Coastal Permit for the marina development and provide Harbour Basin Marine Ltd with a license for the duration of the Coastal Permit.

6.6 Proposed Gisborne District Combined Regional Land and District Plan.

Land use issues are being addressed by the planning section, Environment and Planning Department.

7.0 Consultation.

The applicant has carried out consultation with those who may be potentially affected by the granting of this coastal permit.

The usual agencies and departments were advised and comments from the following areas have been carried through as conditions or footnotes to the landuse consent (PN199042A):

- sewer
- water
- parking
- external lighting
- noise
- railway crossing and pedestrian safety
- access for disabled
- building consent

7.1. Businesses located in the wharf buildings around the port were consulted with and approval of these parties has been forwarded to council or the applicant. This includes:

Aubergines, Shed 1
Works

Landfall Restaurant, Shed 1
The Wharf Cafe and Bar, Shed 1
Real Burgers, Shed 1

Belinda Brauu Graham
John A Thorpe
John A Thorpe
L Williams
C Blumfield

The only concern was from The Wharf Cafe and Bar inquiring as to when this project will occur and will the development have any impact upon their business.

7.2. Tangata whenua Groups.

Two groups were seen as effected parties in this development these being;

A hui was held between the applicants and a representative from Te Runanga O Turanganui A Kiwa (Barney Tupara). Te Runanga O Turanganui A Kiwa have no concerns and written consent to the proposed development has been obtained.

Written consent from Ngati Oneone Whanau Trust signed on behalf by Barney Tupara as a Ngati Oneone Hapu member has also been obtained.

The application was also circulated to Ngati Oneone. Nikki Searanche

initially contacted Council as she had a number of landownership issues which she wished to discuss with the applicant. Various attempts have since been made to contact Nikki Searanche in order to determine Ngati Oneone's final position in respect to this proposal, however to date no contact has been made.

7.3. Other Interested Parties.

Gisborne Fisheries Ltd
Moana Pacific Fisheries Ltd
Gisborne Commercial Fisherman's Association Inc.
Gisborne Yacht Club
The Tatapouri Sports Fishing Club, Shed 2
Port Gisborne Limited
Gisborne Volunteer Coastguard Association Inc
Department Of Conservation
Maritime Safety Authority
Harbourmaster
Transrail

The only concerns were raised by Gisborne Fisheries Ltd, which are issues to be dealt with between Gisborne Fisheries Ltd and Port Gisborne Ltd, The Maritime Safety Authority (MSA) and Transrail.

These concerns were;

Gisborne Fisheries:

1. That during heavy surges Gisborne Fisheries have been able to unload in the corner between the No. 2 and No. 3 wharves. The concern was whether this provision would continue.
2. Is provision being made to eliminate congestion at the Gisborne Fisheries vessel berths in the harbour channel at the various stages of marina development.
3. During rough whether the Gisborne Harbour is filled with local and out-of-town commercial fishing vessels, will provision be made for vessels to berth in areas other than the harbour channel, e.g. the No. 1 Wharf.

The MSA concerns were:

1. The marina should be provided with navigation lights to assist vessels to navigate through the marina at night; and
2. The Chief Hydrographer / Topographer of Land Information New Zealand should be informed of the development so that a "Notice to Mariners" can be issued to amend the local charts.

Transrail

Transrail have expressed concern regarding the possible increase in the number of parties crossing the railway line. Transrail have suggested that the applicant nominate one point of access for vehicles to cross the

The existing situation is such that it would be impossible and impractical to implement the recommendations made by Tranrail . There is an array of existing activities operating in this area and the majority of existing car parking serving these activities is located on the marina side of the railway line therefore requiring vehicles to cross the line regularly.

There is currently four points of access over the railway line which allow traffic to park in the various designated parking areas for each activity. One nominated point of access in the position suggested by Tranrails would not provide access to the majority of the a Inner Harbour parking which is situated on the eastern side of the marina. Various sections of the railway line cannot be crossed by vehicles due to existing fencing and low barriers which have been placed in strategic positions in order to prohibits vehicles from crossing at any point over the railway line.

8.0 Conditions.

1. The Marina Development : Inner Harbour Port Gisborne is to be constructed as per the plan attached to this consent, First Light Construction Ltd / B H Ritchie & Sons Ltd and specifications outlined in the Consent Application for Inner Harbour Marina at Port Gisborne Inner harbour Basin.
2. The New Zealand Maritime Safety Authority (MSA) is to be notified of the new structures to be constructed within the Coastal Marine Area prior to commencement of construction.
3. The Hydrographic Office is to be notified of the new structures to be constructed within the Coastal Marine Area prior to the commencement of construction.
4. Upon completion of the marina construction the consent holder shall provide photographic evidence of the completion of works to the consent authority.
5. Marina Rules, attached in total to this report, (Berth Holders Licence - Marina Rules) are to be enforced as per the rules outlined by the consent holder.
6. The District Conservator, of the Gisborne District Council may after the granting of this consent give notice of intention to review the conditions of this consent, pursuant to section 128 of the Resource management Act 1991. The review period shall occur on the 30th June of each year for all or any of the following purposes:
 - (a) to require the consent holder to adopt the best practicable option to remove or reduce any adverse effects on the environment; or
 - (b) to deal with any other adverse effects on the environment on which the exercise of this consent may have an influence.
7. The consent holder shall pay to the consent authority any administration, inspection, supervision, enforcement or monitoring charges fixed in accordance with S 36(1) of the Resource Management Act 1991, or any additional charge pursuant to S 36 of the Resource Management Act 1991, payable in respect of this permit.

Footnotes.

1. The consent holder is advised that this consent does not in itself give any authority to enter or carry out work on private land nor does it imply any exclusive right to operate over the area allotted to the holder. It also does not excuse the holder from obtaining all other legal and statute requirements for instance Health and Safety Act, Building and Land Use Consents.

2. Port Gisborne Ltd has provided written notice to the applicant and the consent authority indicating that Port Gisborne Ltd will utilise the Coastal Permit for the marina development and provide Harbour Basin Marinas with a license for the Occupation of Space for the duration of the Coastal Permit.

9.0 Conclusion

Upon considering the statutory requirements and consideration of the consultation carried out by the applicant I can see no reason to notify this application and recommend that this resource consent be issued under delegated authority subject to the specific conditions and footnote outlined in the consent.

K N Hudson

Senior Water Conservator.



GISBORNE DISTRICT COUNCIL

PS 53745

File Reference: PN199042A
Property File: The Esplanade
Date: 5 August 1999

NON-NOTIFIED RESOURCE CONSENT APPLICATION (LANDUSE)

REPORTING OFFICER:	Rebecca Knox
APPLICANT:	Inner Harbour Developments Limited
ACTIVITY:	Marina Development
LOCATION:	The Esplanade
STATUS:	Non-complying Activity pursuant to Section 88 of the Resource Management Act 1991

1.0 INTRODUCTION

This landuse report is to be read in conjunction with Coastal Report number CP199005 (attached).

2.0 CONSULTATION

The usual agencies and departments were advised and comments about the following areas have been carried through as conditions or footnotes to this consent:

- sewer
- water
- parking
- external lighting
- noise
- railway line and nominated crossing points
- access for disabled
- building consent

The applicant has carried out consultation with those who may be potentially affected by the granting of the landuse consent and the coastal permit.

Businesses located in the wharf buildings around the port were consulted with and approval of these parties has been forwarded to council or the applicant. This includes:

Aubergines, Shed 1	Belinda Brauu Graham
Works	John A Thorpe
Landfall Restaurant, Shed 1	John A Thorpe
The Wharf Cafe and Bar, Shed 1	L Williams
Real Burgers, Shed 1	C Blumfield

The only concern was from The Wharf Cafe and Bar enquiring as to when this project will occur and will the development have any impact upon their business.

TANGATA WHENUA GROUPS

Two groups were seen as effected parties in this development these being:

A hui was held between the applicants and a representative from Te Runanga O Turanganui A Kiwa (Barney Tupara). Te Runanga O Turanganui A Kiwa have no concerns and written consent to the proposed development has been obtained.

Written consent from Ngati Oneone Whanau Trust signed on behalf by Barney Tupara as a Ngati Oneone Hapu member has also been obtained.

The application was also circulated to Ngati Oneone. Nikki Searanche initially contacted Council as she wished to discuss the application with the applicant. However, she did not indicate that there were any cultural concerns in respect to this application. Various attempts have since been made to contact Nikki Searanche in order to determine Ngati Oneone's final position in respect to this proposal, however to date no contact has been made.

TRANZ RAIL

Tranz Rail have expressed concern regarding the possible increase in the number of parties crossing the railway line. Tranz Rail have suggested that the applicant nominate one point of access for vehicles to cross the railway line and have recommended that this point of access be positioned on the Esplanade next to the number 2 wharf shed. They have also suggested that the redevelopment of the Inner Harbour area may be such that fencing (or at least a demarcation line) be required between the railway line and the marina hardstand area.

The existing situation is such that it would be impossible and impractical to implement the recommendations made by Tranrail . There is an array of existing activities operating in this area and the majority of existing car parking serving these activities is located on the marina side of the railway line therefore requiring vehicles to cross the line regularly.

There is currently four points of access over the railway line which allow traffic to park in the various designated parking areas for each activity. One nominated point of access in the position suggested by Tranz Rail would not provide access to the majority of the a Inner Harbour parking which is situated on the eastern side of the marina. Various sections of the railway line cannot be crossed by vehicles due to existing fencing and low barriers which have been placed in strategic positions in order to prohibits vehicles from crossing at any point over the railway line.

OTHER INTERESTED PARTIES

Gisborne Fisheries Ltd
 Moana Pacific Fisheries Ltd
 Gisborne Commercial Fisherman's Association Inc.
 Gisborne Yacht Club
 The Tatapouri Sports Fishing Club, Shed 2
 Port Gisborne Limited
 Gisborne Volunteer Coastguard Association Inc
 Department Of Conservation
 Maritime Safety Authority
 Harbourmaster

The only concerns were raised by Gisborne Fisheries Ltd, which are issues to be dealt with between Gisborne Fisheries Ltd and Port Gisborne Ltd.

3.0 STATUTORY REQUIREMENTS

Transitional Gisborne District Plan (City Section)

Under the Transitional Gisborne District Plan (City Section) the area to be developed is designated 'Other Public Works - Gisborne harbour Board' and the underlying zoning is Industrial 1. Marina developments are not provided for in this zone therefore the proposed marina is deemed to be a non-complying activity.

Proposed Gisborne Combined Regional Land and District Plan

Under the Proposed Gisborne Combined Regional Land and District Plan the site is zoned both Port A and Port B. Marinas are not provided for in either of these zones and is therefore deemed to be a non-complying activity.

4.0 ISSUES

Carparking

The Transitional Gisborne District Plan (City Section) and the Proposed Gisborne Combined Regional Land and District Plan do not provide a parking ratio for marinas. The parking has therefore been assessed on 0.5 carparks per berth which seems to be a standard requirement for marinas developments in either areas of New Zealand. Parking is at a premium in the harbour area and the parking which does exist is allocated to the various landuse activities in the vicinity of the proposed marina.

The applicants have stated in their application that the marina berths are to be sold predominantly to existing users of the Inner Harbour and that given that they are not creating a larger demand from what already exists in this area no parking should be required.

Councils Roding Professional Engineer has assessed the marina application and it is considered that the development will lead to a minimal increase in the demand for parking in this area. The existing berthage was calculated to be approximately 39 berths, this number was based on the number of vessels within the Inner Harbour at present. The marina development will create 43 berths and free up other areas (such as that in front of Wharf Shed number 1). It was calculated that the development would increase the amount of berths by 8. Based on the 0.5 carparking spaces per berth ratio and additional 4 car parks are required. It is not possible to construct these parking spaces in close proximity to the marina and the existing parking in this area is already fully utilised. In this instance it is deemed appropriate to require a financial contribution in lieu of the required carparking for this activity.

Section 108 (a) of the Resource Management Act 1991 states that a resource consent may include any one or more of the following conditions:

- (a) a condition requiring that a financial contribution (within the meaning of subsection (9)) be made for the purposes specified in the plan.

Subsection 9 states that in section 108 'financial contribution' means a contribution of -

- (a) money....

Chapter 15 (Roads, Accessways and Parking), Rule 15.4.2, of the Proposed Gisborne Combined Regional Land and District Plan provides a calculation of financial contributions for parking and loading waivers as follows:

- (a) Where the required parking spaces or loading bays for an activity cannot be provided in the Outer Commercial, Suburban Commercial, Rural Commercial Zones or the Port, contributions based on the following formula will be taken:

Contribution = $N_b \times 22.5\text{m}^2 \times \text{LC}/\text{m}^2 + (\$1,000 \times \text{PPICI})$ where:

- i) N_b = Number of parking spaces or loading bays.
- ii) 22.5m^2 = The average area required for a parking space, which includes the area of the space required for manoeuvring.
- iii) LC = Land Cost based on the valuation of the subject land per square metre.
- iv) \$1,000 = The cost of construction of a space based on March 1997 figures.
- v) PPICI = Producers Price Index Outputs Construction Industry (which is currently 1.0109).

The following is the calculation for a financial contribution for four parking spaces based on the 1996 national land valuation of Gisborne District Council land located on the corner of Crawford Road and the Esplanade (Certificate of Title 1D1381) which is \$ 127,0000 the site size is 14.6344 hectares.

$$4 \times 22.5\text{m}^2 \times \$ 8678.18 + (\$1,000 \times 1.0109) = \$7820.47 (+\text{GST})$$

It is considered that it is appropriate to use this calculation to assess the financial contribution for parking for this consent.

Amenity

It is considered that the proposed development will have a positive effect on the amenity of the area. The marina development will allow for the uniform arrangement of private and commercial vessels which currently utilise the inner harbour berth area and will contribute greatly to the safe and efficient use of the Inner harbour.

5.0 RECOMMENDATION

THAT Pursuant to Sections 104 and 105 of the Resource Management Act 1991 consent be granted to Inner Harbour Marinas Limited to construct a Marina Development consisting of 43 berths on a property known as The Inner Harbour, The Esplanade and legally described as Lot 31 DP 7819 subject to the following conditions:

1. The development be carried out in general accordance with the details submitted with the application (Reference: PN199042A).
2. The consent holder shall pay to the Gisborne District Council a financial contribution for the provision elsewhere for 4 carparking spaces
3. The total contribution shall be assessed at \$8798.00 (inclusive of GST), in accordance with the formulae prescribed in rule 15.4.2 of the Proposed Gisborne Combined Regional Land and District Plan.
4. All waste generated by the activity is to be contained and disposed of to the satisfaction of the Consent Authority.

footnote

No sewer shall be discharged into the harbour basin. If tanking is proposed the applicant shall consider;

- storage volume
- access provisions and standards
- health issues (handling, wash down, spillages)

5. All exterior lighting shall be designed and installed to the to the satisfaction of the Consent Authority to avoid light spill beyond the boundary of the site and flood lighting shall be shielded to prevent glare and upward omission of light.
6. The use shall be conducted as to ensure that the noise from the activity does not exceed those levels set out in the Proposed Gisborne Combined Regional Land and District Plan.
7. For the purposes and pursuant to Section 128 of the Resource Management Act 1991, the Consent Authority reserves the right to review this consent annually commencing from the first anniversary of the date consent is granted, to impose additional or modify existing conditions of consent relating but necessarily limited to the matters specified hereunder, if the Consent Authority deems that this is necessary to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later date:

- Parking;

Any cost incurred in the monitoring, supervision and enforcement of any or all of the conditions are to be fully met by the consent holder pursuant to Section 36 of the Resource Management Act 1991.

Footnotes:

- a) If any archaeological deposits are identified during any development of the land, the owner/contractor should act in good faith and avoid effect to the deposits and contact the Historic Places Trust and Te Runanga O Turanganui A Kiwa and Ngati Oneone immediately. Under Section 99 of the Historic Places Act 1993, it is an offence to destroy, damage or modify an archaeological site (recorded or unrecorded) without an authority from the Trust and a fine of up to \$100,000 may be imposed on any offender.
- b) The building inspectorate have advised that a building consent is required for the proposed development and that provision for disabled access will need to be made.
- c) The applicant shall obtain the permission of Port Gisborne prior to the connection to water supply.
- d) The applicant is advised to ensure that overall backflow prevention is provided through point of use devices and possibly a backflow device at the source of supply i.e point of connection at the applicants expense.

Prepared by



R M Knox
PLANNER

Approved pursuant to delegated authority



D L Mountfort
DISTRICT PLANNER

Dated: 5/8/1999