

S.88 and Notification Report

Resource Management Act 1991

Date:	8 September 2022	Application Number:	111365 - 111371
Reporting Planner:	Todd Whittaker	Site Visit on:	2/09/2022

Applicant:	Eastland Port Limited
Property Address:	Gisborne Port and Coastal Marine Area
Legal Description:	LOT 3 DP 327614, LOT 43 DP 7819, LOT 22 DP 7819
District Plan:	Te Papa Tipu Taunaki o Te Tairāwhiti – Tairāwhiti Resource Management Plan (Tairāwhiti Plan)
Plan Designations, Limitations or Overlays:	<ul style="list-style-type: none"> • Port Coastal Management Area- most of the CMA based part of the site. • General Coastal Management Area – the CMA part of the site affected by part of the Outer Port reclamation and altered Southern log yard stormwater discharge and part of the new port occupation area • Port Management B zone- all of the land-based site • Built Environment, Energy, and Infrastructure: Airport Height Control Surfaces Overlay, Reticulated Services Boundary Overlay, Port Inner Control Boundary and Port Noise 55Ldn Boundary. • Coastal Management: Coastal Environment Overlay. • Historic and Cultural Heritage: Heritage Alert Overlay
Activity Status:	Discretionary Activity
Proposal:	<p>Eastland Port Limited is seeking consent for multiple applications to allow for the upgrade and extension of Gisborne Port. The proposed works include;</p> <ul style="list-style-type: none"> • Extension of Wharf 8 to accommodate concurrent berthing of 200m and 185m shipping vessels. • Reclamation of the Coastal Marine Area next to the southern log yard. • Rebuilding the outer breakwater. • Upgrading stormwater treatment infrastructure in the Southern log yard. • Capital and maintenance dredging with disposal of dredged material to the Offshore Disposal Ground.

S.88 Notification Report To Delegated Authority for decision

SUMMARY

Eastland Port Limited Gisborne (EPL) has applied for a series of consent applications to provide for the upgrading and extension of Gisborne Port.

The current upgrading project is Stage 2 of the Twin Berth project and provides for the concurrent berthing of larger logging ships, enhanced vehicle access to the extended wharf side area through reclamation, and capital and maintenance dredging of the port basin and navigation channels.

EPL has provided a comprehensive set of technical reports to support the application and has also identified the consultation and engagement process with the local community which has been undertaken. This includes regular liaison with tangata whenua through the Te Tai Uru Group as well as other consultation with hapu.

The application material and technical report have been reviewed and it is considered that the application is complete in terms of S.88 of the Act and can proceed to notification.

The Applicant has requested public notification of the application in accordance with Section 95A (3) of the Resource Management Act 1991.

SUMMARY RECOMMENDATION

That the Consents Manager

1. **receives the report,**
2. **accepts the application as complete in terms of Section 88 of the Resource Management Act 1991, and**
3. **Publicly notifies the application in accordance with Section 95A(3) of the Resource Management Act 1991.**



Todd Whittaker
Consultant Planner

Recommendation Approved:



Cristal Bennett
Team Leader – Regional Consents

Date: 8th September 2022

1.0 INTRODUCTION

1.1 Overview

EPL is seeking consent for the second and final stage of the Twin Berths Project (TBP). The full TBP is designed to undertake critical port repair and upgrade works and to enable two ships, one up to 185m long and another up to 200m long to berth at the port simultaneously. This will provide for the port's continued contribution to Tairāwhiti and unlock greater capacity for bulk freight and potential options for container freight in the future.

Stage 2 of the TBP involves land use consent applications and coastal permit applications affecting the coastal marine area.

The primarily land-based works involve upgrading of the outer breakwater, extension of Wharf 8 over part of the inner breakwater, a reclamation adjacent to the Wharf 8 extension and Southern log yard, along with some changes to the Southern log yard, primarily in terms of an upgraded stormwater collection and treatment system. The proposed works are directed at ensuring that two logging vessels can be readily berthed and loaded in the port at the same time.

The coastal marine area works involve capital dredging (deepening) of the outer port to better accommodate future logging and other vessels, along with continued port-wide maintenance dredging, like at present. This part of the Project also involves disposal of the capital and maintenance dredge material at the existing Offshore Spoil Disposal Ground (OSDG) located approximately 4km offshore in Tūranganui-a-Kiwa Poverty Bay. In addition, a coastal permit is being sought for a new port occupation area related to the redeveloped port. It will replace the existing port coastal occupation permit that expires in 2026.

1.2 Description of the Site

The Port of Gisborne is located towards the north-eastern end of Tūranganui-a-Kiwa Poverty Bay adjacent to the Turanganui River and city centre. It contains a large wharf area, a breakwater, river/seawalls, some reclaimed land, and land-based port facilities.

The general layout of the port and associated land-based facilities is shown in **Figure 1** overpage.

1.3 Twin Berths Project Stage 2 Affected Properties & Titles

Stage 2 of the Twin Berths Project directly affects three properties. They are Lot 3 DP 327614 that contains Wharf 8, Lot 43 DP 7819 that contains the Southern log yard seawall and adjacent land affected by the Outer Port reclamation and log yard stormwater upgrade, and Lot 22 DP 7819 that contains the breakwater. **Appendix B** contains copies of the current records of title.

1.4 Coastal Marine Area

The seabed and coastal waters in and adjacent to the port that constitute the CMA are part of the 'common marine and coastal area' as defined in the Marine and Coastal Area (Takutai Moana) Act 2011 (*Marine and Coastal Area Act*). The Marine and Coastal Area Act provides for any existing references in instruments to the foreshore and seabed to instead be taken to be references to the common marine and coastal area. The 'special status' of the common marine and coastal area does not prevent regional plans managing the use of those areas (Section 124 and 11 Marine and Coastal Area Act).

The Port Navigation Channel and Vessel Turning Bay, wharf berth pockets and other areas that are regularly maintenance dredged and periodically capital dredged are all in the CMA and common marine and coastal area. The OSDG used for the disposal of capital and maintenance dredging's is also part of the common marine and coastal area.

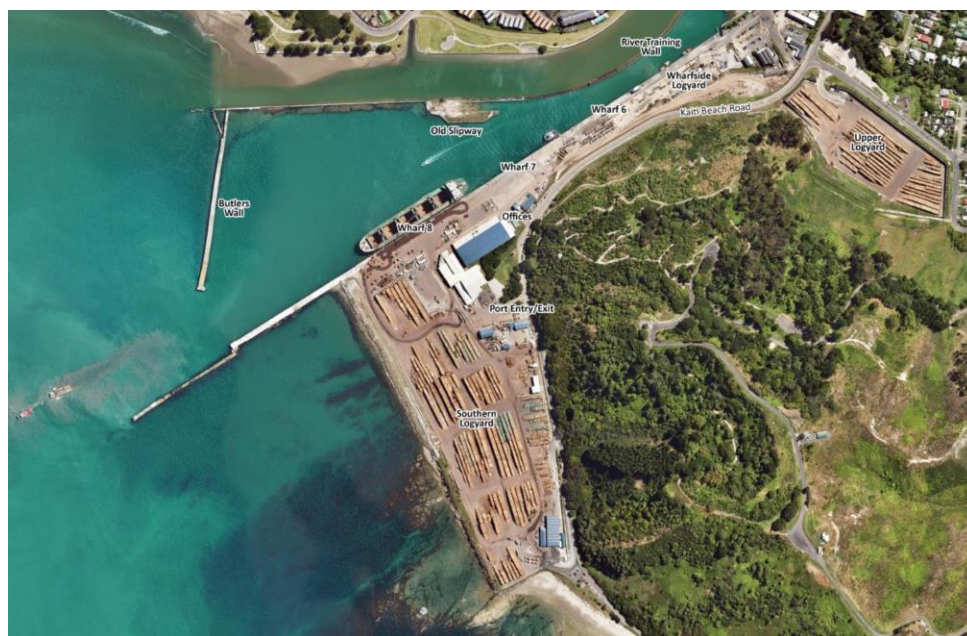


Figure1: General Port Layout (Source – Application material)

2.0 REASON FOR THE APPLICATION

The Applicant has set out a comprehensive assessment of the provisions of the Tairāwhiti Plan and other statutory provisions relevant to the proposed works and port upgrade (Refer Section 13 of AEE) and assesses the overall activity status as a Discretionary Activity after applying a 'bundling approach'.

A high-level summary of the rule provisions and activity status is adopted as follows:

Tairāwhiti Plan Rules	Rule/Section	Activity Status
Area Based Rules		
Port Management B Zone – Permitted activities not complying with region wide noise standards or region wide stormwater infrastructure standards	Rule DP2.6.1B(5)	Restricted Discretionary
Port CMA – Construction and alteration of structures, excepting minor alterations and reclamations	Rule DP1.6.1(8)(C)	Controlled
Port CMA –Temporary working platform structure (reclamation) impounding or containing the CMA	Rule DP1.6.1(14)	Discretionary
Port CMA – Structures more or less parallel to MHWS with an incremental length of more than 300m but less than 1,000m.	Rule DP1.6.1(15)	Discretionary
	Section 12 RMA with	Discretionary

Port CMA – Seabed disturbance associated with reclamation, outer breakwater upgrade and ground stabilisation works	no relevant TRMP rule so innominate under Section 87B RMA	
Port CMA – Reclamation for the operational needs of the port	Rule DP1.6.4(5)	Discretionary
Port CMA – Reclamation construction sediment discharge infringement of water classification standards	Rule DP1.6.2(4)	Discretionary
Port CMA – Capital dredging	Rule DP1.6.4(6)	Discretionary
Port CMA – Maintenance dredging	Rule DP1.6.4(3)	Controlled
Port CMA – Disposal of capital dredged material at the OSDG	Rule DP1.6.4(2)	Discretionary
Port CMA – Disposal of maintenance dredged material at the OSDG	Rule DP1.6.4(2)	Discretionary
RMR-MP – Dumping of dredge material in the CMA	Section 4(2) RMR-MP	Discretionary
Port CMA – Discharge of seawater from capital and maintenance dredging including disposal of dredge spoils	Rule DP1.6.2(4)	Discretionary
Port CMA – Temporary discharges of sediment to the CMA from various construction activities	Rule DP1.6.2(4)	Discretionary
Port CMA – Discharge of stormwater to the CMA from the Southern log yard, Outer Port reclamation, Wharf 8 extension and other areas (Northern catchment) not in accordance with permitted activity standards	Rule DP1.6.1(3)	Discretionary
Port CMA – Occupation of space	Rule DP1.6.3(5)	Discretionary
General CMA – Reclamation	Rule DC2.6.4(17)	Discretionary
General CMA – Reclamation revetment and temporary working platform structures, that will result in the temporary impoundment of the CMA	Rule DC2.6.1(20)	Discretionary
General CMA – Foreshore and seabed disturbance work associated with construction of the Outer Port reclamation and reclamation ground stabilisation works	Rule DC2.6.4(12)	Discretionary
General CMA – Reclamation construction sediment discharge infringement of water classification standards	Rule DC2.6.2(4)	Discretionary
General CMA – Discharge of stormwater to the CMA from the Southern log yard (Southern catchment) not in accordance with permitted activity standards and discharge of construction phase stormwater	Rule DC2.6.2(1)	Discretionary
Region Wide Rules		
Construction noise -Port Management B zone	Rule C11.2.15.2 & DP2.6.1B(5)	Restricted Discretionary
Construction noise -Port Coastal & General Coastal Management Areas	Rule C11.2.16(5)	Discretionary

Port operations noise - Port Management B zone	Rule C11.2.15.1(C) & DP2.6.1B(5)	Restricted Discretionary
Port operational noise - Port Coastal & General Coastal Management Areas	Rule C11.2.16 (B) & Table	Discretionary
NES Contaminated Soil		
NES-CS – Disturbance of soil on a 'piece of land'	Regulation 9	Controlled

The application requirements have been reviewed and are adopted in terms of enabling the notification and submissions process to be undertaken. A further detailed review of the rule provisions will be completed as part of the S.42 assessment.

3.0 SECTION 88 – ASSESSMENT OF APPLICATION FOR COMPLETENESS

Section 88 of the Resource Management Act 1991 (RMA) provides for a consent authority to review an application and determine whether it is complete with regards to the prescribed forms and regulations, and an appropriate level and detail of environmental effects assessments.

Eastland Port Limited has presented a comprehensive AEE which is supported by suite of technical reports and has also set out the consultation which has been undertaken with tangata whenua, stakeholders, the local community.

It is considered that the application material is complete and can be proceed to notification.

It is noted that the consent authority has engaged technical specialists to undertake peer reviews, and this may lead to a S.92 requests as a separate process. Any S.92 responses and additional information will be made available to all submitters and will be used to inform the S.42A report and hearings process.

4.0 SECTION 95A-G ASSESSMENT FOR THE PURPOSE OF NOTIFICATION

Section 95A(1) of the RMA states that the consent authority must follow the steps set out in that section, in the order given, to determine whether to publicly notify an application for resource consent.

Those steps are set out below, in the order provided in the RMA.

3.1 Step 1: Mandatory public notification in certain circumstances – s.95A (2-3)

The applicant has requested that the application be notified.

3.2 Other notification tests.

Given the outcome of Step 1 above, no other assessment of the notification threshold for public notification or limited notification is required.

5.0 RECOMMENDATION

That the Consents Manager UNDER DELEGATED AUTHORITY

1. receives the report,

2. **accepts the application as complete in terms of Section 88 of the Resource Management Act 1991, and**
3. **Publicly notifies the application in accordance with Section 95A(3) of the Resource Management Act 1991 and in accordance with the parties identified in Schedule 1 (Iwi and Hapu), Schedule 2 (Stakeholders/statutory bodies) and Schedule 2 (Owners and Occupiers – map).**

Reporting Officer:



Todd Whittaker

Independent Planning Consultant

Date: 8 September 2022

Schedule 1: Iwi/Hapu Service parties for the Eastland Port Limited application for the Twin Berth Stage 2 Project

Te Aitanga-a-Mahaki	c/o Pene Brown	penb@xtra.co.nz
Ngai Tamanuhiri	c/o Doug Jones	dong.jones@tamanuhiri.iwi.nz
Rongowhakaata	c/o Rongowhakaata Iwi Trust	petra.hape@rongowhakaata.iwi.nz ; teina.moetara@rongowhakaata.iwi.nz
Te Whanau-a-Iwi	c/o Karen Pewhairangi	kpewhairangi2012@gmail.com
Te Whanau-a-kai	c/o David Hawea	davidhawe5@gmail
Nga Ariki Kaiputahi	c/o Owen Lloyd	owenlloyd.ngaarikikaiputahi@gmail.com
Ngati Oneone	c/o Charlotte Gibson	umuariki@gmail.com
Ngati Porou	c/o Kate Walker	KEWalker@tronp.org.nz
Nga Rohe Moana o Ngati Porou		-
NRMONP - Potikirua to Whangaokeno	c/o Rei Kohere	rei.k@xtra.co.nz
NRMONP - Whangaokeno to Onepoto	c/o Dean Moana	dean@nzfoodgroup.com
NRMONP - Onepoto to Rahuimanuka	c/o Marijke Warmenhoven	maw18@xtra.co.nz
NRMONP - Rahuimanuka to Mataahu	c/o Elizabeth Ngarimu	elizngarimu@yahoo.co.nz
NRMONP - Mataahu to Koutunui head	c/o Wiki Gilvray	wiki.gilvray@xtra.co.nz
NRMONP - Mawhai Point to Marau Point	c/o Jack Papuni	jackpapuni@xtra.co.nz
NRMONP - Pouawa river to Te Toka-a-Taiau	c/o Beth Tupara Katene	btupara.katene@gmail.com

Schedule 2: Stakeholders/Statutory Bodies Service parties for the Eastland Port Limited application for the Twin Berth Stage 2 Project

DHB Medical Officer of Health		health.protection@tdh.org.nz
		osman.mansoor@tdh.org.nz
		cyrena.bennett@tdh.org.nz
East Region, Fish and Game Council	c/o Eben Herbert	eh Herbert@fishandgame.org.nz
Department of Conservation		gisborne@doc.govt.nz
Gisborne Yacht Club	c/o Ann Stannard	stannard@xtra.co.nz
Midway Surf Club		admin@midwayslsc.co.nz
Gisborne Board Riders	c/o Flo Bub	gisborneboardriders@gmail.com
Waikanae Surf Club	c/o Clara Wilson	waikanaesurflsc@gmail.com
Tairāwhiti Environment Centre		tairawhitienvcentre@gmail.com
GHL	c/o Rob Budd	Rob@gisborneholdings.co.nz
Waka Kotahi		consents@nzta.govt.nz
Heritage NZ		cmcalley@heritage.org.nz
Harbour Master	Peter Buell	harbour.master@gdc.govt.nz
Forest and Bird		gisborne.branch@forestandbird.org.nz

Schedule 3 - Owners and Occupiers as per map

