Before the Hearings Commissioners at Gisborne District Council

under: the Resource Management Act 1991

in the matter of: An application by Eastland Port Limited for land use consents, coastal permits and other consents related to the Port of Gisborne upgrade project known as "Twin Berth Stage 2"

between: **Eastland Port Limited**
Applicant

and: **Gisborne District Council**
Consent Authority

Statement of evidence of **Georgina McPherson** on behalf of Eastland Port Limited

Dated: 3 October 2023

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STATEMENT OF EVIDENCE OF GEORGINA MCPHERSON ON BEHALF OF EASTLAND PORT LIMITED

INTRODUCTION

1 My full name is Georgina Beth McPherson. I have 20 years experience in the field of resource management and planning in New Zealand and overseas. I hold a Bachelor of Resource and Environmental Planning degree from Massey University and am a full member of the New Zealand Planning Institute.

2 I am currently a Principal Planning and Policy Consultant at 4Sight Consulting (4Sight, part of SLR). I have been in this role since September 2018 when the company I was previously employed by, Burton Planning Consultants Limited (Burtons), was acquired by 4Sight. I was employed at Burtons from August 2011. Prior to this I was a planner at Planning Potential Limited (based in London), CPG NZ Limited in both its Auckland and Christchurch offices, Tonkin and Taylor (Wellington) and Boulder Planning.

3 My principal role at 4Sight has been to provide planning and resource management consenting and policy advice to clients in relation to various projects and planning instruments. This has included preparing applications for resource consent (including assessment of environmental impacts (*AEEs*)), policy analysis, providing strategic policy advice and preparing submissions and evidence. I have provided planning services to a range of infrastructure, council, commercial and private clients.

4 My experience traverses a wide variety of resource management matters affecting clients at both regional and district council level across much of New Zealand. Of particular relevance to the current application is consenting a range of structures and activities in the coastal environment. This includes coastal protection structures, a jetty, and stormwater and wastewater infrastructure. I have been involved in consenting a range of projects at bulk fuel storage terminals at various ports around the country, including Mt Maunganui, Lyttleton, Napier, Dunedin and Nelson, involving activities such as terminal expansion and discharge of stormwater and operational water to the coastal marine area (*CMA*).

5 I have assisted Eastland Port Limited (*Eastland*) in relation to its applications for consent relating to upgrades to Wharf 1 and maintenance dredging, as well as a 2020 replacement consent application for maintenance dredging in the inner port area, which has now been overtaken by the current application.

6 My evidence is given in support of Eastland's applications for land use consents, coastal permits and other consents (*Application*) for the second and final stage of the Twin Berths Project (the *Project*).

7 I am familiar with the area that the Project covers. I was one of the authors of the AEE that accompanied the Application in support of the Project. I also assisted Eastland in preparing responses to the Gisborne District Council's (*GDC*) requests for further information under section 92 of the Resource Management Act 1991 (*RMA*).

8 I have been involved in the Project since January 2022. I am familiar with the Project site and have most recently visited the site in October 2022.

9 I have read all the technical reports that accompanied the Application, the public submissions lodged in relation to the Project, the joint witness statement prepared in relation to transport (*JWS*),[1] and the report prepared by the GDC's reporting officer under section 42A of the RMA (*Officer's Report)*. I have also read all the statements of evidence provided on behalf of Eastland, including that of:

9.1 **Mr Martin Bayley**, who provides corporate evidence for Eastland and addresses the need for and development of the Project including an assessment of alternative options. Mr Bayley also addresses Eastland's engagement with iwi and hapū in relation to both this and other relevant resource consent applications, as well as the extensive engagement undertaken with other key stakeholders and the community.

9.2 **Ms Judith Makinson**, who provides transport evidence addressing in relation to the Project as a whole and further detailed assessment of the ability of the Port to increase traffic demand as of right, the degree to which there could be traffic effects arising from increased Port operations without the Project in place and the effect on the Project on peak traffic demand, being the minor differences of opinion remaining between the transport experts following completion of the JWS.

9.3 **Mr Ben Lawrence**, who provides evidence in relation to the airborne noise, underwater noise and vibration effects of the Project during both the construction and operational stages. Mr Lawrence addresses the matters that have not been fully agreed with GDC's technical noise expert. Specifically, the management of dredging noise and operational Port noise effects on the holiday park on the opposite side of the Tūranganui River and the acceptability of operational noise effects on the Inner City Residential Zone site to the east of the holiday park, which is currently occupied by rail lines and a rail yard. Mr Lawrence also addresses additional modelling

[1] Joint Witness Statement of Chris Rossiter, Glenn Connelly and Judith Makinson – Transportation, 1 September 2023 (*JWS*).

of underwater noise effects undertaken to inform the ecological assessment of effects on marine mammals and appropriate mitigation measures.

9.4 **Mr Mark Poynter**, who provides ecology evidence addressing the ecological and water quality effects of the Project as a whole, including effects on Little Penguin (*kororā*), kōura, underwater mammals and marine biosecurity, where specific mitigation measures are proposed and have been subject to ongoing discussion with GDC's technical experts.

CODE OF CONDUCT

10 Although these proceedings are not before the Environment Court, I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note (2023), and I agree to comply with it as if these proceedings were before the Court. My qualifications as an expert are set out above. This evidence is within my area of expertise, except where I state that I am relying upon the specified evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

SUMMARY

11 Eastland faces a number of safety and efficiency challenges, including capacity limitations, ageing infrastructure and vulnerability to adverse weather events.

12 The Project seeks to authorise critical port repair and upgrade works to provide for the safe and efficient operation of the port and ensure sufficient capacity to meet projected growth of logging and other shipping dependent industries in the region.

13 The key components of the Project are:

13.1 Extension of Wharf 8 to enable two ships, one up to 185m long and another up to 200m long to berth at Eastland Port (*Port*) simultaneously.

13.2 Outer port reclamation to enable vehicle and machinery access to the extended Wharf 8.

13.3 Upgrades to the 140 year old outer breakwater to improve port resilience and accessibility during adverse weather.

13.4 Upgrades to the stormwater treatment network in the Southern Log Yard (*SLY*) to accommodate additional stormwater from the new Project areas and reduce contaminant loading and potential water quality effects.

13.5 Capital and maintenance dredging to deepen the Port to accommodate the larger handymax log vessels expected to use the Port in the near future and maintain those new channel depths. Dredged material will be disposed of to the Offshore Spoil Disposal Ground (*OSDG*).

13.6 Replacement of the existing Port coastal occupation permit.

14 Controlled, restricted discretionary and discretionary activity consents are required under the Tairāwhiti Resource Management Plan (*TRMP*), the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (*NESCS*) and the Resource Management (Marine Pollution) Regulations 1998 (the *Marine Pollution Regulations*).

15 Consequently, the activity status overall is discretionary, adopting the bundling principle.

16 Consent requirements for the Project are derived largely from the land-based Port Management B Zone provisions and the Port Coastal Marine Area provisions, which recognise the role of the Port as a regionally significant transport and commercial facility and provide for the ongoing operation and development of the Port. This includes provision for the disposal of dredged material at the OSDG which is mapped in the TRMP as part of the Port CMA, as a discretionary activity.

17 The southern part of the Outer Port Reclamation and stormwater discharges from the SLY southern catchment will be to the General CMA, with discretionary consent required for each.

18 The actual and potential adverse effects on the environment have been assessed by the experts called by Eastland and who contributed to the AEE to be minor or less and appropriately avoided, remedied or mitigated by the conditions of consent. There is a high level of agreement with GDC's planning and technical experts in this regard, albeit the parties expect to engage further in relation to the specific wording of the proposed Consent Conditions, the latest copy of which are contained within **Appendix 1** of this statement of evidence.

19 The minor outstanding matters are addressed in the ecology, transport and noise evidence of Mr Poynter, Ms Makinson and Mr Lawrence respectively, and relate primarily to:

19.1 The degree of traffic effect on the already compromised intersection of State Highway 35 and Hirini Street over and above what could occur without the Project in place, but noting there is agreement between the traffic experts that

this is not a reason to refuse resource consent for the Project as traffic associated with it is unlikely to exacerbate existing peak hour conditions.

19.2 The management of dredging noise and operational Port noise effects on the holiday park on the opposite side of the Tūranganui River and the acceptability of operational noise effects on the site to the east of the holiday park, which is currently occupied by rail lines and a rail yard but has a zoning of Inner City Residential.

19.3 Minor differences in the approach to considering ecological effects on kororā, kōura, underwater mammals and marine biosecurity, notwithstanding there is general agreement regarding the overall conclusions and the ability to appropriately avoid, remedy or mitigate adverse effects in accordance with the specific mitigation measures proposed.

20 Eastland has sought to appropriately manage the effects of the Project on cultural values and is committed to ongoing engagement with iwi and hapū, including through the continuation of the Te Tai Uru forum, which was established as part of resource consents granted to Stage 1 of the Twin Berths Project. Te Tai Uru represents an agreed way of approaching engagement between Eastland and iwi/hapū in relation to both stages of the Twin Berths Project (*TBP*), as well as any other Port activity or development. The Project seeks to recognise and provide opportunities for the exercise of kaitiakitanga, including through engagement with Te Tai Uru in the preparation of management plans that will set out specific details around environmental mitigation and monitoring measures.

21 The Proposal will also have important positive effects, including:

21.1 Ensuring the safe and efficient navigation, manoeuvring and berthing of vessels of different types and sizes;

21.2 Improved capacity to meet projected growth of logging and other shipping dependent industries in the region;

21.3 Enabling increased diversity of trade through the Port, including the potential for a coastal container service providing trade connections to national and international markets;

21.4 Ensuring the ongoing efficient operation of a transport route into the Gisborne-Tairāwhiti region;

21.5 Improved Port resilience to adverse weather and climate change;

21.6 Securing and supporting significant economic benefit to the region; and

21.7 Supporting the role of the Port as regionally significant infrastructure and a lifeline utility under the Civil Defence and Emergency Management Act 2002 (*CDEMA*).

22 The TRMP provisions pre-date the NZCPS and it is considered appropriate to afford more weight to this more recent, higher level policy document.

23 A full assessment of the Project with regard to the NZCPS has been undertaken. The Project is considered to meet the key objectives and policies of the NZCPS and will give effect to Policy 9 (Ports). The Project is also considered to meet the key avoidance policies of the NZCPS relating to indigenous biodiversity, natural character in the coastal environment and natural features and landscapes. Notwithstanding this, for completeness, consideration is given to the recent decision of the Supreme Court in *Port Otago Limited v Environment Defence Society* [2023] NZSC 112 (*Port Otago*), which provides guidance on the consideration of circumstances where there is a potential conflict between the NZCPS avoidance policies and the enabling policy related to ports. In particular, the Supreme Court provides that a structured analysis is required. I have undertaken that structured analysis and concluded that the Project is necessary for the safe and efficient operation of the Port, all options for dealing with those needs have been evaluated and the best practicable option to mitigate effects has been taken and further, that any potential breach of the avoidance policies has been resolved or minimised as far as practicable.

24 In respect of the planning issues that have been raised by submitters, I am of the opinion that:

24.1 a comprehensive assessment of alternatives has been undertaken and that the Project can be supported as the best practicable option for achieving the improved capacity, safety and efficiency requirements of the Port;

24.2 consideration of a rail alternative is outside the scope of the current Project;

24.3 appropriate provision is made for the exercise of kaitiakitanga by way of the Te Tai Uru forum which provides opportunities for involvement in the Project including by way of ongoing engagement and review of management plans;

24.4 a review of the TRMP noise provisions is likely to be undertaken as part of the wider TRMP review, but based on the evidence of Mr Lawrence is not necessary to enable

comprehensive consideration of and response to noise effects of the Project;

24.5 that the AMMP and subsequent Wildlife Act Authority process will ensure there are no adverse effects on kororā populations, as a taonga species and having a threat classification of 'at risk – declining', and that adverse effects on kororā habitat will be appropriately avoided, remedied or mitigated; and

24.6 that potential adverse effects on the identified heritage boat harbour will be appropriately avoided.

25 I remain of the opinion that the significance of the adverse effects of the Project are minor at most and that the Project will result in significant positive benefits, consistent with the recognised role of the Port as transport infrastructure of regional significance and a lifeline utility.

26 While I am of the opinion that it would neither be necessary nor helpful for GDC to have recourse to Part 2 of the RMA in considering the Application, I have assessed the Proposal to be consistent with the purpose and principles of the RMA.

SCOPE OF EVIDENCE

27 My evidence will:

27.1 Provide an overview of the Project and the Application;

27.2 Outline the Project site context and existing environment;

27.3 Summarise the actual and potential environmental effects of the Project and proposed monitoring and mitigation measures;

27.4 Consider the Project against the statutory framework and requirements of the RMA;

27.5 Summarise the relevant planning provisions and respond to planning issues raised in public submissions;

27.6 Respond to the planning matters addressed in the Officer's Report;

27.7 Discuss the recommended consent conditions; and

27.8 Provide overarching planning assessment conclusions.

THE PROJECT

Overview of the Twin Berths Project

28 The Project and the need for the works has been outlined in detail in the Application and in the evidence of Mr Bayley (for Eastland).

29 In brief, the Application represents the second and final stage of the TBP. The full TBP will undertake critical port repair and upgrade works and enable two ships, one up to 185 m long and another up to 200m long to berth at the Port simultaneously. The works will provide for the Port's continued contribution to Tairāwhiti and unlock greater bulk freight capacity and container freight opportunities.

30 Stage 1 involved the rebuild of Wharves 6 and 7 and the upgrade of the historical slipway. The Stage 1 works were approved via consent order in December 2020 and the Wharf 6 and 7 works were completed in late August 2023.

31 Stage 2 (which is subject of the Application) comprises the extension of Wharf 8, and related reclamation, rebuilding the outer breakwater structure, capital and maintenance dredging of the Port and shipping channels, as well as upgrades to existing stormwater treatment systems. The Application also seeks replacement of Eastland's existing coastal occupation permit which relates to the Port areas and expires in 2026.

32 The Port has grown progressively since it was first established in the late 1800s. It now services some 23% of Tairāwhiti-Gisborne's gross regional product, employs more than 200 people directly and supports a further 5,630 jobs in associated industries, primarily forestry and horticulture. The Port's main cargo trade are logs, kiwifruit and squash.

33 The Port faces a number of safety and efficiency challenges, including limited land area and limited berthage, having capacity to service only one logging vessel at a time. Port infrastructure is ageing (with the inner breakwater being some 140 years old) and does not have the capability to meet existing and anticipated shipping and cargo needs. The condition of Port structures means dredging activities, required to maintain channel depths, must be undertaken carefully so as to not affect the stability of structures.

34 The Port is also vulnerable to adverse weather events, which can limit the ability for vessels to access the Port, dock, and load / unload. As detailed in the Worley Design Parameters Justification Report submitted as part of the Application,[2] wave patterns characteristic of this part of the coast together with tidal variation contribute to a risk of ships becoming captured (unable to leave the

[2] AEE Appendix E – Worley Design Justification Report, July 2022.

port). Dredging is critical to maintain adequate under keel clearance distances between ships and the seabed.

35 The Port is recognised in the TRMP as a regionally significant transport and commercial operation and essential for the continued economic growth and well-being of the district.

36 The Port is also a lifeline utility under CDEMA and, as detailed in Mr Bayley's evidence, plays a critical role in supporting the Tairāwhiti-Gisborne region during increasingly common states of emergency and significant weather events.

37 As detailed in the evidence of Mr Bayley, Eastland has made changes and increased operational efficiency to keep pace with these increased demands placed on it and ensure the Port's operations and existing assets are used to their full capacity.

38 However, as described in the Application documentation and the evidence of Mr Bayley, the projected growth of logging and other shipping dependent industries in the region, the requirements of new larger vessels and the significant constraints posed by existing ageing infrastructure, limited channel depths, and vulnerability to adverse weather, means these operational improvements are not sufficient to provide the capacity required to service forecast log export volumes.

39 The full TBP seeks to provide a long-term, comprehensive approach to Port development that supports Port safety and efficiency. As set out in the alternatives assessment submitted with the Application and summarised in the evidence of Mr Bayley, a comprehensive investigation was undertaken into requirements and opportunities for the existing Port area. Alternative options for achieving infrastructure resilience and increasing shipping capacity to cater to forecast exports and future opportunities were also assessed. These included both onsite and offsite alternatives and alternative methods of operation. The Project is the preferred option following this detailed investigation and assessment.

Legend:			
Stage 1 (green):		**Stage 2 (yellow):**	
1	Slipway Upgrade	3	Wharf 8 Extension
2	Wharf 6&7 Upgrades	4	Outer Port Reclamation
		5	Outer Breakwater Upgrading
		6-8	Dredge areas

Figure 1: Twin Berths Project Illustrative Plan

The Project

40 The Application provides for the remaining works required to complete Stage 2 of the TBP. The Project is described in detail in the AEE, and its constituent parts are summarised below and identified in the yellow areas on the illustrative plan in **Figure 1** above (the green areas relate to Stage 1). The Project components have been described at some length in other statements of evidence, but for ease of reference comprise:

40.1 **Wharf 8 Extension**. Wharf 8 is to be extended ~130 m into the area of the inner breakwater to enable berthing of a second ship. Extensions, totalling ~900 m^2 will be constructed on each side of the inner breakwater and, together with the area of the existing breakwater being built over/refurbished, will almost double the effective wharf space.

40.2 **Outer Port Reclamation**. A reclamation of ~7,000 m^2 is proposed adjacent to the extended Wharf 8 to enable logging trucks and other vehicles to access the new wharf facility. The lower revetment wall and other parts of the reclamation will affect another ~1,900 m^2, bringing the total affected seabed area to ~8,900 m^2.

40.3 **Outer Breakwater Upgrade.** The age and dilapidated state of the outer breakwater mean its upgrade is essential. The upgrade involves placing purpose-built 24-30 tonne concrete armour units along each side of the ~200 m long outer breakwater, along with a concrete capping layer to improve the resilience of and accessibility to the Port for vessels, particularly during adverse weather. The increased armouring will mean the seabed 'footprint' of the outer breakwater structure will be increased from ~8,000 to 10,700 m^2.

40.4 **SLY Stormwater Upgrade.** Changes are proposed to the stormwater drainage network in the SLY to improve the quality of existing discharges and accommodate stormwater from the extended Wharf 8 and Outer Port Reclamation. A secondary treatment system is to be installed in each of the two existing sub-catchments, comprising underground detention chambers, water clarifiers, and a chemical coagulation/flocculation system. This will bring the treatment system in-line with those in place at the wharfside logyard and upper logyard (*WLY* and *ULY,* respectively). The additional volume of stormwater is to be discharged via the two existing logyard outfalls, one in the Kaiti reef area and the other at Wharf 8.

40.5 **Outer Port Capital Dredging.** Capital dredging refers to dredging that enables the deepening of the port. Capital dredging is required to accommodate the larger handymax

log vessels expected to use the Port in the near future. This work affects the Port Navigation Channel (*PNC*), Vessel Turning Basin (*VTB*), Wharves 7 & 8 and associated vessel manoeuvring areas. It also involves disposal of the capital dredge material at the existing OSDG located approximately 4km offshore in Tūranganui-a-Kiwa Poverty Bay. Approximately 140,600m^3 of material is to be capital dredged from an area of ~18.46ha extending from the inland (eastern) end of Wharf 7 to the seaward (western) end of the PNC and disposed of at the OSDG.

40.6 **Outer Port Maintenance Dredging.** Maintenance dredging refers to dredging that removes ongoing natural sediment build-up and maintains a given port depth. This work involves the future maintenance dredging of the deepened outer Port (Wharves 7, 8, VTB and PNC), along with disposal of the maintenance dredged material at the OSDG. Consent is being sought to dredge up to 140,000m^3 of material a year from the deepened outer Port and other areas that are not being capital dredged but have been maintenance dredged in the past. The proposed maintenance dredging area is approximately 25 ha. While maintenance dredging of this volume will not typically be required every year, the proposed annual maximum includes an allowance for increased sedimentation in future during El Niño weather conditions.

40.7 **Ongoing Occupation of the CMA by the Port.** Consent is sought to replace the existing Port coastal occupation permit that expires in 2026, with a new occupation permit incorporating the changes enabled by the Project.

41 Draft conditions of consent have been prepared as part of the application for resource consent for the Project. The draft consent conditions address the specific mitigation measures recommended by the various experts for Eastland in relation to this Project and respond to matters raised by GDC's experts and by submitters. The latest version of the draft consent conditions is appended to this evidence as Appendix 1.

42 Appendix 1 also identifies (in the right hand column) where those conditions have been derived from Eastland's existing suite of resource consents. As illustrated by Appendix 1, many of the draft conditions are derived from the mitigation measures and monitoring requirements that have been successfully implemented by existing resource consents held by Eastland. Where possible, consistency with other Port consent conditions has been provided for to ensure Port operations can be managed and monitored consistently as part of an efficient and integrated 'whole of site' approach. In particular, the following key conditions have been derived from existing consent conditions:

42.1 The dredging and dredged sediment disposal consent conditions (Conditions 4, 7 – 13, 15, 18 – 25 of the capital and maintenance dredging and disposal condition set contained in Appendix 1) have been derived from the consents issued for TBP Stage 1,[3] which were approved by way of agreement with GDC, Rongowhakaata Iwi Trust and Ngati Oneone.

42.2 The stormwater treatment system consent conditions (Conditions 4-17 and 19 of the stormwater discharge condition set contained in Appendix 1) have been successfully applied to the recently upgraded stormwater treatment systems in the WLY and ULY (with substantial improvements in water quality discussed in Mr Poynter's evidence).[4]

42.3 Iwi engagement consent conditions (Condition 3 of common conditions set out in Appendix 1) provide for the continued support for and role of the Te Tai Uru forum. Te Tai Uru was established as an open and funded engagement forum as part of the TBP Stage 1 consents,[5] which were also approved by way of agreement with GDC, Rongowhakaata Iwi Trust and Ngati Oneone.

42.4 Community engagement conditions (Condition 2 of common conditions set out in Appendix 1) provide for the continued support and role for the Port Community Liaison Group (*PCLG*). The PCLG was formed in 2009 and has since that date been consistently included in Eastland's consent conditions as a forum of engagement with the wider community.

43 The draft conditions for dredging and disposal of dredged material at the OSDG are also consistent with the draft condition set prepared in consultation with Rongowhakaata Iwi Trust in relation to an earlier maintenance dredging application lodged in February 2020.[6] As identified in the Officer's Report, that application has now been superseded by the current Application, which (if approved) will authorise the activities contemplated by the earlier maintenance application.[7]

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3 Wharves 6&7 Consent Ref: LU-2017-107936-00, CD-2017-107937-00 & LL-2017-107938; Conditions 52 to 67.

4 Port Entry Consent Ref# LU-2019-108764-00/DW-2019-108765-00/CD-2019-108766-00 relating to stormwater discharges from the WLY; Conditions 7, 37, 39, 42, 51, 52, 53, 54, 55, 57, 59, 66, 72, 74, 75.

5 Wharves 6&7 Consent Ref: LU-2017-107936-00, CD-2017-107937-00 & LL-2017-107938; Condition 4.

6 Council Ref: 109518, 109519 and 109520.

7 Officer's Report, paragraphs 54-55.

PROJECT SITE CONTEXT

44 A detailed description of the site and locality, including existing Port structures and activities is set out in the AEE and in the evidence of Mr Bayley, Mr Poynter, Mr Lawrence and Ms Makinson, as well as in the JWS.[8]

45 The Port of Gisborne is located towards the north-eastern end of Tūranganui-a-Kiwa Poverty Bay adjacent to the Tūranganui 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 2.

Figure 2: Port of Gisborne Layout Plan

46 The CMA in this location has been progressively developed, reclaimed and dredged since the Port was first established in the late 1800s. As a result, the locality is a highly modified coastal environment, which is dominated by commercial development and shipping.

[8] Prepared by Chris Rossiter, Principal Transportation Engineer (Stantec NZ) for Gisborne District Council, Glenn Connelly Senior Safety Engineer Waka Kotahi NZ Transport Agency and Judith Makinson Director, CKL for Eastland Port Limited and dated 1 September 2023).

47 The majority of Port export operations are based around Wharves 6, 7 and 8 and the three on-site logyards, which have capacity to store up to 138,000 tonnes of logs at one time. Most logs are stored on the SLY and ULY with the WLY also able to be used for other products.

48 The PNC and VTB are important port assets. The PNC is approximately 1.5km long and is maintenance dredged on a regular basis. Most of the VTB, which is approximately 2.7ha, is also regularly maintenance dredged. Capital dredging has also been undertaken in both areas over the years with the most recent being in 2017.

49 Dredged material is disposed of at the OSDG located approximately 4km offshore in Tūranganui-a-Kiwa Poverty Bay, as shown in Figure 3 below.

Figure 3: Aerial photograph of the Port OSDG

50 Road access to the Port is via a continuous road that intersects with Wainui Rd (State Highway 35 (*SH35*)). This road has three different names along its length, Hirini Street, Rakaiatane Road and Kaiti Beach Road (from north to south). All heavy commercial vehicle (HCV) movements to and from the Port are via this road and the Hirini Street / SH35 intersection.

Tairāwhiti Resource Management Plan Framework
Relevant zones and precincts

51 Under the provisions of the TRMP, the Port is managed through zones, area-specific provisions, region-wide provisions and overlays.

52 Specific 'Port area' provisions seek to provide for activities related to the use of vessels and the transport of goods into and out of the Gisborne district. The provisions recognise the operational need for the Port to be located in the coastal environment and that an integrated approach to management of the Port across the line of Mean High Water Springs is essential for the safe and efficient operation of the Port. The Port area provisions are located across two sections of the TRMP, being:

52.1 DP1 - The Port Coastal Management Area, which includes regional provisions for managing both the land and coastal marine area parts of the Port including the Gisborne Port Basin, a section of the Tūranganui River and the OSDG.

52.2 DP2 - The Port Management zone, which includes district provisions for managing the land based areas of the existing Port as well as the Cook Landing National Historic Reserve.

53 The introductory statements and objectives for the Port Coastal Management Area (*PCMA*) and Port Management zone provisions recognise the Port as a regionally significant transport facility. Those provisions seek to enable Port related activities such as the transport of goods into and out of Tairāwhiti-Gisborne, the processing and storage of products that pass through the Port and the storage of materials and equipment related to the operation of the Port. The provisions require the continued operation and development of the Port to be balanced against the need to avoid, remedy or mitigate adverse effects on the environment and to preserve the natural character of the coastal environment. The provisions also acknowledge that the Port is located in a highly modified environment where human structures dominate the environment physically and visually and that ecological and natural landscape values are greatly modified.

54 The following TRMP zones and management areas are relevant to the Project[9]:

54.1 The Port Management Zone B, which applies to all land-based parts of the Port affected by the Project (Wharf 8, Inner and Outer Breakwater and SLY).

[9] Noting that no Project works will occur in the Cone of Vision (from Cook Landing), and that Project does not trigger any provisions relating to the Airport Height Control Surfaces Overlay that extends across the Port.

54.2 The (*PCMA*) is shown in Figure 4 and applies to most of the CMA-based part of the Project site, including the Wharf 7 and 8 berth pockets, the VTB and PNC as well as the northern side of the existing breakwater, such that a small part of the Outer Port Reclamation will be located within the PCMA. The southern stormwater outfall from the SLY discharges to the PCMA near Wharf 8. The PCMA also includes the OSDG.

54.3 The General Coastal Management Area (*GCMA)* is shown in Figure 4 and applies to the CMA adjoining the SLY, such that the majority of the Outer Port Reclamation will be located within the GCMA. The northern stormwater outfall from the SLY discharges to the GCMA near the northern end of the SLY revetment. The GCMA applies to the coastal environment across the Tairāwhiti-Gisborne region where it is not otherwise identified as a Significant Values Coastal Management Area or the PCMA and seeks to provide for the appropriate and sustainable use, development and protection of the coastal environment, in the context that information about the coastal environment and the effects of activities may not be clearly understood.

54.4 The Coastal Environment Overlay, which covers all land at the Port, the adjacent Puhi Kai iti / Cook Landing Reserve and much of the adjacent Titirangi Reserve Boundary.

54.5 The Heritage Alert Overlay, which identifies broad areas that are not specifically identified as archaeological or heritage sites on the New Zealand Archaeological Association (*NZAA*) and Heritage New Zealand Pouhere Taonga (*HNZPT*) databases, but where early settlement was likely to have occurred and there may be the potential for unrecorded archaeological sites or sites of cultural or heritage significance to be discovered.

54.6 Port Inner Control Boundary and Port Noise 55Ldn Boundary.

54.7 Built Environment, Energy and Infrastructure Overlay and Reticulated Services Boundary Overlay.

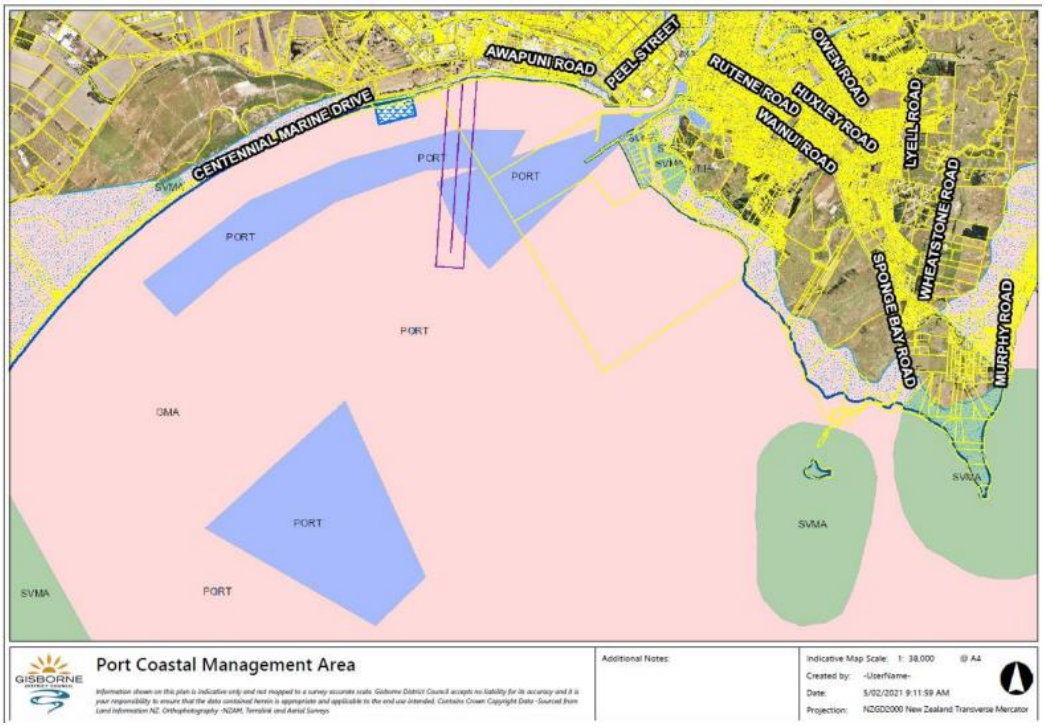

Figure 4: TRMP Coastal Management Areas (PCMA in blue and GCMA in pink)

55 Coastal water quality classifications applying to the Port, PNC and OSDG are shown in Figure 5. Details of the standards that apply to each of the water classes are described in Table 1.

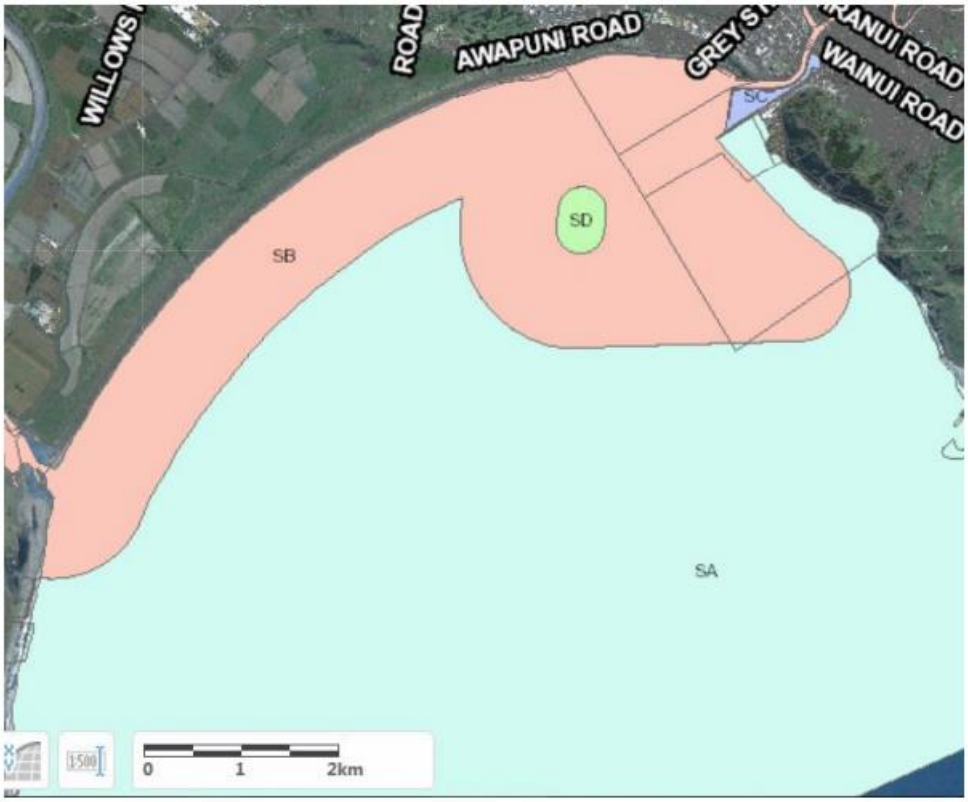

Figure 5: TRMP Water Classifications

Requirements	SA	SB	SC
The quality of the Class XX waters shall conform with the following requirements:			
a. The natural temperature shall not be changed by more than 3 degrees Celsius	X	X	X
b. The natural pH of the waters shall not be changed by more than 0.1 unit and at no time shall be less than 6.7 or greater than 8.5	X	X	X
c. There shall be no destruction of natural aquatic life by reason of a concentration of toxic substances nor shall waters emit objectionable odours	X	X	X
d. The natural colour and clarity of the water shall not be changed to a conspicuous extent	X	X	X
e. Aquatic organisms shall not be rendered unsuitable for human consumption by the presence of contaminants, and	X		
The water shall not be rendered unsuitable for bathing by the presence of contaminants	X	X	

Table 1: Water Classification Standards

56 As detailed in the 4Sight Ecology and Water Quality Assessment Report (Appendix M to the AEE), there are four applicable standards in and adjacent to the port. The SC and SB standards (or classes) are most relevant to the locations in which the dredging activities are proposed. SA is most relevant to the OSDG and the inshore zone that might be affected by discharges associated with the

construction of the reclamation and subsequent operational discharges from the upgraded stormwater system.

Matters for which consent is required

57 The application seeks all necessary consents to give effect to the Project including under the TRMP, NESCS and the Marine Pollution Regulations.

58 The AEE and the Officer's Report have identified the relevant consent requirements for the Project and these are summarised in Table 2 below in relation to the key elements of the Proposal, along with the term for which consents for each activity are sought.

Table 2: Reasons for resource consent

WHARF 8 EXTENSION, OUTER PORT RECLAMATION, OUTER BREAKWATER UPGRADE		
Duration of Consent:	Land use and reclamation components have an unlimited duration pursuant to Section 123 of the RMA Coastal structures associated with Wharf 8, the Outer Port Reclamation and Outer Breakwater have a duration of 35 years following the commencement of construction works. Coastal and discharge components relating to the disturbance of the seabed, temporary impoundment of seawater and incidental discharge of contaminants to the CMA during construction have a duration of 15 years following the commencement of construction works.	
Rule/Section	**Reason for Consent**	**Activity Status**
Area-based rules:		
DP1.6.1(8)(C)	PCMA – Any works to tie the Wharf 8 extension to Wharf 7 and the Outer Breakwater that are deemed to involve the construction and alteration of structures	Controlled
DP1.6.1(14)	PCMA – The temporary impoundment of coastal waters by erecting the temporary working platform / revetment wall associated with the Outer Port reclamation	Discretionary
DP1.6.1(15)	PCMA – Temporary construction of 'structures' that are more or less parallel to MHWS with an incremental length of more than 300m but less than 1,000m, being the temporary working platform / revetment wall associated with the	Discretionary

	proposed reclamation, prior to completion of the reclamation	
Rule DP1.6.4(5)	PCMA – Reclamation for the operational needs of the port	Discretionary
Section 12 RMA with no relevant TRMP rule so innominate under Section 87B RMA	PCMA – Disturbance of the seabed during reclamation, outer breakwater upgrade and ground stabilisation works	Discretionary
Rule DP1.6.2(4)	PCMA – Discharge of sediment to coastal water during construction activities (reclamation, outer breakwater, wharf 8 extension) resulting in temporary infringement of water classification standards (d) and (e) for SA classified waters and water classification standard (d) for SC classified waters	Discretionary
Rule DC2.6.4(17)	GCMA – Reclamation	Discretionary
Rule DC2.6.1(20)	GCMA – The temporary impoundment of coastal waters by erection of the temporary working platform / revetment wall associated with the Outer Port reclamation	Discretionary
Rule DC2.6.4(12)	GCMA – Disturbance of the foreshore and seabed during construction of the Outer Port reclamation and ground stabilisation	Discretionary
Rule DC2.6.2(4)	GCMA – Discharge of sediment during construction activities resulting in a temporary infringement of water classification standards (d) and (e) for SA classified waters	Discretionary
Rule DC2.6.2(1)	GCMA – Discharge of construction stage stormwater resulting in temporary infringement of water classification standard (c) for SA classified waters	Discretionary
DP2.6.1B(5)	Permitted activities not complying with region wide noise standards	Restricted Discretionary
Region-wide rules:		
Rule C11.2.15.2 & DP2.6.1B(5)	Construction noise that will occur for more than 168 days in any 12-month period, but will otherwise meet the required construction noise thresholds	Discretionary
Rule C11.2.16.1 B a)	Construction noise that exceeds the 70 dB L_{A10} construction noise threshold at the boundary of the GCMA within the proposed reclamation area and on the northern side of Butlers Wall.	Discretionary
Rule C11.2.15.1 B1	Daytime and nighttime operational noise of 57 dB L_{A10} at the southern end of the Inner City Residential Zone where the following standards apply:	Restricted Discretionary

	<table><tr><th>Time</th><th>Noise level</th></tr><tr><td>Monday to Saturday: • 7am – 6pm: • 6pm – 10pm: • 10pm – 7am:</td><td> 55 dB L_{A10} 50 dB L_{A10} 45 dB $L_{A10}$and 70 dB LA_{max}</td></tr><tr><td>Sundays and Public Holidays: • 7am – 6pm: • 6pm – 10pm: • 10pm – 7am:</td><td> 50 dB L_{A10} 45 dB L_{A10} 45 dB $L_{A10}$and 70 dB LA_{max}</td></tr></table>	
Rule C11.2.15.1(G). 1.a) and DP2.6.1B(5)	Operational noise that exceeds the 55 dBA Ldn port noise contour applying to the Heritage Reserve Zone at Titirangi/Kaiti Hill, by 1 dBA	Restricted Discretionary
Rule C11.2.15.2A(2) E 1	Daytime construction works are predicted to exceed the 50 dB L_{A10} limit in the Heritage Reserve Zone by up to 20dBA	Restricted Discretionary
NESCS		
Regulation 9	Disturbance of potentially contaminated soil associated with deconstruction of the SLY revetment and tie-in of works areas and upgrades to the SLY stormwater system	Controlled
SLY Stormwater Upgrading		
Consent duration: 35 years from the date of commencement		
Rule/Section	**Reason for Consent**	**Activity Status**
Area-based rules:		
Rule DP1.6.1(3)	PCMA –Discharge of stormwater from the SLY northern catchment to SC Classified Waters via the existing outfall in the event that water quality standards (b) and (c) are not met at all times.	Discretionary
Rule DC2.6.2(1)	GCMA –Discharge of stormwater from the SLY southern catchment to SA Classified Waters via the existing outfall in the event that water quality standards (b) and (c) are not met at all times.	Discretionary
DP2.6.1B(5)	Permitted activities not complying with region wide stormwater infrastructure standards, where the use of pumps to convey stormwater within the SLY does not comply with the requirement for gravity-based systems	Restricted Discretionary
NESCS		
Regulation 9 NESCS	Disturbance of potentially contaminated soil during upgrades to the SLY stormwater system	Controlled
Capital and Maintenance Dredging and Disposal to OSDG		

Consent duration:	Capital dredging and disposal to OSDG - 15 years from the date of commencement of construction works Maintenance dredging and disposal to OSDG - 35 years from the date of commencement of construction works	
Rule/Section	**Reason for Consent**	**Activity Status**
Area-based rules:		
Rule DP1.6.4(6)	PCMA – Capital dredging of the inner and outer Port Navigation Channel, berth pockets and vessel turning basin	Discretionary
Rule DP1.6.4(3)	PCMA – Maintenance dredging of the inner and outer Port Navigation Channel, berth pockets and vessel turning basin	Controlled
Rule DP1.6.4(2)	PCMA – Disposal of >50,000m^3 of dredged material (from both capital and maintenance dredging) at the OSDG over any 12 month period	Discretionary
Rule DP1.6.2(4)	PCMA – Discharge of decant water and associated sediment to SC and SB classified waters resulting in temporary infringement of water classification standard (d) where a trailing suction hopper dredge is used for capital and/or maintenance dredging activities	Discretionary
Rule DP1.6.2(4)	PCMA – Discharge of sediment to SA classified waters at the OSDG resulting in temporary infringement of water classification standard (c)	Discretionary
DP2.6.1B(5)	Permitted activities not complying with region wide noise standards	Restricted Discretionary
Region-wide rules:		
Rule C11.2.15.2 A 2	Night-time dredging of the berth areas and excavator operations in the reclamation area are predicted to infringe the 45 dB L_{A10} evening and 40 dB L_{A10} night-time noise limits which apply at the Inner City Residential Zone to the north.	Discretionary
Marine Pollution Regulations:		
Section 4(2)	The disposal of the capital dredging and maintenance dredging material at the OSDG.	Discretionary
Occupation of the CMA		
Consent duration:	35 years from the date of commencement	
Rule/Section	**Reason for Consent**	**Activity Status**
DC2.6.3(5)	GCMA –Ongoing occupation of the CMA by the Port	Discretionary
Rule DP1.6.3(6)	PCMA –Occupation of space	Discretionary

Overall consent status

59 As outlined above, various aspects of the Project trigger the need for controlled, restricted discretionary and discretionary activity consents. The activities are intricately linked, such that I consider

they should be 'bundled' and the most restrictive activity status applied. On this basis, the activity status of the Project overall is **discretionary**.

Existing Eastland consents to be replaced

60 The Port will continue to operate in accordance with its existing resource consents, with the exception of the following consents that will be replaced by consents applied for under the Project (if granted):

60.1 Existing SLY stormwater discharge consent;[10]

60.2 Existing coastal occupation permit, for exclusive occupation of the seabed and water space in and around the Port facilities;[11] and

60.3 Existing maintenance dredging consents related to the Port Navigation Channel, Vessel Turning Basin and Wharves 7 and 8.[12]

SUMMARY OF ACTUAL AND POTENTIAL EFFECTS ON THE ENVIRONMENT

61 The actual and potential effects of the Project, which include both positive and adverse effects, are comprehensively assessed in the AEE, supporting specialist reports and the evidence of Eastland's technical witnesses. In this section I summarise the key conclusions as expressed in those documents and taking into account the proposed mitigation measures and draft consent conditions included as Appendix 1 to my evidence.

62 For the purposes of this report, the assessment of effects is presented under the same topic headings as in the AEE.

Existing Environment

63 The 'existing environment' includes the environment as it exists now and the realistic future environment, as it may be modified by the carrying out of permitted activities under applicable statutory plans and by the implementation of extant resource consents held by Eastland and other parties, where such carrying out/implementation

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10 CD–2015-104664-01.

11 Included as Appendix R to the AEE, but with no distinct reference number.

12 CD-2015-106583-00, CD-2015-106584-00, CD-2015-106585-00, CR-2015-106586-00, DA-2015-106587-00. Noting that these consents expired on 10 September 2020 but are still valid pursuant to section 124, RMA due to Eastland's replacement consent application dated 25 February 2020. Once appropriate dredging consents are granted as part of the current Project, the 2020 maintenance dredging application will be formally withdrawn.

is likely.[13] When undertaking an assessment of the effects of an activity under the RMA, it is necessary to first establish this existing environment baseline and then assess the effects of resource consent applications on that environment.

64 The existing environment is described in detail in the AEE. I have set out below a summary of the most relevant components of the existing environment (that may be affected by the Project) and existing effects on those components which must be disregarded when considering the actual and potential effects of the Project:

64.1 Existing Port facilities to which works are proposed, being Wharf 8, the inner and outer breakwaters and the SLY revetment wall.

64.2 Storage and handling of logs and other cargo.

64.3 The vessel movements and berthing operations that regularly disturb the seabed sediments and create turbidity or discolouration of the Port waters.

64.4 The seabed, including shipping channels and the OSDG, as altered by capital and maintenance dredging activities.

64.5 Background water quality that is strongly influenced by discharges from the Tūranganui River and Waipaoa River, which increase suspended sediment and turbidity and decrease visual quality of waters at the port, the OSDG and more generally throughout Poverty Bay.

64.6 The regular discharge of treated stormwater from the three logyards and other Port areas into the CMA in and adjacent to the Port from approved outlets, in accordance with existing resource consents.

64.7 Ecological values that are already heavily influenced by Port activities and water quality such as:

(a) seasonal settlement of post-larval red rock lobsters beneath part of Wharf 7, which is a feature of importance to iwi and is of some ecological and scientific interest;

(b) the use of the Outer Breakwater by high numbers of small post juvenile lobsters, which has been recently documented;

[13] As set out in *Queenstown Lakes DC v Hawthorn Estate Ltd* (2006) 12 ELRNZ 299; [2006] NZRMA 424 (CA), at paragraph 84.

(c) the Kaiti Reef, which is an extensive area of intertidal and shallow subtidal habitat and patch reef and, although not directly within the Project's footprint, is a potentially sensitive ecological feature nearby;

(d) itinerant use of the Outer Breakwater by New Zealand fur seal;

(e) use of the Outer Breakwater for resting by small flocks of white fronted tern and red-billed gull; and

(f) the use of parts of the southern seawall by kororā.

64.8 Existing presence of Mediterranean fanworm, a marine pest, in the harbour, which was first identified in 2015 and is subject to GDC eradication programme funded, in part, by the Ministry of Primary Industries.

64.9 The noise environment from Port operations, which is managed by way of resource consent conditions and monitored from a recording site on the nearby Portside Hotel site.

64.10 The traffic environment from Port operations, which currently includes an average daily handling volume of some 10,300 m^3 of logs (or 800 heavy commercial vehicle (*HCV*) movements) and a peak daily handling volume of around 16,500 m^3 (or 1,250 HCV movements), but which is not otherwise controlled under the TRMP or resource consent conditions.

64.11 The existing capacity and road safety concerns at the SH35 / Hirini Street intersection that the transportation experts agree[14] need to be addressed, irrespective of, and predating the Project.

64.12 Existing effects of Port structures, reclamations and activities on cultural values, which Eastland understands to include effects on the mauri of land and water, water quality and mahinga kai.

[14] As set out in the Transportation JWS.

64.13 Existing effects on historic values associated with the environment in this location, including existing proximity of Port reclamations to the identified heritage boat harbour.[15]

64.14 Existing restrictions on public access along the coastal margin of the Port, for Port security and health and safety reasons related to both heavy vehicle and vessel movements and associated cargo handling operations.

64.15 Ability for privately owned and commercial vessels to travel through the Port to the marina, and to commercial and sports club facilities in the Inner Port.

64.16 Landform and visual settings that are modified by the presence of an operational Port.

64.17 Also of relevance are the planned and consented works to:[16]

(a) Install a new mooring platform for two tug boats at Wharf 1.

(b) Associated maintenance dredging of the Wharf 1 berth pocket and inner channel adjacent to Wharves 4, 5 and 6.

(c) Disposal of dredged sediment, of up to 5,000m^3 per year at the OSDG.

65 Upgrade of the historical slipway also forms part of the existing environment, having been consented as part of the TBP Stage 1 works, which is expected to be implemented.

66 I understand that all Eastland experts have taken the existing environment into account when undertaking their assessments of the effects of the Project and appropriately assessed the effects against the appropriate environment.

Permitted Baseline

67 Section 104(2) provides that when considering an application for resource consent, "*a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect*". This is

[15] The boat harbour refers to a natural reef formation at the western end of Kaiti Beach, near the harbour entrance, used as a landing place by tangata whenua and Captain Cook and identified in the InSitu Heritage Report (Appendix J to the AEE) as meeting the RMA definition of historic heritage.

[16] Resource consent for these works was granted on 21 August 2023 CP-2021-110698-00 / CR-2021-110699-00 / CD-2021-110700-00. The works are deemed critical by EPL to provide for two recently acquired tugs, such that implementation of the consents can be reasonably expected to occur.

commonly referred to as the 'permitted baseline', however it should be noted that its application by the consent authority is discretionary.

68 The permitted baseline relevant to this application is set out in detail in the AEE and includes the effects of Port operations and certain construction activities that could be reasonably expected to occur and are provided for as permitted activities in the TRMP. As identified above, the primary purpose of the PCMA and Port Management Zones is to enable the continued operation of the Port, while ensuring that adverse effects on the environment are avoided, remedied or mitigated.

69 Given the enabling approach directed by the TRMP to Port operation and development, I consider it is appropriate to apply the permitted baseline to the Project, such that the effects of activities that are permitted by the TRMP or an NES are disregarded.

70 Section 12 of the AEE identifies the components of the Project that are permitted activities under the TRMP, including:

70.1 Removal or demolition of existing port structures above the level of MHWS, such as the seaward (western) part of Wharf 8.

70.2 Minor alterations to the inland (eastern) part of Wharf 8 and the adjacent part of the Inner Breakwater.

70.3 All vessel loading and unloading operations that comply with the port operating noise emission standards.

70.4 All log and other cargo deliveries to the redeveloped Wharf 8 and other port areas, noting that the TRMP does not control traffic generation by the Port.

70.5 Log storage operations on the SLY and other parts of the Port site.

70.6 The disposal of up to 50,000 m^3 of maintenance dredged material each year at the OSDG.

Positive effects

71 The AEE and experts conclude there will be significant positive effects from the Project, including:

71.1 Improved efficiency and capacity of the existing Port facilities.

71.2 Improved safety and resilience of the Port to natural hazards, particularly through the upgrades to the outer breakwater

and design of the new outer revetment to enclose the reclamation.

71.3 Improved navigational safety for both Port users and commercial / recreational users of the inner Port / marina areas.

71.4 Improved quality of stormwater discharges from the SLY and corresponding reduced potential for adverse effects on water quality in the receiving environment.

71.5 Both direct and indirect economic benefits as described in the Assessment of Economic Effects by Brown Copeland & Co Ltd.[17]

71.6 Enabling increased diversity of trade through the Port, including the potential for a coastal container service that could be used to export a significant share of the region's agricultural and horticultural exports.

71.7 Supporting the role of the Port as regionally significant infrastructure and a lifeline utility under the CDEMA. The crucial role of the Port in supporting the Tairāwhiti-Gisborne region during a state of emergency was highlighted earlier this year by the establishment of a coastal shipping service in the wake of Cyclone Gabriel to assist in the emergency response efforts.

72 Further detail regarding some of these positive effects is included below. It is noteworthy that many of these benefits have also been identified by the 47 submitters who support the Project, with the majority of submissions on the Project (more than 80%) being in full support.

73 Having regard to the above list and the details included below, I consider the Project will result in significant positive effects.

Natural Hazards and Resilience

74 The port area is subject to natural hazard risks, sea level rise and storm events/surges, which have the potential to result in damage to Port infrastructure and restrict Port operations.

74.1 As well as increased berthing and overall Port capacity, one of the key objectives of the Project is to improve the Port's safety and resilience to coastal processes and adverse weather events to

[17] AEE Appendix V - Assessment of Economic Effics, Brown, Copeland & Co Ltd, 17 March 2022.

improve Port accessibility and support the continued operation of this regionally significant infrastructure.

75 A full assessment of natural hazards and resilience is provided in the AEE and attached to the 'Reclamation, Wharf 8 Extension and Outer Breakwater' Engineering Report prepared by Worley.

76 In summary, the analysis provided by Worley confirms the Project takes into account and responds to the anticipated coastal hazard and climate change risks identified at the Port. Crest levels of the new reclamation revetment and the upgraded Outer Breakwater have been designed to achieve the intended purpose of improving resilience of the Port to adverse weather events, taking into account anticipated sea level rise[18] and storm surge scenarios.

77 The Worley report also identifies that the Project has been designed and oriented to ensure it does not exacerbate natural hazard risk to the surrounding environment. This includes minimising the risk of wave reflection and the potential for consequential erosion and/or accretion in areas outside the works footprint.

78 Based on the technical assessments set out in the Worley report, I am of the opinion that the Project will result in positive effects in terms of improved safety and resilience of Port structures and operations to natural hazards and negligible adverse natural hazard effects.

Navigation and Safety Effects

79 The navigation and safety effects of the Project are assessed in the AEE. In summary:

79.1 Repairing the Outer Breakwater will help protect Port assets and reduce swell incursion into the harbour, resulting in improved harbour safety.

79.2 Capital dredging will reduce the operating restrictions for vessels transiting the channel, improve navigational safety and reduce the risk of vessels being 'captured' in the Port during adverse weather conditions.

79.3 Some short-term restrictions on boat access will be in place in the immediate vicinity of Wharf 8, the proposed Outer Port Reclamation and Outer Breakwater during the construction period, but these will be limited in both scale and time.

79.4 All commercial and recreational vessels using the Port and adjacent parts of Tūranganui-a-Kiwa/Poverty Bay are

[18] Including as set out in the interim guidance on sea level rise projections issued by MfE in August 2022.

governed by the existing GDC Navigation and Safety Bylaw 2012, which restricts activities such as anchoring, fishing, swimming, and diving within certain identified locations. This will not change as a result of the Project.

79.5 As per the existing situation, recreational and other craft from the marina and other facilities will be able to pass through the Port area while dredging operations are underway. No additional controls are expected to be required. The Eastland Standard Operating Procedure for dredging and disposal operations is reviewed on a regular basis providing the opportunity to address any new navigation and safety risks or hazards.

80 Having regard to the assessment of navigation and safety effects, I am of the opinion that any adverse effects of the Project on harbour traffic, navigation and safety will be less than minor and many of the effects will in fact be positive and provide significant benefits.

Water Quality Effects

81 The Project has the potential to result in actual or potential effects on water quality as a result of construction activities, capital and maintenance dredging and disposal activities, and stormwater discharges.

82 Water quality effects are assessed in the 4Sight Ecology and Water Quality Assessment Report and the evidence of Mr Poynter, taking into account the construction methodology set out in the Worley Report, the analysis of sediment plumes and coastal processes effects set out in the MetOcean Solutions (*MetOcean)* Report and the Cheal Stormwater Report. I rely on this analysis to summarise the water quality effects of various aspects of the Project below.

Wharf 8, Reclamation and Outer Breakwater Construction

82.1 Water quality effects from the Wharf 8 extension and Outer Breakwater upgrade will be restricted to minor local turbidity associated with construction, including piling and placement of the new concrete units. These are negligible and temporary effects.

82.2 Suspended fine sediment generated during construction of the Outer Port Reclamation will be localised and occur at low concentrations that will not significantly affect background concentrations in the water column beyond the works area. Changes in water clarity will be localised and temporary.

82.3 Water quality effects will be managed through an Erosion and Sediment Control Plan (*ESCP*), which is incorporated in the proposed conditions of consent. Management measures include construction of a seawall at the perimeter of the Outer

Port Reclamation in the first instance to act as a confining barrier to sediment, prior to backfilling the reclamation area. This will limit the risk of sediment loss to coastal waters with any sediment discharges being either diffused through the seawall or limited to the north western end of the site. Risk to water quality will be further mitigated by the highly exposed and well flushed location, which will rapidly disperse and dilute suspended sediment.

82.4 Overall, Mr Poynter assesses the effects of construction of the Wharf 8 extension, Outer Port Reclamation and Outer Breakwater upgrade on water quality to be minor and temporary effects.

Capital and Maintenance Dredging and Disposal at the OSDG

82.5 Dredging and disposal activities will cause localised temporary sediment plumes and impacts on water clarity and the visual characteristic of waters in the Port and at the OSDG. These may result in visually conspicuous changes in water clarity over a short duration associated with a specific dredging event.

82.6 However, there will be no significant adverse effects in terms of the prevailing water quality in Poverty Bay, which is strongly influenced by discharges from the Tūranganui River and Waipaoa River that increase suspended sediment and turbidity and decrease visual quality of waters at the Port, the OSDG and more generally throughout Poverty Bay.

82.7 Past monitoring has established that sediments are unpolluted and do not contain contaminants that might result in effects on water quality.

82.8 Management measures applying to existing dredging activities at the Port can be appropriately carried over to the dredging proposed as part of the current Project, notwithstanding the increased scale. These are included in the proposed Consent Conditions in Appendix 1 and include a requirement that there be no conspicuous change in the colour and visual clarity of water more than two hours following the conclusion of a dredging episode.

82.9 Similarly, existing management measures for the disposal of dredged material are to be carried over to the current Project by way of consent condition. These protocols have been developed and refined through previous consent processes[19] with input from Eastland and GDC technical experts and iwi, and include spreading the dumped material in different parts

[19] Primarily the TBP Stage 1 consents.

of the disposal ground with each dredge run to reduce the risk of mounding on the seabed in any part of the OSDG, and appropriate record keeping of the volumes disposed and the location of each run.

82.10 Overall, Mr Poynter concludes that the water quality effects of the proposed dredging will be minor and appropriately managed by way of the proposed dredging management conditions.

Stormwater

82.11 The upgraded SLY stormwater treatment system will use an enhanced treatment train approach that will provide additional storage and incorporate the chemical flocculation and particulate interception system that has been developed for and successfully implemented at the ULY and WLY and will significantly improve the quality of stormwater discharged from the two existing outfalls.

82.12 The upgraded stormwater system is the equivalent of what has already been installed in the ULY and WLY. Based on the success of those existing systems, the water quality effects are expected to be improved when compared to the existing environment. TRMP's applicable water quality standards for both the Port area (SC) and the coastal area adjacent to the SLY (SA) are expected to be maintained.[20]

82.13 Management and monitoring measures, based on measures applying to the ULY and WLY stormwater systems, are to be implemented in relation to the upgraded SLY stormwater system, and this is reflected in the Consent Conditions set out in Appendix 1. This is considered an approved means of managing potential water quality effects and will inform any minor adjustments that may needed to ensure optimal performance of the new system.

82.14 Overall, Mr Poynter concludes the upgraded stormwater system will result in significantly improved stormwater discharge quality from the SLY as a result of reduced sediment concentrations and reduced turbidity.

82.15 Having regard to Mr Poynter's evidence, the Water Quality Assessment and stormwater assessment, I am of the opinion that the effects on water quality will range from positive (reduced contaminant loading in stormwater discharges) to short-term minor adverse effects during dredging. Extensive

[20] Noting that the SLY southern catchment outfall discharges to SC quality standard waters in the Port Basin in the vicinity of Wharf 8 while the SLY northern catchment outfall discharges to SA quality standard waters in the vicinity of Kaiti Reef.

monitoring requirements and review provisions are incorporated in the proposed consent conditions which will ensure that these positive outcomes are achieved, with appropriate engagement and consultation with iwi.

Economic effects

83 The AEE includes an Assessment of Economic Effects by Brown Copeland & Co Ltd, (as Appendix V). In summary, the Brown Copeland & Co assessment concludes that the Project will result in a number of economic benefits for the Tairāwhiti-Gisborne region, both during construction and once operational. The Assessment identifies that the Port currently helps sustain around 25% of total household income, employment and gross regional product within the Tairāwhiti-Gisborne region and that this is forecast to increase to sustaining upwards of 40% of total economic activity in the region on completion of the Project. The main economic benefits are identified as:

83.1 Increased employment, household incomes and expenditure with local businesses during the 2023-25 construction phase including:[21]

i. 104 additional jobs, $8.3 million per annum additional wages and salaries, and $18.2 million per annum additional expenditure with local businesses over the three year period 2023-25; and

ii. 17 additional jobs, $1.9 million per annum additional wages and salaries, and $6.3 million per annum additional expenditure with local businesses over the five year period 2025-29.

83.2 Increased employment, household incomes and expenditure with local businesses when the Stage 2 facilities are operational (in part from 2025 and fully operational from 2029) – 245 additional jobs, $20 million per annum additional wages and salaries, and $71 million per annum additional revenue for local businesses.

83.3 Transport cost savings for local exporters of agricultural (including horticultural) products and importers of some products, which will in turn increase the competitiveness and profitability of local businesses.

[21] As per Appendix V to the AEE – Assessment of Economic Effects (filed 22 August 2023). I note that these projections are based on construction beginning in 2023, however construction is unlikely to commence this year.

83.4 Reduction in the carbon footprint of the Tairāwhiti-Gisborne region's exports and imports.

83.5 Increased resilience of the Port to safeguard the future log trade through the Port.

83.6 Increased diversity for the local economy if the increased transport efficiency for exports and imports attracts new industries to the region.

83.7 Reductions in road transport externality costs – i.e. those arising from vehicle emissions, road accidents and congestion.

83.8 Increased Eastland returns to its shareholder, Trust Tairāwhiti whose distributions benefit the residents and businesses of the region. In the financial year to 31 March 2021, Eastland Group, of which EPL is a part, returned $10.1 million to Trust Tairāwhiti. Returns to the Trust have totalled more than $138 million over the past 18 years. EPL's proposed Stage 2 works will help underpin and increase these returns and the range of EPL's own sponsorships and community grants, which benefit the region's residents and businesses.

84 Having regard to the AEE, I am of the opinion that the Project will result in significant positive economic effects for the Tairāwhiti-Gisborne economy.

Ecological Effects

85 Actual and potential ecological effects of the Project are addressed in:

85.1 the 4Sight Ecology and Water Quality Assessment Report (Appendix M of the AEE);

85.2 the 4Sight Kororā Assessment (Appendix Y of the AEE);

85.3 the further information response on ecological matters, which includes a proposed Avian Management and Monitoring Plan (*AMMP*) and assessment of effects on marine mammals; and

85.4 the evidence of Mr Poynter.

86 I rely on those assessments and summarise their conclusions as follows:

86.1 The Wharf 8 extension will have a negligible impact on ecological values.

86.2 Much of the existing marine habitat and community on the Outer Breakwater will be lost during construction of the upgrade. However, new habitats will be created and communities are expected to recover quickly, with ecological values restored in the long term. Effects are assessed as low.

86.3 As discussed below, effects on kōura will be intermittent, temporary, and of a very small scale which is not ecologically significant. Effects can be mitigated by the staging, timing and trap/transfer approach set out in the proposed consent conditions.

86.4 Seabirds and itinerant New Zealand fur seals using the Outer Breakwater are unlikely to be impacted long term following the upgrade.

86.5 Loss of habitat and biota as a result of the Outer Port Reclamation will be more than offset by the new habitat created by the new outer revetment. Effects are assessed as low.

86.6 Effects on kororā will be managed through the AMMP, as discussed below, which is an appropriate approach to identify and manage kororā activity at the site and avoid adverse effects on the local population.

86.7 As discussed below, effects on marine mammals are assessed as low and are able to be managed through specific management measures to be incorporated in the Construction Noise Management Plan (*CNMP*), proposed to be required as a condition of consent.

86.8 Biota and habitat within the dredging footprint are subject to a continual regime of disturbance from maintenance dredging. The effects of further dredging are negligible.

86.9 Ecological studies have been carried out as part of consent monitoring over at least 10 years. These studies confirm that benthic community composition in the OSDG is either:

(a) not affected by the spoil disposal; or

(b) the spoil is disbursed beyond the OSDG and all communities are equally affected; and/or

(c) any effects are masked by the effects of more dominant processes such as the natural flux in sediment associated with the Waipaoa River discharge, which determine the character of the site.

86.10 There is not considered to be a risk to nearshore surf clam populations, or other shellfisheries and marine resources beyond the OSDG. Effects are low.

87 Having regard to Mr Poynter's evidence and the ecological assessment, I am of the opinion that the effects on marine ecology will range from positive (reduced contaminant loading in stormwater discharges) to minor adverse effects (associated with the loss of habitat and biota as a result of the Outer Port Reclamation), but which will be offset by the creation of new habitat in the new outer revetment. Further, I consider that the extensive monitoring requirements, management plans and review provisions incorporated in the proposed consent conditions will enable appropriate responses to be developed, in consultation with iwi, in the event that unanticipated adverse effects arise.

Avifauna Effects (including kororā)

88 Kororā inhabit the coastal area of the Kaiti Beach shore and are present within the vicinity of the Port. Kororā have high ecological value based on their New Zealand threat classification, which is 'At Risk - Declining'. They are known to rest within crevices in seawalls, within rock stockpiles and under artificial structures and may colonise new habitat areas, including temporary stockpiles, as they are created. Removal of part of the SLY sea wall and related construction works are identified as having potential to result in adverse effects on Kororā.

89 The potential effects of the Project on kororā are specifically addressed in the 4Sight Kororā Assessment (Appendix Y of the AEE), Mr Poynter's evidence and in the proposed AMMP, which was prepared in response to the submission of the Director General of Conservation and the comments from GDC's avian advisor, Dr Gary Bramley. The AMMP also addresses effects on other coastal bird species. Mr Poynter addresses the AMMP in his evidence, and I summarise his key conclusions as follows:

89.1 A comprehensive monitoring programme is required to characterise the use of the Project area by kororā and other coastal birds prior to the commencement of construction.

89.2 The AMMP identifies a range of management options to be applied depending on the presence of active burrows at the site, noting that frequent inundation of the section of SLY seawall affected by the Project affects the value of the seawall as kororā habitat. The ecological value of potential habitat in this location is assessed as 'low' to 'moderate' depending on whether or not burrows are identified during monitoring. This compares to the 'high' ecological value

attributed to habitat in the SLY seawall enhancement area,[22] north of the area affected by Project works.

89.3 The primary management response set out in the AMMP is to implement a range of control measures to discourage kororā from entering the working area or establishing active burrows in vulnerable locations over the extended works period, as there is risk of kororā mortalities if birds remain present in an active construction area. With the successful exclusion of kororā from the construction area prior to works, adverse effects are assessed as negligible or very low.

89.4 The AMMP details a programme of daily inspections to identify the presence of kororā during works along with contingency and mitigation measures for ongoing discovery of birds during the construction period. This includes maintaining a minimum 20m exclusion zone around any kororā identified within the construction area.

89.5 Other potential construction and operational effects on Kororā (including related to noise, sediment and lighting effects) are assessed as Negligible or Very Low subject to implementation of the mitigation measures set out in the AMMP. Where disturbance occurs despite the implementation of mitigation measures, effects are assessed as Low but temporary.

89.6 As a last resort, physical relocation of kororā away from the construction area may be undertaken, for which an authority under the Wildlife Act 1953 would need to be in place.

89.7 In the event that any kororā burrows are identified within the Project area, Eastland proposes to provide two new nest boxes in the adjoining buffer seawall area to provide alternative nesting opportunities. I note that alternative nesting opportunities will also become available to kororā in the new Outer Reclamation seawall which is to be constructed prior to deconstruction of the existing SLY seawall. This will ensure a greater area of alternative habitat with similar characteristics (man-made seawall structure in an exposed coastal environment) will be available before any loss of existing potential habitat occurs.

89.8 Fencing is to be installed and a pest management plan implemented as part of an ongoing monitoring programme,

[22] As detailed in the AMMP, the 'SLY seawall enhancement area' was established in 2022 in response to the discovery of kororā at the northern end of the SLY seawall during a maintenance project. Management of this area is now undertaken in accordance with the Waikahua Kororā Conservation Management Plan (*KCMP*).

similar to that currently in place for the Waikahua section of seawall.

90 With respect to other coastal bird species, effects are assessed as very low, given these birds are highly mobile and not known to nest within the Project area. However, this can be confirmed through monitoring undertaken in accordance with the AMMP and implementation of appropriate management responses is provided for if required.

91 The proposed AMMP has been reviewed by the Department of Conservation (*DOC*), which has advised Eastland[23] the AMMP is fit for purpose.

92 DOC also drew attention to the need to secure an authority under the Wildlife Act 1953 to enable the handling of kororā should they require relocation. The AMMP identified relocation as an option when other methods to exclude kororā from the site fail. Eastland has advised that it has commenced the application process for a Wildlife Act Authority. Such authorities are typically sought following the grant of resource consent to development projects, providing the developer with the necessary certainty of information regarding the works.

93 I do not agree with the Reporting Officer[24] that consent conditions should be imposed to recognise that the works cannot proceed without the necessary authority. The authority will be required irrespective of any resource consent condition should kororā require relocation. A condition requiring an authorisation to be obtained under other legislation is unnecessary. Given Eastland has previously held a Wildlife Act Authority in relation to kororā and has commenced preparation of the application relevant to the current Project, there does not appear to be a particular need for a condition further underlining obligations under other legislation. However, if considered necessary for completeness, this matter could be addressed by way of an advice note.

94 I understand there is a minor difference of opinion between the avian experts for Eastland and GDC, with Dr Gary Bramley recommending monitoring for kororā in the lead up to commencement of construction occur each month over a full 12 month period, rather than over the 9 month period of July to March identified in the AMMP as being the time kororā have been observed nesting and/or moulting in the Waikahua section of the SLY seawall.

95 Having regard to the proposed AMMP, the feedback received from DOC and the evidence of Mr Poynter, I am of the opinion that this

[23] By way of email to Mr Bayley dated 12 June 2023.

[24] Officer's Report, paragraph 299.

detail could be resolved at the time of certification of the AMMP in accordance with the proposed consent conditions. Further, that the AMMP provides a comprehensive and appropriate approach to identify and manage Kororā activity at the site and will ensure the Project avoids adverse effects on the local population.

Marine Mammal effects

96 A specialist assessment of effects on marine mammals (*Marine Mammals Assessment*), prepared by Ms Helen McConnell, an associate marine ecologist at SLR Consulting, was provided as part of Eastland's further information response and Mr Poynter relies on this in addressing marine mammal effects in his evidence. I rely on those assessments and summarise their conclusions as follows:

97 Effects on marine mammals from dredging will be low or negligible as effects will be indiscernible from noise effects from existing vessel traffic in the area, provided dredge equipment is regularly maintained. This requirement is reflected in the consent conditions.

98 Overall, the assessment concludes that effects on marine mammals will be low and are able to be managed through specific requirements of the CNMP, which is proposed as a condition of consent.

99 The key requirements in relation to marine mammals will be:

99.1 surveillance of the area near to active piling activity associated with the Wharf 8 construction,

99.2 shut down zones which require the cessation of piling in the event of marine mammal sightings,

99.3 soft starts on piling activity,

99.4 validation of underwater noise modelling; and

99.5 the use of a bubble curtains during piling to minimise the transmission of acoustic signals from the construction site; and

99.6 regular maintenance of dredging equipment.

100 I consider that the MMMP is comprehensive and is an appropriately conservative approach to avoid adverse effects of construction and dredging on marine mammals.

Biosecurity

101 Biosecurity risks are addressed in the 4Sight Ecology and Water Quality Report and the evidence of Mr Poynter, which notes the presence of Mediterranean fan worm in part of the Port and the

wider GDC elimination strategy in place in relation to that pest species.

102 I rely on the evidence of Mr Poynter, who is of the view that biosecurity risk will not be affected appreciably by the current Project in comparison to the inherent risk that is already a feature of any Port operations.

103 In addition, I note that the recently approved Wharf 1 consents,[25] address management of biosecurity risk in the inner parts of the Port via a comprehensive set of resource consent conditions.

104 Mr Poynter further concludes that the approach adopted through the Wharf 1 consent could be appropriately applied to the management of biosecurity risk in the wider Port environment by way of conditions attached to the currently sought consent. Specifically, this includes conditions requiring:

104.1 Preparation and implementation of a Marine Pest Management Plan consistent with that required in relation to the Wharf 1 works;

104.2 Pre and post works inspections of construction areas (Wharf 8 and Outer Breakwater works);

104.3 Pre dredging inspection of the areas to be capital dredged that have not been previously dredged and which are not part of the current maintenance dredging footprint; and

104.4 Reporting to GDC on the pre and post works inspections and pre-dredging inspection.

105 Conditions to this effect are included in the draft condition set in Appendix 1 of my evidence (Condition numbers 44-50), and on this basis, and relying on the evidence of Mr Poynter, I conclude that with the application of the proposed conditions of consent the biosecurity risk will not be exacerbated by the current Project and can be appropriately managed.

Cultural effects

106 There is a long and rich history of Māori settlement in Tūranganui-A-Kiwa and Eastland acknowledges the cultural, spiritual, historical and traditional importance of the area in and around the Port basin to a number of iwi and hapū groups.

107 The Project has been developed with input from Te Tai Uru, which was established in December 2020 by way of Environment Court consent order approving Stage 1 of the TBP. Te Tai Uru is made up

[25] CP-2021-110698-00 / CR-2021-110699-00 / CD-2021-110700-00.

of representatives from Ngai Tāwhiri, Rongowhakaata Iwi Trust, Whānau a Iwi, Ngāti Maru, Ngāti Kahutia and Ngāti Te Rangitauwhiwhia along with GDC and Eastland. A standing invitation to join Te Tai Uru is in place for Ngāti Oneone to join should they wish to, but in the absence of their participation Eastland undertakes direct engagement with Ngāti Oneone representatives.

108 Te Tai Uru was established to recognise and provide for the kaitiakitanga responsibilities of the iwi-hapū members with respect to the Port and surrounding areas. It sets out an agreed way of approaching engagement between Eastland and iwi-hapū in relation to both stages of TBP, as well as any other Port activity or development. Further, Te Tai Uru provides for engagement and collaboration between the parties with the intent of including cultural values into Eastland projects and operations.

109 Eastland has convened eleven Te Tai Uru hui since the group was formed to discuss the Project and wider Port activities (being several more than the twice yearly requirement set out in condition 4 of the Stage 1 TBP consent conditions). Eastland has also engaged with Rongowhakaata in relation to the separate maintenance dredging application, lodged in February 2020,[26] which has now been essentially subsumed into the current Project and in relation to its' submission on this Application.

110 This korero with iwi and hapū has assisted Eastland to understand the cultural values associated with the Port location as well as the historic effects of Port development and activity on those values and the nature and extent of further effects that may arise as a result of the current Project.

111 The consent conditions for Stage 1 TBP require that Eastland support Te Tai Uru in preparing a Cultural Values and Relationship Framework (*CVRF)*, and to engage Te Tai Uru to prepare Cultural Impact Assessments (*CIA*), which would be informed by the CVRF(s). The purpose of the CIAs is set out as being to '*assess and define the effect(s) of proposed activities on the relationships and values described in the CVRF and where appropriate recommend measures which may remedy, mitigate and /or avoid any adverse effects on those values and relationships.'*

112 Both Rongowhakaata Iwi Trust and Ngai Tāmanuhiri have prepared methodologies that are expected to inform the future preparation of full CVRF. These methodologies identify cultural values as including Whakawhanaungatanga (Collective Participation) Whakawhiti Marama (Collective Understanding), Ā Tātou Kōrero (Collective Response), Āta (Collective Review), Mana Motuhake (Operational,

[26] Council Ref: 109518, 109519 and 109520.

Self Sustaining & Healthy), together with the importance of the interconnected values of taong, kawa, tikanga and kaitieki.

113 In addition, Rongowhakaata prepared a CIA in relation to Eastland's 2020 maintenance dredging application and agreed to its use to inform the preparation of applications for the current Project. The CIA outlines the history of Port dredging and disposal from a cultural perspective. It raises several concerns with the permits issued by consent authorities in 1988 and by the Environment Court in 2000, despite opposition from Rongowhakaata and other iwi at the time.

114 Eastland worked closely with Rongowhakaata to seek to respond to the matters raised in the CIA in relation to the 2020 maintenance dredging application and has actively sought to engage with Rongowhakaata in relation to its submission on the Project. As detailed in Mr Bayley's evidence, during recent hui on 19th and 29th September 2023 four areas of concern have been highlighted:

114.1 Access and mahinga kia;

114.2 Heritage concerns;

114.3 Concerns with the logging industry and upgrade requirements; and

114.4 Water quality within Turanganui-a-Kiwa.

115 Mr Bayley advises that Eastland replied to these matters on 30th September with clarification on several of the items raised and offers to mitigate and/or provide further monitoring on others and is now awaiting a response. Eastland will reply to the Reporting Officer and Panel with any updates or outcomes agreed prior to the hearing.

116 I acknowledge the submission from Rongowhakaata raises concerns around the effectiveness of Te Tai Uru in achieving effective engagement and integrating cultural outcomes into the current Project. However, I understand from Mr Bayley that Eastland has sought to engage with iwi and hapū groups in a proactive and meaningful way and that the Te Tai Uru forum has assisted in this regard, particularly in the context of the challenges presented by Covid restrictions and severe weather events in Te Tairāwhiti Gisborne region over the past three years since Te Tai Uru was established. Also, I note that Eastland has sought to learn about and implement tikanga principles identified in the CVRF such as prioritising meeting kanohi ki te kanohi (face to face), offering office space for hui, the sharing of knowledge around Port activities and environmental monitoring and mitigation measures, and offering resourcing and funding for the time iwi/hapū have put into engaging with Eastland. Eastland has also respected other unforeseen

circumstances such as tangihanga or other marae business priorities for iwi-hapū to conduct.

117 I note the comments of the reporting officer that less progress than anticipated has been made on the production of CRVFs and CIA to inform the consideration of cultural effects resulting from the Project. While I acknowledge that is the case, I do not consider it appropriate to measure the success of the Te Tai Uru framework on the production of specific documents by certain dates. In my opinion, significant value lies in the manner in which the Te Tau Uru framework promotes the development of conversations and relationship building between Eastland and iwi-hapū over time. The Te Tai Uru conditions are provided in a manner that embeds ongoing further engagement with iwi-hapū with an intent to empower iwi-hapū groups to have input into strategies for mitigation. On this basis, I am of the opinion that the Te Tai Uru framework established through the Stage 1 TBP consent remains appropriate and should be carried over to the current Project as a condition of consent.

118 Many of the component activities making up the current Project have been traversed in detail through earlier consenting processes[27] in which iwi-hapū have been engaged, and the outcomes and approaches agreed through those consents have been carried over, where relevant, to the current application. Eastland proposes to incorporate a number of specific measures in the current Project, as set out in the proposed conditions of consent, that provide opportunities to address effects on cultural values including:

118.1 Continuation of the Te Tai Uru forum, by carrying over relevant consent conditions from the Stage 1 TBP consent.

118.2 Provision for iwi-hapū involvement in matters of project design and delivery, in particular through engagement with Te Tai Uru in the preparation of management plans that will set out specific details around environmental mitigation and monitoring measures.

118.3 Carry over of the successful stormwater treatment system upgrades undertaken at the ULY and WLY to the SLY, which have (as detailed in Mr Poynter's evidence) resulted in significant reductions in sediment loading and reduced water quality effects, along with comprehensive monitoring programmes.

118.4 Carrying over of comprehensive monitoring programmes relating to dredging and disposal of dredged material to the

[27] Including Stage 1 TBP, stormwater discharges from the ULY and WLY and the Wharf 1 consents.

OSDG, including in relation to sediment and water quality, benthic ecology and sedimentation effects of the deposition of material at the OSDG. I note that these programmes incorporate additional matters sought by iwi through the maintenance dredging and disposal renewals that were in addition to the measures recommended by the GDC and Eastland technical experts. I also note that elements of the condition wording have been further refined in discussion with Rongowhakaata in relation to the earlier 2020 maintenance dredging application.

118.5 Protection of taonga species – kororā and marine mammals through management plans, which provide for involvement of iwi-hapū.

119 I am aware of a number of previous decisions and project changes made by Eastland in response to concerns and challenges presented by iwi-hapū. This includes:

119.1 Development of new stormwater treatment systems in response to challenges from iwi and the community on the quality of stormwater discharges from the Port, and which other ports around New Zealand are now looking to as setting a best-practice approach.

119.2 Investigation into the former location of Te Toka-a-Taiau, a culturally significant rock which was removed in the late 1870's, during the Stage 1 TBP application process, with the findings accepted by iwi-hapū. In recognition of the mauri of Te Toka-a-Taiau, Eastland altered the design of Wharf 6 and the extent of associated dredging proposed to avoid dredging in the location of Te Toka-a-Taiau. Those changes resulted in Eastland's purchase of two alternative shallow-draft tugs that can be berthed in the Inner Harbour so that dredging could be avoided in the location of Te Toka-a-Taiau. These changes resulted in a range of operational changes including the requirement for Eastland to install a new mooring pontoon at Wharf 1, maintenance dredging of the Inner Harbour, and obtaining resource consents for these works, have recently been granted.[28] These works illustrate Eastland's commitment to meaningful engagement with and listening to iwi-hapū.

119.3 Changes to the design of the Wharf 7 redevelopment, from a quay wall to a 'deck on pile' structure, which reduced construction effects and enabled retention of existing kōura habitat below Wharves 6 and 7.

[28] Resource consent for these works was granted on 21 August 2023 CP-2021-110698-00 / CR-2021-110699-00 / CD-2021-110700-00.

119.4 Development and implementation of protection and management measures for kororā following their discovery in the SLY seawall, during upgrade works at the Kaiti Beach end of the wall. Measures include installation of a predator proof fence and nest boxes, establishment of a trap line and regular monitoring.

120 In addition, Eastland has expressed a commitment to ongoing engagement with Rongowhakaata regarding investigation of alternatives to disposal of dredged material at the OSDG.

121 In my opinion, these actions demonstrate Eastland's commitment to exploring innovative and collaborative approaches by continuing to engage and find solutions to uphold cultural values.

122 Taking the above matters into account, it is my opinion that the mitigation measures proposed by Eastland, and in particular the continuation of the Te Tai Uru forum, which provides an agreed approach to engagement between Eastland and iwi-hapū on an ongoing basis appropriately provides for the management of actual and potential Project effects on cultural values.

Effects on Archaeology and Heritage

123 The Insitu Heritage Report assesses effects on archaeology and heritage values. I rely on that analysis and summarise its conclusions as follows:

123.1 Extension of Wharf 8 and Upgrades to the Outer Breakwater are unlikely to affect any pre-1900 archaeological material and no archaeological investigation is required.

123.2 Maintenance of a minimum 5m buffer zone from the identified heritage Boat Harbour during works associated with the Outer Port Reclamation and in the final constructed form of the reclamation, will ensure the Boat Harbour is not affected.

123.3 Implementation of an Archaeological Discovery Protocol during any ground disturbance in the SLY will ensure that if any redeposited archaeological material is encountered it is managed appropriately.

123.4 Capital and maintenance dredging will not affect any recorded heritage items.

124 The area identified as the Heritage Boat Harbour is shown on Figure 2 below.

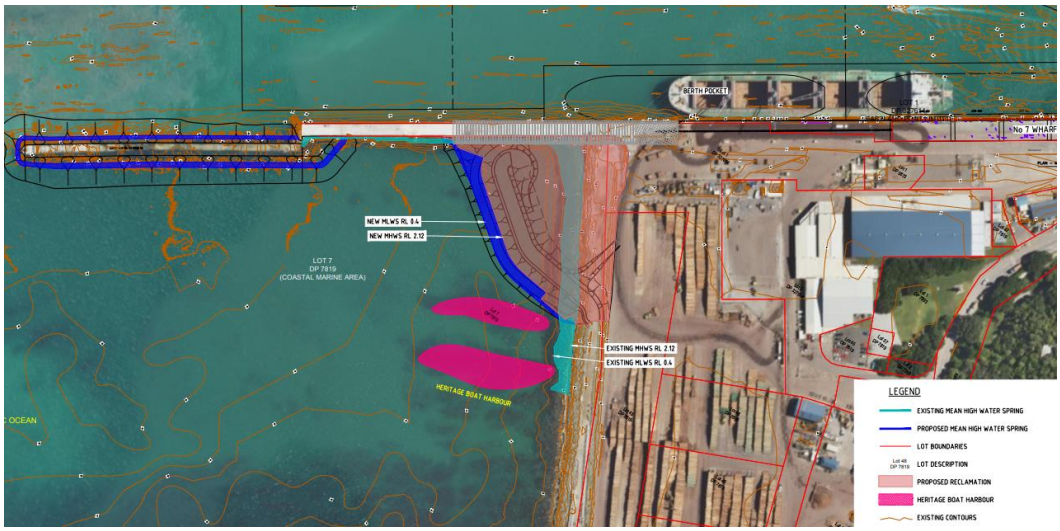

Figure 2: Identified Heritage Boat Harbour

Source: Figure 7-2 of Eastland Port Reclamation, Wharf 8 Extension and Outer Breakwater Engineering Report, prepared by Worley; referenced as Document No: Rev 1: 301015-04045-MA-REP-002; and dated 5 July 2022

125 Additional information provided by Worley, in response to the submission from Heritage New Zealand Pouhere Taonga, confirms sedimentation effects on the Boat Harbour, as well as the wider marine environment, can be appropriately mitigated during construction. In addition, Eastland has confirmed that no operational Port activities will occur in the vicinity of the Boat Harbour, such that there will be no operational effects and this will be reflected in the Port Operational Management Plan.

126 Conditions reflecting the recommendations of Insitu and Worley in relation to protection of the Boat Harbour during both the construction and operational stages of the Project are included in the draft condition set in Appendix 1 of my evidence (Condition numbers 8, 19, 21 and 67), In my opinion, implementation of the controls recommended by Insitu and Worley will be sufficient to ensure any adverse effects of the Project on heritage values is less than minor.

Land Disturbance and Contamination Effects

127 A detailed investigation of contamination risk has been undertaken, with the results and recommendations set out in the 4Sight DSI appended to and discussed in the AEE.

128 The DSI identifies the presence of asbestos fragments and that concentrations of some heavy metals are slightly elevated[29] in some

[29] When compared to background levels and relevant Australian and New Zealand Guidelines for Fresh and Marine Water Quality (ANZWQG) Default Guideline Values (DGVs) for sediment quality.

locations. The primary risks of contamination are identified as a risk to construction staff during excavation and handling of material from the existing SLY and the SLY revetment. Risks are also identified to the marine environment during construction of the reclamation as a result of the discharge of contaminated sediment.

129 As set out in the AEE and DSI, these risks will be managed through a Contaminated Site Management Plan (*CSMP*) that will be prepared in accordance with relevant MfE and WorkSafe guidelines relating to management of asbestos and other contaminants in soils. Risk to the marine environment will be reduced and managed by the approach to construction of the reclamation. Construction will involve establishment of the new outer revetment wall prior to backfill of the reclamation, with the new revetment wall expected to contain sediment and prevent its escape to the marine environment beyond. Any low levels of contaminated sediment that escape beyond the new revetment wall are expected to be flushed and diluted by the high energy open ocean.

130 These approaches will be further supported by the implementation of an Earthworks, Erosion and Sediment Control Plan (*EESCP*) during the works. The recommendations for implementation of a CSMP and ESCP and minimising the risk of sedimentation through the approach to construction of the new revetment wall have been incorporated into the draft consent conditions.

131 Taking into account the nature and extent of existing soil contaminants and the proposed mitigation and management measures, I concur with the conclusion of the DSI, being that construction effects on human health, water quality and marine ecology will be no more than minor; and that on completion of the Project, all soils will be contained beneath hard stand such that there will be no available erosion or exposure pathways, and adverse effects will be negligible.

Effects on Coastal Processes

132 The coastal environment has been heavily modified by the existing and historic Port activity consisting of existing reclamations, wharves, breakwaters and the river training wall, as well as modifications to the seabed as a result of dredging within the Port and disposal of dredge material at the OSDG.

133 A detailed analysis of the actual and potential effects of the Project on coastal processes was undertaken by MetOcean and is presented in the '*Summary of Effects of Capital & Maintenance Dredging and the reclamation & breakwater upgrade',* appended to the AEE.

134 In relation to dredging, the MetOcean report concludes that:

134.1 Dredging of the Port will result in subtle changes to hydrodynamics and wave patterns and may alter some of the sediment deposition patterns in the vicinity of the channel, but will not create any fundamental change to the overall coastal dynamics of the area.

134.2 In the absence of ongoing maintenance dredging, the annual infilling rate in the PNC and the inner basin will be in the range 75,000 – 120,000m^3 for the respective 'La Niña' and 'El Niño' weather periods.

134.3 Dredge disposal mounds at the OSDG will have a negligible effect on the nearshore wave climate, wave patterns, sediment transport and beach morphodynamics.

134.4 The majority of the dredge disposal mound is expected to be eroded, with material dispersing primarily in a westerly, southwest or northwest direction. No sediment from the disposal mounds is expected over adjacent beach areas.

134.5 The effects of dredging and disposal activities on surfing wave conditions at the Midway Beach area (which has several notable surf spots, including Pipe and Roberts Road) and at the Waipaoa River mouth (i.e. Big River) will be negligible to low. The MetOcean findings in relation to surf breaks are analysed further in the Tonkin & Taylor Surf Break Assessment,[30] which finds that the maximum consequence for individual surfing elements was minor, the maximum likelihood was unlikely and the overall risk of the proposed Port activity on surfing is low.

135 A range of monitoring and reporting actions are recommended to ensure the sedimentological, hydrodynamical and morphological effects of capital and maintenance dredging are monitored and understood.

136 No monitoring is considered necessary by either MetOcean or T&T in relation to effects on surf breaks given the low level of effect.

137 In relation to the effects of the Outer Port Reclamation and Outer Breakwater upgrade, the MetOcean Report concludes there will be some increase in wave heights as a result of reflection of waves from new hard surfaces (the reclamation revetment and upgraded breakwater), primarily during storm events, and a small increase in currents (approx. 0.1m/s) westward of the Port. This modelling was taken into account in the design of the Project and, as previously

[30] Eastland Port Dredging: Surf Break Risk Assessment, prepared by Tonkin & Taylor Ltd, reference 29987.7000.v3 and dated July 2022 – included as Appendix U to the AEE.

noted, the Project is not expected to exacerbate natural hazard risk to the surrounding environment.

137.1 No specific mitigation or monitoring action is recommended in relation to the coastal processes effects of the Outer Port Reclamation and Outer Breakwater Upgrade, albeit the MetOcean Report notes that the monitoring programme relating to dredging would adequately cover the potential effects of these structural changes.

137.2 Having regard to the Coastal Processes Assessment Report and the T&T Surf Break assessment, I am of the opinion that the effects on coastal processes will range from negligible to minor. Further, the extensive monitoring requirements and review provisions incorporated in the draft consent conditions will enable appropriate responses to be developed, in consultation with iwi, in the event that unanticipated adverse effects arise.

Natural Character and Landscape Effects

138 The landscape and natural character of the environment has been heavily modified by the existing Port and this is recognised in the PCMA provisions of the TRMP. No Outstanding Natural Landscapes, Outstanding Natural Features or Outstanding Natural Character is identified either by the TRMP or the 4Sight Landscape Assessment.

139 A comprehensive assessment of the natural character and landscape effects of the Project is set out in the 4Sight Landscape Assessment. I rely on that analysis and summarise its conclusions as follows:

139.1 The Project's key visual changes will result from the increased height of the breakwater, the reclamation and the addition of a second berthed ship, when in Port. The Project will also result in additional vehicle and machinery movements and ship movements to and from the Port. However, fewer ships will need to wait at the anchor point off Young Nicks Head for berthing space, before tracking across Tūranganui-a-Kiwa / Poverty Bay to the Port.

139.2 Existing natural character values at and surrounding the Port are very low, primarily because much of the coastal edge is constructed and there is very little evidence of remaining natural elements, processes and patterns that are apparent. In that context, change to natural characteristics and qualities is expected to be barely legible and adverse effects of the Project on natural character are assessed as very low (less than minor).

139.3 Construction activities will be visible primarily from nearby and elevated commercial, residential and recreational areas. However, the nature of these activities including the use of

heavy machinery, cranes, specialist equipment and dredging are already an integral part of Port operations. Project construction works will be viewed in the context of the operational Port and effects will be temporary and localised in nature. On this basis, adverse landscape effects during construction of the Project are assessed as low (minor).

139.4 The most noticeable change at the operational stage of the Project is identified as being the presence and pattern of a second large scale ship berthed at the Port at times. However, this is considered to be an expected Port activity that will be viewed in the context of the wider coastal landscape of Tūranganui-a-Kiwa / Poverty Bay.

139.5 Visibility of the physical elements of the Project (the extended Wharf 8, Outer Port Reclamation and upgraded Outer Breakwater) will be restricted due to the location of the works at water level and within the existing Port. Changes will be most visible from the elevated walking trails and recreational land at Kaiti Hill. However, the works will be not result in a visually prominent change, due to the context of the existing Port and the location, form and appearance of structures will be of a character, design and scale that is anticipated in this Port environment. Overall, adverse landscape effects during operation of the Project are assessed as low (minor).

140 In order to ensure the Project integrates well into the Port and localised landscape, the Landscape Assessment recommends:

140.1 Iwi-hapū involvement during ongoing design development and implementation, in order to realise opportunities for cultural landscape values to be embedded in the Project;

140.2 The certification of detailed design specifications (to ensure consistency with the intent and appearance of materials and elements, such as the Xbloc units); and

140.3 Ongoing weed and rubbish management of the Port's coastal edge.

141 Opportunities for iwi-hapū involvement in matters of project design and delivery will be available, primarily through Te Tai Uru involvement in the preparation of management plans that will set out specific details around environmental mitigation and monitoring measures. This is addressed in the proposed consent conditions, as are requirements for certification of detailed design and operational management practices for the Port.

142 There are specific provisions within the TRMP relating to the Cook Landing Reserve and a Cone of Vision, which extends over a portion

of the SLY. No Project works will occur within the Cone of Vision and the Landscape Assessment confirms the works will not have an effect on the Cone of Vision.

143 As noted in the Officer's Report, the submission from Mr Moreton expresses concern around the effects of Port activities on the Cone of Vision and the obstruction of the viewshaft. The Officer's Report goes on to note that the current application does not directly affect the Cone of Vision and therefore is not a matter for consideration by the Commissioners.

144 I concur with that assessment.

145 Having regard to the Landscape Assessment, and noting the current Project will not affect the Cone of Vision, I am of the opinion that the effects of the Project on natural character and landscape will be minor at most.

Transportation Effects

146 Heavy vehicle movements to the Port are expected to increase as a result of the additional Port efficiency and capacity enabled by the Project. The transportation effects of the Project were addressed in the ECC Transportation Assessment Report (*TAR*) submitted as part of the application (Appendix O to the AEE) and have been traversed in detail in a series of meetings between Eastland, GDC and Waka Kotahi.

147 As a result of this process, a Joint Witness Statement has been prepared by the respective traffic experts, which demonstrates a high level of agreement in relation to the existing transport network, Port activities and the effects of the Project. Some minor differences in opinion between the traffic experts remain and Ms Makinson addresses these as part of her evidence on transportation effects as well as providing further analysis of the additional traffic enabled by the Project in the context of existing growth and variability in the surrounding transport environment. I rely on Ms Makinson's conclusions and summarise some of her key points briefly below.

148 The traffic experts are agreed that:

148.1 The average daily cart in volume of logs to the Port is expected to increase from approximately 10,300m^3 per day currently to approximately 13,900m^3 on completion of the Project. That will remain within the existing peak practical handling capacity of the Port, which is approximately 16,500m^3 of logs per day.

148.2 The ability to consistently achieve that level of activity now is limited due to existing Port constraints and capacity issues, including delays resulting from adverse weather. The Project's

key effect on HCV traffic, therefore, will be to enable higher volume days to occur more regularly throughout the year.

148.3 There are existing road safety and capacity concerns associated with the Hirini Street / State Highway 35 (*SH35)* intersection that need to be addressed irrespective of and predating the Project. These existing intersection constraints are not a reason to refuse resource consent for the Project as traffic associated with it is unlikely to exacerbate existing peak hour conditions.

148.4 The Project is expected to have a negligible effect on the safety of the road network.

148.5 The Project is expected to have minimal effect on road maintenance.

149 As outlined in the JWS, the minor differences of opinion between the experts relate to the ability of the Port to increase traffic demand as of right under their existing consents; the degree to which traffic effects could arise as a result of increased Port operations without the Project in place; and the extent to which the Project may result in increased traffic demands at peak times (notwithstanding that the experts agreed any such impact would be modest and may not be noticeable in terms of daily variation).

150 From a planning perspective, I can confirm the TRMP does not control traffic generation associated with the Port and nor do any of Eastland's existing resource consents for Port related activities apply controls to traffic generation. In this regard, I support Ms Makinson's position that the Port would be able to increase traffic movements within the capacity constraints of its existing configuration, as of right.

151 Ms Makinson addresses these minor differences of opinion in detail in her evidence in the context of existing growth and variability in the surrounding transport environment, reaching the following conclusions:

151.1 The Project will have a negligible level of effect on the Hirini Street / SH35 intersection, with a predicted increase in peak hour traffic of only some 0.22% in the short term increasing to some 1.3% by 2026. This is unlikely to result in an experiential change for drivers using the intersection.

151.2 The Project will result in similarly low levels of increase in daily traffic volumes on SH35 (increasing some 1.8% by 2026 if the second berth is constructed within this minimum timeframe). This is considered to be well within the existing

day-to-day variation in traffic flows on SH35, which is some +/- 9.6%.

151.3 Changes in traffic as a result of any increase in the number of days per year that the Port is operating at peak as a result of the Project also lie within the existing expected range of day-to-day variation in traffic demands and is also unlikely to result in an experiential change for drivers.

152 With respect to mitigation measures, Ms Makinson records the agreement between the traffic experts that the adoption of consent conditions requiring a Construction Traffic Mangement Plan (*CTMP*) and an Operational Traffic Management Plan (*OTMP*) is appropriate. Requirements for a CTMP and OTMP are included in the proposed condition set at Appendix 1 of my evidence.

153 On the basis of the above, and in reliance on the analysis undertaken by the traffic experts it is my opinon that implementation of a CTMP and OTMP, as proposed through the consent conditions, will the traffic effects of the Project are appropriately managed.

Acoustic / Noise and Vibration Effects

154 The acoustic and vibration effects of the Project are assessed by Marshall Day Acoustics in a Construction Noise Assessment and Operational Noise Assessment (Appendix P to the AEE) and further addressed in the evidence of Mr Lawrence. As detailed in Mr Lawrence's evidence, further assessment and discussion of acoustic effects between Eastland and GDC's acoustic experts has resulted in agreement across most airborne and underwater noise aspects of the Project. Mr Lawrence addresses these as part of his evidence on acoustic effects. I rely on his conclusions and summarise some of his key points briefly below.

155 There is agreement between the acoustic experts on the following matters:

155.1 The existing noise provisions within the TRMP (RC11.2.15D) are out of date and do not represent the existing noise levels and contours associated with current Port activities.

155.2 The approach most recently adopted through the TBP Stage 1 and Port Entry consents takes a cumulative approach to assessment and management of noise from the Port as a whole and can be appropriately carried over to the current Project.

155.3 Land-based construction noise will comply with the relevant noise limits set out in NZS6803:1999 and can be appropriately managed by way of a CNMP notwithstanding

the breach of the TRMP rule relating to the duration of construction activities. A CNMP forms part of the proposed consent conditions.

155.4 Vibration effects will be negligible and compliant with relevant TRMP standards such that no specific mitigation or management measures are required.

155.5 Increased operational noise effects will arise, primarily from the ability to have two log ships in berth and being worked at the same time. There is no change to the character of the noise.

155.6 The anticipated 2-3 dB increase in noise levels at existing residential receivers on the opposite side of the Tūranganui River in the Amenity Commercial Zone (100 Customhouse Road apartments and the Portside Hotel) is acceptable in the context of the TRMP façade controls requiring an internal noise level of no more than 35 dB L_{A10} at nighttime. It is agreed that application of a night time noise level of 67 dB L_{A10} to Port operations, together with implementation of a Port Noise Management Plan (*PNMP*) will ensure noise effects on these properties is appropriatey managed. Both acoustic experts note that the TRMP façade reduction control applying to this site derives from zone provisions, which are intended to mitigate noise from adjacent commercial sites rather than the Port noise controls, but also mitigates against Port noise.

156 An outstanding query remained at the time the Officer's Report was released regarding the implication of revised underwater noise modelling, undertaken by Mr Lawrence, on potential effects experienced by marine mammals during construction of the Project. As detailed in a technical memorandum from Eastland's marine mammal expert, Ms McConnell.[31] Ms McConnell has now reviewed the additional modelling and confirmed that the conclusions and recommendations presented in her previous memo dated 10 May 2023[32] remain valid and unchanged.

157 As detailed earlier in my evidence, effects on marine mammals have been assessed by Ms McConnell to be low and able to be managed through a Marine Mammal Management Plan (MMMP), which is proposed as a condition of consent.

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31 Dated 29 September 2023. This memorandum is provided as an appendix to Mr Lawrence's evidence.

32 Provided to GDC as part of Eastland's further information response on ecological matters submitted on 17 May 2023.

158 There are outstanding differences of opinion between the acoustic experts on the following matters:

Night time dredging noise

158.1 The appropriate limit applied to noise generated by night time dredging, as measured at the southern boundary of the camping area of the Holiday Park. Mr Lawrence addresses the reasons he considers a night-time noise limit of 50 dB L_{Aeq} to be appropriate, rather than the 45 dB L_{Aeq} preferred by Mr Styles for GDC and concludes that appropriate management measures can be implemented through the Project's CNMP. These include prioritising dredging in the areas closest to the campground during the day; engaging with the Holiday Park owners if night-time dredging if is predicted to be above the 50 dB L_{Aeq} limit to offer additional mitigation (namely an acoustic fence) and carrying out noise monitoring to confirm compliance.

Operational Noise Effects on the Inner City Residential Zone

158.2 There is agreement between the acoustic experts around the predicted noise levels and assessment methods used to assess noise effects on the currently undeveloped Inner City Residential Zone site on the opposite side of the Tūranganui River. Also, that the zone provisions that require an internal noise level of 35 dB L_{A10} at nighttime for the adjoining Amenity Commerical Zone sites (100 Customhouse Road apartments and Portside Hotel) do not apply to this site. Instead, the Port noise controls apply, which set a higher internal noise level of no more than 45 dB L_{DNA}.

158.3 The noise modelling (which is agreed) indicates that on the basis of a 45 dB L_{DN} noise threshold, there would be no need for any additional façade controls to be incorporated in new residential developments across most parts of the site, such that internal night time noise levels could be up to 45 dB $L_{DN.}$

158.4 As detailed in Mr Lawrence's evidence, Mr Styles considers the 45 dB L_{dn} (5-day) internal criteria in the TRMP is insufficient to ensure that an acceptable level of noise is achieved for any future noise sensitive developments at the southern end of the Inner City Residential Zone. In Mr Lawrence notes, however, that the Port Noise Standard states an internal noise level of 45 dB L_{dn} (5-day) or lower would ensure that a 'satisfactory indoor sound environment' is achieved for noise sensitive activities. On this basis, Mr Lawrence concludes that, while perhaps higher than desirable, an internal noise level of 45 dB L_{dn} (5-day) is generally acceptable as the upper threshold for Port noise. Further, that it is too speculative to provide for mitigation

below a noise level that is consistent with what the Port Noise Standard considers satisfactory, and that internal noise levels of well below 45 dB L_{dn} (5-day) in habitable spaces may well be achieved in any case due to screening and orientation.

158.5 In my opinion, there is no certainty that that Inner City Residential Zone site will necessarily be developed for residential purposes, such that it cannot be considered to form part of the future environment against which the Project should be assessed. That is because:

(a) The site is currently occupied by a rail line and yards used on a regular basis by a tourist steam train. Rail activities are a permitted activity on this site under the TRMP and I am not aware of any proposals to discontinue this use. Indeed, a number of submitters have suggested rail activities should be increased.

(b) As identified in Figure 7 below, the majority of the site is designated under the TRMP for railway purposes (Dg153), with The New Zealand Railways Corporation listed as the Requiring Authority. The approval of the requiring authority under section 176 of the RMA would be required in order to progress any development for residential activity.

(c) The existing rail use means the land must be treated as potentially contaminated under the NES-CS. Removal of existing rail infrastructure and remediation of the land would add complexity and cost to any development project. For residential use, the highest standards of remediation are typically required such that at such time as any future redevelopment of the land was to be considered, alternative uses such as commercial or retail[33] (which are restricted discretionary activities in this zone) may be preferred.

[33] Which are Restricted Discretionary Activities in this zone.

Figure 7: Inner City Residential Zone site designated for Rail Purposes

158.6 Even were residential development to be proposed, I note that some additional protection is provided in the TRMP by way of Rule DD1.6.1(15), which requires that any new building on this particular site obtain controlled activity consent,[34] with the Councils' control covering matters such as external design and appearance and amenity values. This can be expected to enable appropriate assessment of compliance with the relevant acoustic controls.

158.7 In light of the above, and taking into account Mr Lawrence's conclusions that noise effects on future residential developments at this site would be minimal, I consider that no specific response option or management measures are required to mitigate effects on a future highly hypothetical development of a complex site where existing planning controls enable the consideration of acoustic controls.

158.8 I note that situations of incompatible landuse that Mr Styles raises concern about, also create the risk of reverse sensitivity effects, whereby the activity generating the effect (i.e. the Port in this case) is required to take action or constrain its activities to reduce effects on more sensitive receivers to an acceptable level. For the reasons set out above, I consider the risk of that occuring to be low, but note that mechanisms are available to address the situation in future should it arise.

[34] Under Rule DD1.6.1(15).

159 For the reasons set out above and on the basis of Mr Lawrence's technical advice on acoustic matters, it is my opinion that implementation of a CNMP, OPMP and MMMP, as per the proposed consent conditions, will ensure the construction and operational noise effects of the Project are appropriately managed, on a comprehensive basis, and of no more than minor effect.

Effects on Public Access and Recreation

160 Effects on public access and recreational activities such as fishing / seafood gathering and water sports are assessed in the AEE. I rely on that analysis and summarise its conclusions as follows:

160.1 Public access to Port facilities, the SLY, Wharf 8 and Inner and Outer Breakwater is already restricted for health and safety and security reasons. This will necessarily continue to be the case with the new and upgraded facilities. Adverse effects in this context are considered to be negligible.

160.2 No esplanade reserves are proposed on the reclamations for the same health, safety and security reasons given the proximity to an operational Port. No esplanade reserves currently exist and additional seabed area would need to be reclaimed to enable land to be set aside as esplanade reserve, noting that the size of the reclamation has otherwise been minimised to the extent practicable to provide only for heavy vehicle and crane access to the new Wharf 8 for loading / unloading of vessels.

160.3 Loss of approximately 1.5ha of CMA water space and seabed as a result of the Wharf 8 extension and Outer Port reclamation will affect the ability for the public to access and use this part of the CMA. However, in the context that current use of these areas is very low due to the exposed nature of the coast in this location, effects are considered to be minor at most.

160.4 The coastal occupation permit will provide for Eastland's exclusive access to and use of the Port water area and is reasonably necessary for the safe and effective operation of the Port. Specifically, it enables Eastland to exclude other users from the water area on an as required basis, with any such exclusions expected to be for specific Port navigation/safety, security or biosecurity risk/threats and well documented and publicised in advance. Adverse effects are assessed as negligible.

161 Having regard to the assessment in the AEE, I am of the opinion that the adverse effects of the Project on public access and other users of the coastal marine area will be minor in relation to the loss

of seabed and water space as a result of the reclamations, but otherwise negligible.

Summary – assessment of effects

162 Based on the technical reports and evidence provided on behalf of Eastland, and the AEE and further information responses, it is my opinion that the Project will, for the most part, have effects on the environment that are minor or less than minor. Effects occurring during the construction period will be temporary and localised in nature. Marine ecology and water quality affected in this way is expected to recover quickly, particularly with the creation of new habitat opportunities in the upgraded outer breakwater and new outer port reclamation seawall.

163 All effects have been considered in the context of the existing operational Port and the significant benefits the Project will deliver, including in terms of improved Port capacity, resilience, safety and efficiency; the diversity of trade enabled by the Project; the Port's role and function as a lifeline utility and regionally significant infrastructure; and wide reaching economic benefits.

164 In my opinion, actual and potential adverse effects of the Project can be appropriately managed by the proposed conditions of consent, including the proposed management plan and the Project benefits are more than the costs. In addition, the carry-over of conditions relating to Te Tai Uru from current consents will ensure an appropriate framework remains in place for continued engagement between iwi-hapū and Eastland.

165 Overall, the actual or potential environmental effects associated with the Project can be appropriately avoided, remedied, or mitigated through the Project design and the consent conditions proposed by Eastland.

CONSENT DURATION

166 Consent durations have been sought as follows:

166.1 Capital dredging and disposal – 15 years (from commencement of dredging);

166.2 Maintenance dredging and disposal – 35 years (from commencement of dredging);

166.3 Discharge of treated stormwater from the SLY – 35 years (from commencement of construction works);

166.4 Reclamations (Outer Port Reclamation, Wharf 8 Extension and Outer Breakwater) – unlimited duration in accordance with section 123(a) of the RMA;

166.5 Coastal permits associated with construction of the Wharf 8 extension, Outer Breakwater upgrade and Outer Port Extension (e.g. construction phase stormwater discharge, sediment discharges, temporary confinement of coastal waters, disturbance of seabed) – 15 years (from commencement of construction works);

166.6 Coastal permits for any elements of the Wharf 8 extension, Outer Breakwater upgrades and Outer Port Extension that are deemed to be structures – 35 years (from commencement of construction works);

166.7 Land use consents for Wharf 8 Extension, SLY stormwater upgrades, construction and operational noise – unlimited in accordance with section 123 of the RMA;

166.8 Port coastal occupation permit– 35 years; and

166.9 All other sought consents – 35 years (from commencement of construction works).

167 A lapse date of 10 years is sought in relation to all consents, with the exception of the Port coastal occupation permit, which has already been given effect to and therefore has no need for a lapse date.

168 The maximum 35 year duration is sought in relation to all other coastal permits given the scale of investment and the long term nature of the activities to which they relate. Such a duration is necessary and appropriate to provide Eastland with sufficient certainty that it will be able to provide an efficient, safe Port that can service national and international shipping, including the larger vessels expected to visit the Port in the future.

169 These duration periods are proposed to start date that construction works begin in relation to each activity. This takes into account the expectation that Project works could take 8 years to complete following detailed engineering design, tendering and the letting of construction contracts, and will then be undertaken in a staged manner. Consequently, the imposition of a constrained duration consent will undermine the investment certainty needed to commence the Project.

STATUTORY FRAMEWORK

Section 104 considerations

170 Section 104 of the RMA establishes the statutory framework within which all applications are to be considered. Section 104 requires the decision-maker, in making its decision on applications for resource consent to, subject to Part 2, have regard to:

170.1 Any actual and potential effects on the environment (s104(1)(a));

170.2 Any measures proposed or agreed to for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects (s104(1)(ab));

170.3 Relevant planning and policy documents (s104(1)(b)); and

170.4 Any other relevant matter (s104(1)(c)).

171 Each element is discussed below.

Actual and potential effects on the environment – section 104(1)(a)

172 I have addressed the actual and potential effects of the Project on the environment previously, where I conclude that the Project will, for the most part, have effects on the environment that are minor or less and can be appropriately avoided, remedied, or mitigated through the Project design and the consent conditions proposed by Eastland.

173 With respect to the positive effects of the Project, which can be considered under section 104(1)(a) of the RMA, the Project will:

173.1 have direct and indirect economic benefits on the regional economy, including through employment, the purchase of goods and services, economies of scale, greater competition and increased resource utilisation;

173.2 improve the efficiency and capacity of the existing Port infrastructure and facilitate increased diversity of trade through the Port;

173.3 improve vessel navigation and safety for both Port users and commercial / recreational users of the inner Port / marina area;

173.4 improve resilience of Port structures and operations to natural hazards;

173.5 improve the quality of stormwater discharges from the SLY and reduce the potential for adverse effects on water quality in the receiving environment; and

173.6 Support the role of the Port as infrastructure of regional significance and a lifeline utility.

Measures to offset or compensate for any adverse effects – section 104(1)(ab)

174 As detailed in the draft AMMP, if active kororā burrows are identified in the SLY seawall and are lost as a result of the Project, it is proposed to undertake habitat enhancement works. Enhancement opportunities exist in the adjoining buffer seawall section adjacent to the Outer Seawall and have been assessed in the Kororā Assessment Report as appropriate. Any such enhancement will be addressed through the draft AMMP, which is to be certified as a condition of consent.

Relevant planning and policy documents – section 104(1)(b)

175 The statutory planning instruments relevant to the Project are;

175.1 The NESCS;

175.2 The Marine Pollution Regulations;

175.3 National Policy Statement for Indigenous Biodiversity 2023 (*NPS-IB*);

175.4 The National Policy Statement for Fresh Water Management 2020 (*NPS-FM*);

175.5 The New Zealand Coastal Policy Statement 2010 (*NZCPS*);

175.6 The Tairāwhiti Regional Policy Statement; and

175.7 The TRMP, which is a unitary plan and includes the Coastal Plan for the Tairāwhiti region.

National Environmental Standard on Contaminants in Soil

176 Areas of the Port are identified as having Hazardous Activities and Industries List activities undertaken on it, due to its history as reclaimed land. Regulation 8(3) of the NES-CS provides for the disturbance of soil as a permitted activity, provided the volume of soil disturbance does not exceed a certain level. Taking a precautionary approach, consent is sought for the removal of more than the permitted amount of soil which is therefore not a permitted activity.

177 A DSI has been undertaken, and consent for a controlled activity is sought under Regulation 9(1) of the NES-CS for disturbance of potentially contaminated soil. There are no objectives and policies under the NESCS against which the Project can be assessed. However, all relevant matters of control set out in Regulation 9(2) of the NES-CS are either met already or will be met. All intrusive works on potentially contaminated land will be appropriately managed by a suitably qualified and experienced person in accordance with

industry best practice, the relevant national guidance, and the protocols set out in the Contaminated Site Management Plan.

178 These requirements are incorporated in the draft conditions of consent to ensure that the potential adverse human health effects are appropriately managed.[35]

Resource Management (Marine Pollution) Regulations 1998

179 As detailed in the AEE, the disposal of dredge material from capital and maintenance dredging activities to the OSDG is deemed to be a discretionary activity under the Marine Pollution Regulations.[36] The specific information requirements included in the Marine Pollution Regulations assessment criteria for coastal permit applications[37] are addressed in the AEE. This includes information on the characteristics of the material to be disposed of, environmental conditions at the disposal ground, fluxes and proposed disposal techniques, along with an assessment of alternative options and potential effects on the environment.[38]

180 The AEE and alternatives assessment conclude that disposal of dredge material to the existing OSDG is currently the most practicable option and that adverse effects will be no more than minor. All matters identified in Schedule 3, Part 2 of the Marine Pollution Regulations have been incorporated in the draft consent conditions, specifically, controls on the types of material to be dumped, the location of the dump site, method of dumping, and monitoring and reporting. On this basis, I consider the Project to be consistent with the requirements of the Marine Pollution Regulations.

National Policy Statement for Indigenous Biodiversity

181 The NPS-IB came into effect on 4 August 2023 and is therefore not addressed in the AEE (dated August 2022). The NPS-IB applies to indigenous biodiversity in the terrestrial environment, being areas above mean high-water springs and excluding the coastal marine area.[39] For areas of land in the terrestrial coastal environment, the NPS-IB identifies that both the NPS-IB and the NZCPS apply, and that if there is a conflict between them, the NZCPS prevails.[40]

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35 Noting that the NESCS relates only to human health effects and not environmental effects.

36 Under Regulation 4(2).

37 Required under Regulation 5.

38 See Schedule 3, Part 1.

39 See NPS-IB, at 1.3 and 1.6.

40 At 1.4.

182 The TRMP does not identify any Significant Natural Areas (*SNAs*) on or around the Port, so NPS-IB provisions relating to management of indigenous biodiversity in SNAs are not relevant to the Project.

183 Outside of SNAs, the NPS-IB provisions do require the management of terrestrial areas of specified highly mobile fauna as well as non-SNA indigenous biodiversity.[41] As identified in the ecological assessments and AMMP, coastal avifauna is the only indigenous biodiversity present in the terrestrial areas of the Port. The NPS-IB contains specific requirements for local authorities relating to listed species that qualify as 'specified highly mobile fauna', being the Threatened or At-Risk species of highly mobile fauna listed in the NPS-IB[42].

184 Of the species listed, four coastal bird species (red-billed gull, white-fronted tern, pied shag and variable oystercatcher) are identified in the AMMP as having been observed within the construction footprint of the Project.

185 I note that kororā are not identified as 'specified highly mobile fauna' but do fall under the more general provisions relating to management of indigenous biodiversity outside SNAs.

186 In this regard, clause 3.16 (indigenous biodiversity outside SNAs) requires:

186.1 The management of any significant adverse effects by applying the effects management hierarchy; and

186.2 The management of any other adverse effects to give effect to the objective and policies of the NPS-IB.

187 As detailed in the ecological reports, the AMMP and the evidence of Mr Poynter, potential effects on kororā are considered to be very low, subject to implementation of the measures set out in the AMMP. Potential effects on kororā habitat are assessed as being low, where the AMMP measures successfully exclude kororā from establishing active burrows in the construction area. Even where active burrows are identified and are lost, the AMMP identifies enhancement measures which have been assessed to result in effects on kororā habitat being assessed as low.

188 The derived effect level on seabirds is also assessed as low. On this basis, there are no *significant* adverse effects to be managed.

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41 See, for example, Policy 8, requiring recognition and provision for the importance of maintaining indigenous biodiversity outside SNAs.

42 At 3.20.

However, other adverse effects must be managed to give effect to the objective and policies of the NPS-IB.

Objective - NPS-IB

189 The objective of the NPS-IB is:

> *(a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and*
>
> *(b) to achieve this:*
>
> *(i) through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and*
>
> *(ii) by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and*
>
> *(iii) by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and*
>
> *(iv) while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.*

190 As identified above, subject to implementation of the measures set out in the AMMP, potential effects on kororā are considered to be very low while potential effects on kororā habitat are assessed as being low, at most. Enhancement opportunities for kororā habitat exist in the adjoining buffer seawall section adjacent to the Outer Seawall and have been assessed in the Kororā assessment report as appropriate. Adverse effects on seabirds are also assessed as low and upgrade of the Outer Breakwater will provide enhanced roosting / resting opportunities for seabirds. On this basis, the Project gives effect to the objective of no overall loss in indigenous biodiversity, with opportunities for iwi involvement in kororā management to be provided, through the proposed consent conditions. *Policy 4, NPS-IB*
Policy 4 of the NPS-IB specifies that '*Indigenous biodiversity is managed to promote resilience to the effects of climate change'*.

191 Existing resting / roosting areas on the Outer Breakwater are already vulnerable to inundation during adverse weather events. The viability of these areas for resting / roosting will be improved by the upgrades and elevated levels of the Outer Breakwater that are designed to protect the Port from adverse weather events and include allowance for sea level rise, such that NPS-IB Policy 4 is given effect. The Kororā Assessment identifies the section of SLY seawall affected by the Project as marginal kororā habitat given it is exposed to high wave energy and storm surge, and the limited number of kororā indications, to date. The monitoring programme set out in the AMMP is designed to better characterise the existing

use of this section of seawall by kororā. Any burrows identified in the Project footprint will be replaced with two new nesting boxes in the adjoining section of SLY seawall, which is less exposed to inundation and where they are clear of modelled storm surge effects, consistent with the requirement of Policy 4.

Policy 8 – NPS-IB

192 Policy 8 of the NPS-IB is '*The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for'.*

193 The Project appropriately recognises and provides for indigenous biodiversity outside SNA's through, the AMMP, which (as detailed above) sets out a comprehensive range of measures to manage potential adverse effects on kororā, while the upgrades to the Outer Breakwater will improve the viability of these areas for resting / roosting of other coastal bird species.

Policy 15 – NPS-IB

194 Policy 15 of the NPS-IB specifies that "*Areas outside SNAs that support specified highly mobile fauna are identified and managed to maintain their populations across their natural range, and information and awareness of highly mobile fauna is improved*".

195 The four coastal bird species identified above (that are considered 'highly mobile fauna' under the NPS-IB) have been observed resting on the outer breakwater. As outlined in the 4Sight Water Quality and Ecology Assessment, this location does not appear suitable for nesting due to frequent inundation. As detailed in the draft AMMP, a monitoring programme has been designed to characterise the use of the entire Project area by coastal birds to inform management during the construction and operational phases of the TBP. Construction of the Project is anticipated to have negligible effects on coastal birds given the absence of suitable breeding habitat. The elevated height of the outer breakwater, on completion of the works, may, however, provide more suitable habitat for resting / roosting seabirds.

Policy 17 – NPS-IB

196 Policy 17 requires '*There is improved information and regular monitoring of indigenous biodiversity.'*

197 This Policy requirement will be achieved through the comprehensive monitoring programme proposed as part of the AMMP for coastal bird species, including kororā, prior to and during construction of the Project, together with the ongoing kororā management measures.

198 Based on the evidence of Mr Poynter and the support provided by DOC on the draft AMMP, I consider the Project is consistent with the

relevant provisions of the NPS-IB, and gives effect to the objective and policies of the NPS-IB.

National Policy Statement for Fresh Water Management

199 The NPS-FM is relevant to the extent that it requires an integrated and consistent approach to the management of freshwater and receiving environments, such as estuaries and the CMA.

200 The proposed upgrades to the existing stormwater management network in the SLY will improve treatment standards and the quality of discharges to the CMA, and reduce effects on coastal water quality.

201 On this basis, I consider the Project is consistent with the NPS-FM. In particular, the Project supports the Objective of the NPS-FM, to ensure natural and physical resources are managed in a way that prioritises the health and well-being of water bodies and freshwater ecosystems.[43]

202 I note that changes to both the NPS-FM and the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (*NES-F*) that came into effect on 5 January 2023, clarify that the wetland provisions no longer apply to wetlands in the CMA, such that there is no need to assess the Project, and in particular the areas of seagrass at Kaiti Reef, as wetlands under the NES-F.

NZ Coastal Policy Statement

203 The coastal provisions of the TRMP were first prepared in the mid-1990s as part of the previous Proposed Regional Coastal Plan. While consideration appears to have been given to the 1994 version of the NZCPS in the wording of these provisions, they pre-date the current NZCPS, such that it is unlikely the TRMP could be considered to comprehensively give effect to the current NZCPS.

204 As established by case law, where a higher level instrument post dates the plan provisions then there can be no assurance that the plan provisions give effect to the higher order instrument. Further, if the plan provisions are ambiguous or incomplete (or illegal) then an answer should be looked for in the higher level instruments.[44] It is appropriate to consider the NZCPS and in my opinion the provisions of the NZCPS should be given more weight than those of the TRMP.

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43 NPS-FM, at 2.1(1)(a).

44 *Infinity Investment Group Holdings Ltd v Canterbury Regional Council* [2017] NZEnvC 36, at [35-36].

205 The AEE provided an analysis of the application in relation to the NZCPS, which identifies that the relevant objectives and policies will be met.

206 The recent Supreme Court decision on *Port Otago Limited v Environmental Defence Society Inc* [2023] NZSC 112, released subsequent to the AEE, provides further specific guidance on interpretation and application of the NZCPS to Port activities such as this. Accordingly, I address this case and its impact on consideration of the NZCPS on the Application below.

207 The Supreme Court decision determines that the combined effect of the terms 'recognise' and 'require' is directive in nature. Accordingly, Policy 9 (Ports) of the NZCPS must therefore make provision of a port network mandatory, due to the wording of Policy 9 that *"…a sustainable national transport system requires an efficient national network of safe ports…"* (emphasis added).[45]

208 The Court also held that the NZCPS 'avoid' policies have a directive character, generating the need to consider how conflict between competing directive policies should be resolved.[46] The Court considered that where such conflicts cannot be entirely resolved at the plan-making stage, decision-makers on applications for resource consents must undertake a structured analysis to determine whether the policies can be reconciled or whether one must prevail.[47]

209 In particular, the Court notes:[48]

> *Where there is a potential conflict between the avoidance policies and the ports policy [in the NZCPS] with regard to a particular project, the decision-maker would have to be satisfied that:*
>
> *(i) the work is required (and not merely desirable) for the safe and efficient operation of the ports;*
>
> *(ii) if the work is required, all options for dealing with these safety or efficiency needs have been evaluated and, where possible, the option chosen should not breach the avoidance policies;*
>
> *(iii) where a breach of the avoidance policies is unable to be averted, any breach is only to the extent required to provide for the safe and efficient operation of the ports.*

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45 *Port Otago*, at [69].

46 *Port Otago*, at [64]-[69] and [71].

47 *Port Otago*, at [78].

48 *Port Otago*, at [83].

210 In my opinion the Project is clearly consistent with Policy 9 (Ports), in that it is necessary to protect and enhance the existing Port facilities and support national and international shipping. I also consider that the Project is consistent with the enabling directive of Objective 6, that people and communities are able to provide for their social, economic and cultural wellbeing and their health and safety. The Port is an activity that must be located in the CMA and supports the community by providing a vital transport link for the import and export of goods to the region. The Project is, in my opinion, in an appropriate part of the coastal environment, being in a location that has been used for Port activities for many years.

211 As detailed in the AEE, a number of the NZCPS 'avoidance' policies are relevant to the Project, including Policy 11 (indigenous biodiversity); Policy 13 (natural character in the coastal environment) and Policy 15 (natural features and landscapes).

Policy 11 – Indigenous biological diversity (biodiversity)

212 Policy 11(a) contains specific direction to avoid adverse effects '*on indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists'*. Mr Poynter confirms in his evidence that in the context of the Project, this directive is of particular relevance to kororā and that implementation of the AMMP as proposed will ensure adverse effects are appropriately avoided. Mr Poynter's assessment is that other avian species and seagrass that may also be classified under the Threat Classification Lists will not be adversely affected by the Project. On this basis, I consider the Project to be consistent with Policy 11a.

213 Policy 11(b) requires the avoidance of significant adverse effects and the avoidance, remediation or mitigation of other adverse effects in relation to six identified matters. Of relevance to the Project are clauses (ii) and (vi).

> Policy 11(b)(ii) ... '*habitats in the coastal environment that are important during the vulnerable life stages of indigenous species'*.
>
> Policy 11(b)(vi) ... '*ecological corridors, and areas important for linking or maintaining biological values identified under this policy'*.

214 The existing SLY seawall and the Outer Breakwater potentially require consideration under Policy 11(b)(ii) in relation to kororā and kōura use, respectively. Both habitats are used either by juveniles of the species or adults during moulting/breeding, which are vulnerable life stages.

215 In relation to Kororā, the Kororā Assessment notes that the habitat within the Project footprint is marginal due to the exposed location and frequent inundation. Irrespective of the habitat quality, the comprehensive management process set out in the proposed AMMP

and the creation of alternative habitat in the new Outer Reclamation seawall prior to disestablishment of the existing marginal habitat in the SLY seawall will ensure there are no significant adverse effects and that other adverse effects will be appropriately avoided, remedied or mitigated.

216 For kōura, Mr Poynter's conclusion under EIANZ is for a 'Low' level of effect overall with an expectation of habitat restoration and the recovery of ecological values in terms of potential kōura habitat. On this basis, I consider there will be no significant adverse effects and that other adverse effects will be appropriately avoided, remedied or mitigated.

217 In terms of Policy 11(b)(vi), the Outer Breakwater may serve a function in terms of providing a connection between the Port area and the wider Foul Grounds habitat. As detailed in Mr Poynter's evidence, this potential role will be maintained into the future given the design proposed for the upgraded structure is expected to achieve restoration of habitat potential and value, such that there will be no significant adverse effects and that other adverse effects will be appropriately avoided, remedied or mitigated.

218 On the basis of the above, I conclude the Project will meet Policy 11.

Policies 13 and 15 - Preservation of natural character and natural features and natural landscape

219 Policy 13 includes direction to avoid adverse effects on areas of outstanding natural character and to avoid significant adverse effects on natural character in other areas in the coastal environment. Policy 15 includes direction to avoid adverse effects on areas of outstanding natural features and outstanding natural landscapes in the coastal environment, and to avoid significant adverse effects on natural features and landscapes in other areas in the coastal environment.

220 The coastal environment of the Port is heavily modified by existing Port activities and is not in an area identified as having Outstanding Natural Character, Outstanding Natural Features or Outstanding Natural Landscapes. As detailed in the AEE and the landscape and ecological assessments, the design and mitigation measures built into the Project will ensure significant adverse effects on natural character, natural features and natural landscapes in the coastal environment are appropriately avoided. On this basis, I conclude that the Project will not be contrary to Policy 13 or Policy 15.

Policy 10 - Reclamation

221 Policy 10 (Reclamation) is also directive in nature, specifying that reclamation of land in the CMA must be avoided unless specific criteria set out in Policy 10(1) are met.

(a) *land outside the coastal marine area is not available for the proposed activity;*
(b) *the activity which requires reclamation can only occur in or adjacent to the coastal marine area;*
(c) *there are no practicable alternative methods of providing the activity; and*
(d) *the reclamation will provide significant regional or national benefit.*

222 In my opinion, the Project aligns with Policy 10(1) for the following reasons.

222.1 Policy 10(1)(a) The purpose of the reclamation is to enable access to the extended Wharf 8 for vessel loading / unloading. There is no land available outside the CMA which could be used to achieve this purpose.

222.2 Policy 10(1)(b) The reclamation is associated with an activity that can only occur in or adjacent to the CMA, being the Port.

222.3 Policy 10(1)(c) Alternatives to the Project as a whole have been considered together with alternative methods of providing access to the extended Wharf 8, with no practicable alternatives identified. The reclamation is necessary to enable access to the extended Wharf 8 and is necessary to enable the improved efficient of the Port sought by the Project. The Alternatives Assessment concludes that the reclamation design represents the best practicable option taking into account the combination of extremely difficult engineering design / construction driven by geological conditions, and protection requirements given the very exposed / high energy wave location emphasised by the size of armour units required for the revetment and breakwater.

222.4 Policy 10(1)(d) The reclamation is an integral part of the Project, which will provide significant national and regional benefits through the improved Port capacity, function and resilience as well as opportunities for diversity of trade.

223 Where reclamation is considered suitable in terms of Policy 10(1), particular regard must be had to the matters set out in Policy 10(2), in considering its form and design. In my opinion, the Project meets each of these criteria in the following ways:

223.1 Policy 10(2)(a): As addressed in the Worley report, the finished level of the reclamation takes into account climate change and sea level rise and is designed to improve resilience of the Port to natural hazards.

223.2 Policy 10(2)(b): The size and shape of the reclamation have been minimised to only what is required to provide access to

the extended Wharf 8. The Landscape Assessment finds that the 'shape of the reclamation is appropriate', and 'the materials used will be visually and aesthetically compatible' with the Port and the adjacent existing heavily modified coast.

223.3 Policy 10(2)(c): The 4Sight DSI concludes that reuse of potentially contaminated material from the existing SLY seawall in the revetment is highly unlikely to significantly affect water quality, aquatic ecosystems or indigenous biodiversity, given only marginal exceedances of contaminant thresholds in relation to the ANZG DGVs[49] were identified in a limited number of samples. Further, that sediments will be largely confined behind the new reclamation revetment with any dispersed sediment that escapes expected to quickly disperse in the high energy coastal environment.

223.4 Policy 10(2)(d): No provision is made for esplanade reserves as these would have required additional reclaimed area and restrictions on public access are appropriate for health & safety and port security reasons, as well as to protect threatened indigenous species (kororā) using the SLY seawall.

223.5 Policy 10(2)(e): As detailed in Mr Poynter's evidence, loss of marine habitat and ecology will be mitigated by the creation of new habitat in the new reclamation seawall, which is assessed as providing improved habitat conditions.

223.6 Policy 10(2)(f): Measures will be implemented to mitigate effects on the identified heritage boat harbour, while continuation of the Te Tai Uru forum will continue to provide for the identification of opportunities for iwi-hapū to exercise kaitiakitanga in relation to the Port environs.

223.7 Policy 10(2)(g): As identified in the MetOcean and Worley reports, significant investigation has been undertaken into the effects of the Proposal on coastal processes. The conclusion is that the structures and reclamations will not exacerbate natural hazard risk associated with storm surges and sea level rise on the Port or adjoining land.

224 Policy 10(3) requires that in considering proposed reclamations, particular regard must be given to the extent to which the reclamation and intended purpose would provide for the efficient operation of infrastructure, including ports. The Project achieves this

[49] Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2018 (ANZG 2018) Toxicant Default Guideline Values (DGVs) for Sediment Quality in Aquatic Ecosystems.

given the purpose of the reclamation is to improve the efficiency, capacity, safety, functionality and resilience of the Port.

225 Overall it is my opinion that the reclamation is necessary, and has been appropriately minimised in size, to enable the improved efficiency of the Port that is sought by the Project. I consider there are no practicable alternative methods of providing for access to the new Wharf 8. Further, as set out earlier, the Project will provide significant regional benefit. On this basis, I conclude that the Project will not be contrary to Policy 10.

Objective 3 and Policy 2 - Tangata Whenua

226 NZCPS Objective 3 and Policy 2 relate to taking account of the principles of the Treaty of Waitangi, and kaitiakitanga in relation to the coastal environment.

227 Eastland recognises the sensitive nature of the cultural sites in and around the Port and has actively engaged with tangata whenua through the preparation of this resource consent Application, as well as in relation to other Port projects, both through Te Tai Uru and direct kōrero with iwi-hapū outside that forum.

228 Te Tai Uru provides an agreed approach to support ongoing engagement in relation to Port activities and development including investigation and monitoring programmes, and provides for the identification of opportunities for kaitiakitanga to be exercised.

229 As detailed in my earlier assessment of effects on cultural values, Eastland is committed to continued engagement with tangata whenua. In my opinion, the carry over of conditions relating to maintenance of Te Tai Uru and providing opportunities for review and input to management plans is appropriate and consistent with the intent of these provisions.

Policy 3 - Precautionary Approach

230 Policy 3 requires that decision makers adopt a precautionary approach where the adverse effects of proposed activities on the coastal environment are uncertain, unknown, or little understood but potentially significantly adverse.

231 Eastland has commissioned a broad suite of independent expert studies to thoroughly understand the characteristics and values of the existing coastal environment and consider the actual and potential effects of the Project. This work draws on extensive monitoring of environmental parameters such as water quality, sediment quality and benthic ecology undertaken in relation to existing Port activities including stormwater discharges, dredging and disposal of dredge material to the OSDG. It also draws on the practical experience gained through other Port development projects including upgrades to the ULY and WLY stormwater systems, which

have significantly improved the quality of stormwater discharges; and upgrades to the Waikahua section of the SLY seawall where construction effects on kororā needed to be managed.

232 The conclusions and recommendations of those specialists have been further refined in response to the feedback received from GDC's experts and submitters. The outcome has been that the effects of the Project are well understood and capable of being managed, with no effects assessed as significantly adverse.

Policy 16 – Surf Breaks of National Importance

233 Policy 16 seeks to ensure that activities in the coastal environment do not adversely affect the surf breaks of national significance listed in Schedule 1 to the NZCPS and the adverse effects of other activities on access to and use and enjoyment of surf breaks are avoided. As outlined in the MetOcean and T + T reports, the Proposal will not have any noticeable adverse effects on coastal processes in Tūranganui-a-Kiwa/Poverty Bay, including on the surfing wave dynamics at the listed surf break or accessibility to surf breaks. Consequently, I consider that Policy 16 is achieved.

Objective 4 and Policies 18 and 19 - Public Open Space

234 Objective 4 and Policies 18 and 19 relate to maintaining and enhancing public open space qualities and recreation opportunities in the coastal environment, including walking access to and along the coast. Objective 4 and Policy 19 recognise, however, that there may be exceptional circumstances when maintaining and enhancing walking access to and along the coast is not practicable, including to protect threatened indigenous species or for health and safety reasons.

235 In my opinion, the continued restriction of public access along the coastal margin of the Port is appropriate and necessary both to protect kororā in the SLY revetment and for public health and safety and Port security reasons.

Objective 5 and Policies 24-27 - Coastal hazards

236 Objective 5 and Policies 24-27 are concerned with managing coastal hazard risks, with specific strategies provided for protecting significant existing development from coastal hazard risk.

237 As previously identified, improving the resilience of the Port to coastal hazards is a key Project objective and Port facilities have been specifically designed to take into account the effects of sea level rise, tsunami and other coastal hazard risks. In my opinion, the Project is therefore consistent with Policies 24-27 and Objective 5.

Policy 21 Enhancement of Water Quality

238 Policy 21 states '*Where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water based recreational activities, or is restricting existing uses, such as aquaculture, shellfish gathering and cultural activities…'*

239 Based on the evidence and assessments of Mr Poynter, my opinion is that this Policy is not triggered. While Mr Poynter acknowledges the quality of existing discharges from the SLY can be poor in respect of sediment concentration and visual clarity, he concludes that effects are quite localised and do not impact the ecosystem or activities beyond the Port. Notwithstanding this, the proposed SLY stormwater system upgrade has been assessed by Mr Poynter as resulting in a significant enhancement of water quality, which is consistent with the broader policy intent and direction.

Policy 22 – Sedimentation

240 Policy 22 requires that subdivision, use or development not result in a significant increase in sedimentation in the CMA, that sedimentation levels and impacts on the coastal environment are assessed and monitored; and that sediment loadings in runoff and stormwater systems is reduced.

241 As detailed in Mr Poynter's evidence the upgrades to the SLY stormwater network will reduce sediment loadings in stormwater discharges and improve water quality. Existing water quality monitoring programmes for SLY stormwater discharges will be continued, enabling adjustments to be made to the treatment system as necessary. Erosion and sediment control measures will be implemented during construction works, as detailed in the proposed consent conditions, to minimise sedimentation effects.

242 The extent of dredging required to maintain channel depths and the navigability of the Port is, itself, a response to the high levels of sediments deposited in the Port and more generally throughout Poverty Bay from the Tūranganui River and Waipaoa River, with MetOcean's assessment being that in the absence of ongoing maintenance dredging, the annual infilling rate in the PNC and the inner basin will be in the range 75,000 – 120,000m3 for the respective 'La Niña' and 'El Niño' weather periods.

243 In establishing the existing OSDG, careful consideration was given to its' location and characteristics in terms of minimising the risk of adverse sedimentation effects arising as a result of the disposal of dredged sediments in this location. The water quality, sediment quality and coastal processes monitoring data confirms that such effects have been limited.

244 Overall, I consider the Project meets the requirements of Policy 22.

Policy 23 – Discharge of Contaminants

245 Policy 23(5) relates specifically to managing discharges from ports and other marine facilities, with clause (a) and (b) being relevant to the Project.

246 Policy 23(5)(a) requires *'operators of ports and other marine facilities to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that is more than minor'*. Eastland has a comprehensive approach by way of management plans for logyard discharges and specifically the proposed upgrade of the SLY stormwater treatment system, to ensure such effects are not more than minor.

247 Policy 23 (5)(b) requires *'that the disturbance or relocation of contaminated seabed material, other than by the movement of vessels, and the dumping or storage of dredged material does not result in significant adverse effects on water quality or the seabed, substrate, ecosystems or habitats*'. The Project does not involve the disturbance or relocation of contaminated seabed material. As detailed in the Ecology Assessment, extensive seabed sampling within the port over a long period and at the OSDG and Poverty Bay background sites, shows that the dredging (which are exempted from the Policy in any event) are uncontaminated and are suitable for offshore disposal.

248 On the basis of the above, I consider the Project is consistent with Policy 23.

Port Otago assessment

249 While it is my opinion that the Project is not contrary to any of the key directive 'avoid' policies of the NZCPS (Policies 11, 13 and 15), for completeness, and given there is potential for conflict with enabling directives of Policy 9 Ports, I record my opinion that the Project satisfies the tests set out in the decision of the Supreme Court,[50] as follows:

249.1 *The Project is required for the safe and efficient operation of the Port:* The AEE and evidence of Mr Bayley details the seven key challenges faced by the existing Port, which are aging infrastructure, vulnerability to adverse weather events, shipping channel depth limitations, operational capacity, increasing export volumes, the need to cater for increasing vessel sizes and a limited ability to provide for other forms of trade. While a range of measures have been implemented to improve operational efficiencies and minimise the need for physical works (reclamation and other capital works), these operational improvements were not sufficient by themselves

[50] *Port Otago Limited v Environmental Defence Society Inc* [2023] NZSC 112, at [83](c).

to provide operational requirements and capacity to Port and vessel demands or improve Port resilience. The Project activities including dredging to provide depth for ships to berth and expanding the wharf areas, are, in my opinion, critical to maintain the viability of Port operations. On this basis, I conclude that the work is required, and not merely desirable, for the safe and efficient operation of the Port.

249.2 *All options for dealing with safety / efficiency needs have been evaluated and do not breach the avoidance policies:* As detailed in the AEE and the evidence of Mr Bayley, a number of options were investigated for dealing with the safety and efficiency challenges faced by the Port, with the current Project representing the preferred option. The effects of the Project have been comprehensively assessed in the AEE, supporting technical reports and by Eastland's technical witnesses, including effects on the species, habitats, attributes and characteristics to which the directive avoidance policies apply. On this basis, it is my opinion, that with the mitigation proposed and secured by way of conditions, adverse effects are appropriately avoided.

249.3 *Any breach is only to the extent required to provide for the safe and efficient operation of the ports:* While I do not consider the directive 'avoid' policies to be breached by the Project, for completeness I note that any breach would likely be associated with construction of the Outer Port Reclamation only, and in that case would be only to the extent required to provide for the safe and efficient operation of the Port. As detailed above in relation to Policy 10 (reclamations), the Outer Port Reclamation is the only practicable option for providing safe and efficient access to vessels moored at the new Wharf 8, for loading / unloading of cargo / logs, and therefore necessary to achieve the Project objectives. The extent of the reclamation has been minimised to the extent practicable to serve this purpose and no additional area will be available for cargo/log storage to occur. The design and construction methodology for the reclamation have been carefully considered to minimise adverse environmental effects and specific measures are set out in the AMMP in order to avoid adverse effects on at risk or threatened coastal bird species and to avoid significant adverse effects on habitat.

Tairāwhiti Resource Management Plan

250 A detailed assessment of the Regional Policy Statement (RPS), regional and district level objectives and policies of relevance to the Project is provided as **Appendix 2** to my evidence.

251 Of particular note are RPS Built Environment, Energy and Infrastructure Objective B3.5.1 and Policies B3.5.2 (1-7), which

specifically recognise the need for safe, efficient and convenient transport services such as ports. Further recognition of the role of the port as a regionally significant transport facility is provided in the specific 'Port area' provisions in DP1 - The Port Coastal Management Area and DP2 - The Port Management zone. The objectives and policies in these sections seek to enable Port related activities such as the transport of goods into and out of Tairāwhiti-Gisborne, the processing and storage of products that pass through the Port and the storage of materials and equipment related to the operation of the Port. The provisions acknowledge the operational need for the Port to be located in the coastal environment, and that natural character, ecological and natural landscape values are greatly modified by the presence of the Port.

252 In my opinion, the Project directly aligns with and gains considerable support from these objectives and policies.

253 The 'Port area' provisions also emphasise the need to ensure the continued operation and development of the Port is undertaken in a manner that avoids, remedies or mitigates adverse effects on the environment and preserves the natural character of the coastal environment.

254 More specific direction on how this is to be achieved is set out across other sections of the TRMP including the coastal environment provisions in RPS Section B4 and region-wide section C3, which address the management of natural character, indigenous biodiversity, tangata whenua values, accessibility to the coast, structures, alteration of the foreshore and seabed, natural hazards and discharges in the coastal environment. For the most-part the outcomes required by objectives and policies relating to management of the coastal environment are consistent with those set out in the NZCPS. As detailed in the assessment of the NZCPS above and the TRMP objective and policy assessment in Appendix 2, I consider the comprehensive management and monitoring of the Project, as required by the conditions of consent, across both construction and operational phases will ensure adverse effects are appropriately avoided, remedied or mitigated in accordance with the relevant policy requirements.

255 Noise and road traffic effects are addressed in district level objectives and policies in sections C11.2 and C2.1 respectively. The assessment in Appendix 2 concludes that subject to implementation of the proposed mitigation, management and monitoring measures, the Project is consistent with the outcomes sought.

256 On the basis of that assessment I conclude the Project is consistent with the relevant policy framework.

Any other matters – s 104(1)(c)

Navigation & Safety Bylaw Affecting the Port

257 As noted previously, GDC's Navigation and Safety Bylaw 2012 places restrictions on people using the Port and adjacent parts of Tūranganui-a-Kiwa/Poverty Bay. The Bylaw is relevant to the Project insofar as the restrictions placed on people and vessels will apply in and around the extended Port structures, as they do to the existing Port.

258 None of the Project works are regulated by the Bylaw, with the exception that vessels used during construction will be required to operate in accordance with the Bylaw.

Assessment of investment – section 104(2A)

259 Section 104(2A) is relevant to the Port occupation permit application as it was made at least 6 months before expiry of the current coastal permit in accordance with section 124 of the RMA. As such, under section 104(2A) GDC "must have regard to the value of the investment of the consent holder."

260 The economic value of the Port to the Tairāwhiti-Gisborne region and the need for the Port to have the ability to exclude members of the public from the CMA surrounding the existing and future Port by way of an exclusive occupation permit, is detailed in the AEE and the Brown Copeland economic assessment.

261 Eastland has made a considerable investment in the Port over the 32 year term of the current occupation permit and this is expected to continue over the 35 year term of the new occupation permit being sought. As identified in the Economic Assessment, as at 30 March 2021, Eastland had $248 million dollars worth of property, plant and equipment, while the TBP is expected to have a total capital cost of $169.7 million over both stages.

262 During the year ended 30 March 2021, Eastland collected $42.9 million in revenue, provided 64 jobs and paid $5.4 million in salaries and wages. It spent $7.8 million on goods and services, with an estimated 65% of this going to local Tairāwhiti-Gisborne suppliers. In addition there are a number of other port based businesses, including security, cleaning, mooring and stevedoring activities, which in 2017/18 were estimated to generate $26 million in revenues, provide 146 jobs and pay $4.9 million in wages and salaries.14 46.

263 In the year ending 30 June, 2021 Eastland Port handled 3,345,815 tonnes of exports, up from 1,258,468 tonnes in 2010 – i.e. an increase of 266% in 11 years, or an average annual increase of 9.3% per annum.15 The free on board (fob) value of exports has risen from $195.1 million in 2010 to $626.7 million in 2021 – i.e. an increase of 321% over the 11 year period, or an average annual

increase of 11.2% per annum. Imports through the port are much smaller with only 1 tonne having a fob value of $15,000 in 2021, whilst in 2010 there were 24 tonnes having a fob value of $90,000.

264 Accordingly, the value of Eastland's investment in the Port is high.

Obligations under the Marine & Coastal Area (Takutai Moana) Act 2011 and Ngā Rohe Moana o Ngā Hapū o Ngati Porou Act 2019

Section 104(2B) and (2C)

265 Eastland has fulfilled its obligations under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA) to notify and seek the views of applicant groups for recognition of customary marine title, and engaged with Ngāti Porou in relation to the Project.

266 Investigations indicate that no planning documents have been prepared by customary marine title groups under the MACA51 and nor has an environmental covenant been issued under section 19 of Ngā Rohe Moana o Ngā Hapū o Ngati Porou Act 2019. As such, Sections 104(2B) and (2C) are not applicable to the Project.

Section 105 assessment

267 Section 105(1) requires that consent authorities must, in addition to section 104 considerations, have regard the following matters when considering coastal permits for discharges to the CMA:

a) The nature of the discharge and the sensitivity of the receiving environment to adverse effects;

b) The applicant's reason for the proposed choice; and

c) Any possible alternative methods of discharge including discharge to any other receiving environment.

268 The Project requires coastal permits for the discharge of construction phase stormwater; operational stormwater from the upgraded SLY stormwater treatment system; discharge of sediment during construction processes and deposition of dredged sediments from the Port in the OSDG, all of which are to be managed through the proposed consent conditions to minimise the potential for adverse effects. As detailed in the Ecology Assessment and Mr Poynter's evidence, the ecological and water quality sensitivity of the receiving environment to the Project is assessed as low.

269 The reasons for the Project are addressed in detail in the AEE, Worley Project Design Justification Report (Appendix E to the AEE), the Alternatives Assessment (Appendix D to the AEE) and the evidence of Mr Bayley, with all elements of the Project assessed as

[51] Section 85.

the best practicable alternative to achieve the Project objectives of improved Port capacity, functionally, diversity, safety, security and resilience. In relation to discharge activities:

269.1 No practicable alternatives are considered to be available for the discharge of treated stormwater to the CMA. Proposed upgrades to the SLY stormwater treatment system will improve the quality of discharges in line with the treatment systems successfully adopted in the ULY and WLY, resulting in reduced sediment loading and reduced effects on the receiving environment.

269.2 Construction phase discharges cannot be entirely avoided. However, construction methodologies have been designed to minimise the escape of sediment beyond construction areas and best practice erosion and sediment control measures will be implemented during works, as detailed in the proposed consent conditions.

269.3 Alternative options for disposal of dredged material have been investigated, and discussed in detail with Rongowhakaata. At this time, no practicable alternatives to the continued use of the OSDG have been identified.

270 On this basis, I consider the requirements of section 105(1) of the RMA are met.

271 Section 105(2) requires consideration by the consent authority as to whether an esplanade reserve or esplanade strip is appropriate in relation to applications for reclamation. In my opinion, provision for an esplanade reserve or strip is not appropriate in this case. The area of the reclamation has been minimised to only what is required to provide access to the extended Wharf 8 and additional area would be needed to provide for an esplanade reserve or strip, which is likely to increase the effects of the reclamation. In addition, it is appropriate to restrict public access along the coastal margins of the Port for health & safety and Port security reasons, as well as to protect threatened indigenous species (kororā) using the SLY seawall.

Section 107 assessment

272 Section 107(1) provides that a discharge permit shall not be granted if, after reasonable mixing, the contaminant or water discharged is likely to give rise to one or more of the following effects in receiving waters after reasonable mixing:

c) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspending materials;
d) any conspicuous change in the colour or visual clarity;
e) any emission of objectionable odour;

f) the rendering of fresh water unsuitable for consumption by farm animals; or

g) any significant adverse effects on aquatic life.

273 The discharge of treated stormwater from the upgraded SLY treatment facilities is expected to comply with all requirements of section 107(1), noting the robust evidence base to this effect from the recently upgraded ULY and WLY stormwater treatment facilities and that the same approach is to be carried over to the SLY.

274 The evidence of Mr Poynter indicates that the discharges associated with the proposed dredging and disposal activities and construction works may result in conspicuous changes in the colour or visual clarity of receiving waters but these will be short term and managed by consent condition requirements. None of the other effects identified under section 107(1) are impacted by the Project's dredging discharges.

275 Under section 107(2) such discharges are only permissible where there are exceptional circumstances that justify the granting of the permit; if the discharge is of a temporary nature; or is associated with necessary maintenance work; and it is consistent with the purpose of the RMA to grant consent.

276 As noted above, any changes in colour or visual clarity associated with the Project's activities will be of a temporary nature, being associated with construction activities, or dredging and associated with necessary maintenance work. Moreover, noting that the Port cannot receive log vessels and other craft without regular maintenance dredging and offshore disposal of the spoil material to maintain shipping channels, the work is necessary. Comprehensive management and monitoring of all Project related discharges is proposed, and incorporated in the proposed conditions of consent, to ensure effects of Project related discharges are appropriately managed, including over time.

277 The Project will provide significant national and regional benefits through the improved Port capacity, function and resilience as well as opportunities for diversity of trade. On this basis, I consider the discharge is consistent with the purpose of the RMA and the requirements of section 107(2) are met such that consent can be granted.

Assessment under Part 2 of the RMA

278 For completeness and noting that the coastal provisions of the TRMP pre-date the current NZCPS, an assessment of the Project against Part 2 of the RMA was included in the AEE. That assessment concluded:

Section 5 - Purpose

279 The Project promotes the sustainable management of natural and physical resources. It will result in much more efficient operation of the Port and ensure that people and communities will be able to provide for their social and economic wellbeing. The Project will appropriately avoid, remedy, or mitigate the adverse effects on the surrounding environment, achieving the purpose of the RMA.

Section 6 – Matters of national importance

280 The Project recognises and provides for the matters of national importance contained in section 6 of the RMA. More specifically, the Project:

280.1 is necessary for the safe and efficient operation of the Port and is not inappropriate in the context of the existing Port development, its existing influence on the natural character of the coastal environment in this location and the enabling requirements of TRMP to provide for Port activities and development where effects are appropriately managed (section 6(a)).

280.2 is not in an area identified as having any 'outstanding' natural features or landscapes (section 6(b));

280.3 does not affect any areas of significant indigenous vegetation or significant habitats of indigenous fauna (section 6(c))

280.4 does not alter the extent of public access available to and along the CMA, which is already restricted for health and safety and security reasons (section 6(d));

280.5 provides for the relationship of Māori with any identified ancestral lands, water, waahi tapu or other taonga through the Te Tai Uru forum and Eastland's commitment to ongoing engagement with iwi and hapū(section 6(e));

280.6 has been designed and will be constructed and operated to protect the identified historic boat harbour (section 6(f)); and

280.7 will improve resilience of the Port to natural hazard risk (s6 (h)).

Section 7 – Other matters

281 The Project has particular regard to the matters identified in section 7 of the RMA. More specifically, the Project:

281.1 is considered to have had regard to kaitiakitanga[52] particularly through Eastland's commitment to ongoing

[52] Section 7(a), RMA.

engagement and consultation with iwi and hapū including by way of the Te Tai Uru forum (section 7(a));

281.2 provides for the efficient use, development and management of natural and physical resources, given it will facilitate transportation of goods to and from international markets and Gisborne / New Zealand (section 7(b));

281.3 will maintain amenity values, including in terms of visual and noise effects, with the implementation of construction and operational management plans to ensure noise effects remain within acceptable levels (section 7(c));

281.4 Will not detract from the quality of the environment (section 7(f)); and

281.5 takes into account projected climate change and sea level rise scenarios in the design of structures to improve Port resilience and avoid increasing risk to surrounding areas (section 7(i)).

Section 8 – Te Tiriti o Waitangi (Treaty of Waitangi)

282 As detailed in relation to the effects of the Project on cultural values, Eastland has sought to take into account matters relating to the principles of Te Tiriti o Waitangi through:

282.1 engagement with iwi-hapū under the Te Tai Uru framework;

282.2 the carry over of previous consent conditions and agreements relating to environmental monitoring and mitigation; and

282.3 the provision for iwi-hapū involvement in matters of project design and delivery, in particular through engagement with Te Tai Uru in the preparation of management plans that will set out specific details around environmental mitigation and monitoring measures.

PLANNING ISSUES RAISED IN SUBMISSIONS

283 The application attracted a total of 56 submissions; 47 of which were in support, including a submission from Waka Kotahi supporting the Application in part and 6 in opposition. The submission from HNZPT opposed the Application in part while the remaining 2 from DOC and Forest and Bird were neutral.

284 I have read all the submissions lodged on the Project and make the following comments on those that raise issues about planning effects. Where relevant I rely on the responses provided by Mr Bayley, Ms Makinson, Mr Poynter and Mr Lawrence in their evidence.

Gillian Ward / Rail Action Group, Geraldine Oliver

285 These submissions raise concerns that rail has not been appropriately considered as an alternative means of transporting logs to the Port and that the adverse effects of additional HCV movements generated by the Project on the CBD and residential areas have not been adequately addressed and are likely to be significant.

286 For these reasons, the submissions express further concern that the Project does not meet the requirement under RMA Schedule 4(6)(1)(a) that activities that are likely to result in any significant adverse effect on the environment provide a description of any possible alternative locations or methods for undertaking the activity. Also, they consider that the Application does not meet the requirements under RMA Schedule 4(7) matters that must be addressed by assessment of environmental effects, in terms of consultation and assessment of effects of HCVs on the wider community.

287 These submissions are primarily addressed in the evidence of Mr Bayley in terms of the reasons Eastland is not considering rail access at this time, and Ms Makinson, in terms of further analysis of HCV movements, the context of existing trends and variability in traffic volumes, the roading hierarchy and priority routes for heavy vehicles, and transport routes from forestry blocks to the Port.

288 With respect to the planning matters raised, based on the evidence of Ms Makinson I do not consider the adverse effects of additional HCV movements to be 'significant', such that a requirement to consider alternatives to HCV transport of logs to the Port would be triggered under RMA Schedule 4(6)(1)(a). Notwithstanding this, Mr Bayley does address this matter, and for completeness I record my agreement with the assessment of the Reporting Officer regarding reinstatement of a rail connection to the Port being a wider matter that is not relevant to the presentation Applications.

Ms Carrie Taoho and Ms Bree Skinner

289 These submitters are opposed to the Project and state that the Project will impact physically and spiritually upon an extremely valued significant historical site for both indigenous peoples of Tūranganui-a-Kiwa and settlers of Aotearoa New Zealand, as the landing place of many waka and of Captain Cook. Concern is raised around effects on the ancestral values associated with the Tūranga River mouth and the Kaiti reef; and on the taonga species, kororā. Ms Taoho also identifies that the Kaiti reef holds a wāhi tapu status WY11 under the TRMP and raises concern around water quality effects.

290 I acknowledge the significant cultural and heritage values associated with the Port environs and Kaiti Beach and reef. As detailed in the

evidence of Mr Bayley, Eastland has engaged extensively with iwi and hapū in the preparation of the Project to better understand cultural values that may be impacted by the Project and which are distinct to scientific analysis, and to develop an agreed approach to appropriately managing the effects of the Project. Specific provision is made for continued engagement to identify opportunities for recognition of kaitiakitanga and other cultural values through implementation of the Project and in relation to other Port development and activities through conditions of consent.

291 I note the wāhi tapu reference in the submission of Ms Taoho does not appear to be in the area of the Project works. Schedule G3 of the TRMP identifies wāhi tapu WY11 as a 'canoe landing place'. However, no location description is provided. Schedule G3 identifies that there is no NZAA/HPT listing for the wāhi tapu. As per the image below, the TRMP maps identify WY11 as being near the eastern end of Kaiti Beach, where the aerial photograph suggests there is a gap in the reef and away from the Project area.

Figure 3: Wāhi tapu WY11
Source: TRMP online maps

292 As previously discussed, and addressed by Mr Poynter, adverse effects on kororā can be avoided through implementation of the specific monitoring and management measures set out in the draft AMMP that has been supported by DOC. Mr Poynter also addresses the concern raised around discharge quality and effects on the moana.

293 Similarly, Eastland's heritage specialist is satisfied that adverse effects on the identified heritage boat harbour can be appropriately managed and avoided by maintaining a minimum 5 m separation distance during construction of the reclamation and subsequent Port operation.

Mr Winston Moreton

294 This submission opposes the Application in its entirety and raises a number of concerns around process, the need for a plan change to address Port activities and development in a comprehensive manner, HCV and associated noise effects, the need for a rail alternative, effects on the Cone of Vision and dredging.

295 The matters raised in this submission are largely addressed in the evidence of Mr Bayley (port activity and rail alternative), Ms Makinson (HCV traffic and rail alternative), Mr Poynter (dredging) and Mr Lawrence (noise). In terms of planning matters raised in the submission I note the following:

295.1 As previously detailed, the 2020 maintenance dredging application[53] has been superseded by the current application process and has been placed on-hold pending the outcome of the current application.

295.2 As previously detailed, no works are proposed in the Cone of Vision, with any compliance questions being a separate matter outside of this application process.

295.3 While I agree that a review of the TRMP is overdue, I do not consider a prior review as necessary to enable consideration or implementation of the current application. The Project proposes continuity across Port activities and existing consent conditions as far as possible to ensure operations across the Port as a whole are managed and monitored consistently. A plan change is not required to achieve that. Further, the Project is consistent with higher order policy documents that will need to be given effect in any new regional and district plan provisions, such that it already achieves much of what might be expected to result from a review of the existing TRMP provisions. That is consistent with the approach in *Port Otago* where the Supreme Court decision[54], clarifies that NZCPS Policy 9 (Ports) *requires* an efficient national network of safe ports.[55] That is delivered by the Project.

295.4 Taking into account the avoidance, remediation or mitigation of adverse effects that can be achieved by undertaking the Project in accordance with the proposed consent conditions and management plans, I consider the Project can be appropriately progressed without the need for a plan change and the significant delays likely to result from that process.

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53 Council reference LU-2020-109518-00, CR-2020-109519-00 and CD-2020-109520-00.

54 *Port Otago Limited v Environmental Defence Society Inc* [2023] NZSC 112.

55 At [69].

295.5 Any 'outstanding breach of existing vibration / noise health requirements' would be an enforcement matter. However, in any case a comprehensive approach to the management of noise effects is proposed, which is generally supported by GDC's acoustic consultant notwithstanding the difficulties inherent in appropriately managing Port noise under the existing TRMP noise provisions.

Mr Teina Moetara – Rongowhakaata and Manawa Waipara

296 The submission opposes the Application in its entirety and expresses concern that the Project:

296.1 Will not recognise and provide for the relationship of Māori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga, as required by section 6(e) of the RMA;

296.2 Does not have particular regard to the kaitiakitanga, as required by section 7a of the RMA; and

296.3 Does not take into account the principles of Te Tiriti o Waitangi, as required by section 8 of the RMA.

297 Mr Bayley provides a detailed response to the submission in his evidence. As detailed earlier in my evidence, I consider Te Tai Uru continues to provide an appropriate framework for engagement between Eastland and iwi-hapū in relation to both stages of TBP, as well as any other Port activity or development. Continuation of Te Tai Uru is provided for in the consent conditions as well as provision for iwi-hapū involvement in matters of project design and delivery during preparation of management plans that will set out specific details around environmental mitigation and monitoring measures. This contributes to my conclusion above, that the Project appropriately gives effect to the relevant Part 2 matters of the RMA (including as set out in section 5 to 8).

298 The submission also expresses concern that the activity continues the proliferation of an activity that is not a natural part of sensible and wise urban planning policy and that the benefits to the community are overstated and outweighed by issues that arise, including that road transport will still be required for essential or useful commodities.

299 In this regard, I note that specific provision is made in the TRMP for the continued operation and development of the Port in this location in recognition of its role as a regionally significant transport facility and commercial operation and essential for the continued economic growth and well-being of the district. In my opinion, the evidence presented on behalf of Eastland clearly demonstrates the significant benefits of the Project to the community and that adverse effects,

including in relation to road transport can be appropriately managed. The vulnerability of the roading network has been highlighted through recent severe weather events, including Cyclone Gabrielle, following which a coastal container service was established at the Port as part of the emergency response, as the only viable option for importing essential supplies to the region. In my opinion, this highlights the role of the Port in supply chain resilience and the importance of improving the safety and efficiency of this key infrastructure.

Director-General of Conservation

300 The submission is neutral on the Application but expresses concern that the Project does not adequately identify and address potential adverse effects on kororā in terms of the Policy 11 NZCPS requirement to avoid adverse effects on indigenous taxa that are listed as threatened or at risk; and does not adequately identify and address how the Project will avoid, remedy or mitigate potential adverse effects and achieve the objectives of the NZCPS, particularly the use of a precautionary approach, as required by NZCPS Policy 3.

301 As detailed above and in the evidence of Mr Poynter, a proposed AMMP has now been prepared and endorsed by DOC as fit for purpose. Certification and implementation of the AMMP is addressed in the proposed consent conditions. On this basis it is my opinion that the Project will meet both Policy 3 and Policy 11 of the NZCPS.

Forest & Bird Gisborne Tairāwhiti Branch

302 The submission is neutral on the Application but seeks to ensure appropriate measures are implemented to protect kororā and expresses concern that insufficient effort has been put into reducing carbon emissions associated with the Project.

303 As detailed by Mr Bayley, in his evidence, Eastland hosted representatives of the submitter at the Port in December 2022 to discuss Eastlands approach to management of potential effects on kororā and the sustainability outcomes associated with the Project. Mr Bayley addresses the reasons that Eastland is not currently investigating rail options further in his evidence, and Mr Poynter provides detailed analysis of the approach to management of kororā through the AMMP, which has been endorsed by DOC and incorporated in the proposed consent conditions.

Heritage New Zealand Pouhere Taonga (HNZPT)

304 The submission opposes in part the Project on the basis it may adversely affect cultural and archaeological values and historic heritage values, and that insufficient information was provided. Particular concern is raised around the potential effects of the Project on the boat harbour.

305 Subsequent to the submission period, Eastland engaged with and provided further information to HNZPT. As a result, HNZPT advised Eastland by way of letter dated 10th February 2023 (and copied to GDC) that subject to appropriate consent conditions ensuring protection of the boat harbour during both construction works and Port operations, it no longer wished to be heard in support of its submission.

306 As detailed above, additional detail on the ability to avoid adverse effects on the identified boat harbour during construction has been provided by Worley. This, together with the minimum 5m separation distance recommended by InSitu, are addressed in the consent conditions for both Port construction and operation, such that I consider the identified boat harbour will be protected as sought by HNZPT.

RESPONSE TO THE OFFICER'S REPORT

307 I have read the Officer's Report prepared by Mr Whittaker on behalf of GDC dated 25 September 2023.

308 I am in general agreement with the majority of the comments in the Officers report in relation to planning matters.

309 This includes in relation to the strategic role of the Port as regionally significant infrastructure that supports the local community and economy and the recognition of this in the policy documents. Further, that the Project is consistent with the TRMP in this regard.

310 In my opinion, further emphasis should be placed on Policy 9 (Ports) of the NZCPS. While the policy is acknowledged in the Officer's Report, it is identified as primarily relating to how ports should be accommodated within the policy review process rather than as a consenting matter. As detailed earlier in my evidence, the recent Supreme Court decision on the Port Otago case[56] confirms the directive nature of Policy 9 in requiring provision of an efficient national network of safe ports. It also provides specific guidance on the consideration of the Ports policy in relation to particular projects where there is potential conflict between the ports policy and the avoidance policies of the NZCPS.[57]

311 In my opinion, the Project directly aligns with and gains considerable support from Policy 9. Key objectives of the Project are to ensure the safe and efficient operation of Eastland Port and provide capacity to accommodate the projected growth of logging and other shipping dependent industries in the region.

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[56] *Port Otago Limited v Environmental Defence Society Inc* [2023] NZSC 112.

[57] Such as Policy 11 (indigenous biodiversity); Policy 13 (natural character in the coastal environment) and Policy 15 (natural features and landscapes).

Comprehensive analysis of alternative options has been undertaken with the Project considered the best practicable option for delivery of the required capacity, safety and efficiency improvements, which are not able to be achieved through operational changes alone.

Disposal of Dredge Materials

312 The Officer's Report[58] identifies potential for the disposal of dredged material to be considered a disposal of solid waste to the CMA, which TRMP Policy 5.4.2 specifies is to be avoided. I agree with the Officer's assessment that despite the 'avoidance' policy, specific provision is made in the TRMP for the disposal of dredged spoil to the OSDG, which forms part of the Port CMA. In my opinion, the disposal of dredged material is its own category of activity and is not intended to be caught by a general provision applying to solid waste disposal. In this regard I note that both the TRMP and the Marine Pollution Regulations specifically provide for disposal of dredged spoil (to the OSDG in the case of the TRMP) as a discretionary activity. I further note that NZCPS (Policy 23(5)(b)) provides specific guidance on managing the effects of dumping dredged material, in recognition that dredging is an expected port activity and necessary for the ongoing accessibility of shipping channels. In this regard, I do not consider the disposal of dredged material to the CMA in association with port activities to be a fundamentally inappropriate activity, as would be suggested by treating dredge material as solid waste in terms of TRMP Policy 5.4.2.

313 As detailed earlier, the technical assessments demonstrate the Project will meet the requirement of NZCPS Policy 23(5)(b) that in managing discharges from ports, the dumping of dredged material will not result in significant adverse effects on water quality or the seabed, substrate, ecosystems or habitats. This appears to be a situation in which the TRMP is not entirely consistent with the provisions of the NZCPS, which, as a more recent, higher order policy document should be given more weight than those of the TRMP.

Noise

314 In discussing the noise effects of the Project, the Officer's Report draws attention to the difficulties created by the outdated noise provisions in the TRMP.

315 In my opinion, Eastland has adopted a proactive approach to managing Port noise effects on a comprehensive basis and taking into account Mr Lawrence's conclusions that noise levels would have a minimal adverse effect on future development of this Inner City Residential Zone in any case, that the management approach and

[58] At paragraph 291.

consent conditions proposed by Eastland will ensure noise effects are appropriately avoided, remedied or mitigated.

Wildlife Act Authority

316 As identified above, I disagree that a condition of consent is required directing Eastland to obtain a Wildlife Act Authority. It is unnecessary to require that a consent or permit required under other legislation is obtained.

317 Standard practice is to draw attention to the need for a Consent Holder to obtain other consents and permits (e.g. a building consent) by way of advice note, and I consider that to be the appropriate approach here.

COMMENTS ON THE DRAFT CONDITIONS

318 A proposed set of consent conditions is attached to my evidence as Schedule 1. Feedback on the condition wording has yet to be received from GDC. However, as identified by the Reporting Officer, the parties intend to continue to work together with the objective of presenting a set of agreed conditions where possible.

319 As detailed above, the draft consent conditions address the specific mitigation measures recommended by Eastland's experts including in response to matters raised by GDC's experts and submitters.

320 Many of the draft conditions are derived from the mitigation measures and monitoring requirements that have been successfully implemented by existing resource consents held by Eastland in order to provide consistency in Port operations.

321 This includes through conditions requiring the preparation and implementation of a range of management plans to avoid, remedy or mitigate effects resulting from the application. The required management plans include:

321.1 Construction and Operational Environmental Management Plans;

321.2 Earthworks, Erosion and Sediment Control Plan (EESCP);

321.3 Contaminated Site Management Plan (CSMP);

321.4 Avian Monitoring and Management Plan (AMMP);

321.5 Marine Pest Management Plan (MPMP);

321.6 Construction and Operational Traffic Management Plan (CTMP, OTMP);

321.7 Construction and Operational Noise Management Plan (CNMP, PNMP); and

321.8 Stormwater Management Plan (SMP).

322 The conditions have been drafted to clearly identify the objective of each management plan as well as the matters to be included and/or outcomes to be achieved. Provision is made for engagement with other parties including Te Tau Uru, Department of Conservation (AMMP) and Ministry of Primary Industries (MPMP) as appropriate, and each management plan will need to be certified by the GDC to confirm it is in accordance with the conditions of consent prior to commencement of the relevant stage of works.

323 Comprehensive monitoring programmes are to be continued during the operational stage of the Project, including in relation to water quality, sediment quality and effects on benthic ecology as a result of stormwater discharges, dredging and disposal of dredged material.

324 Provision is also made for review of consent conditions in accordance with section 128, and requiring engagement with Te Tai Uru, should there be a need to address unanticipated adverse effects in future.

CONCLUSIONS

325 The adverse effects of the activity on the environment have been assessed to be minor at most, and appropriately mitigated by the conditions of consent that are contained within Schedule 1 of this statement of evidence.

326 The proposal is consistent with the relevant objectives and policies of the NZCPS and the TRMP as well as the purpose and principles of the RMA.

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Georgina McPherson
3 October 2023

APPENDIX 1: DRAFT CONSENT CONDITIONS

CONTENTS **Page**

1 SCHEDULE 1: COMMON CONDITIONS ACROSS ALL CONSENTS

General Conditions Applying to Stage 2 – Twin Berths Resource Consents CP-2022-111365-00, CD-2022-111366-00, CC-2022-111367-00, CR-2022-111368-00, NC-2022-111370-00, LU-2022-111371-00

<table>
<tr><th>No.</th><th>Condition</th><th>Source / Links with other consents</th></tr>
<tr><td>1.</td><td>The activities authorised by this consent shall be undertaken in general accordance with the plans and information submitted with the application, as detailed below, except as otherwise required in the consent conditions. Where there is any inconsistency between the application documentation and the consent conditions, the consent conditions prevail.
<table>
<tr><th>Document</th><th>Prepared by:</th><th>Reference No.</th><th>Version</th><th>Date</th></tr>
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</table></td><td>Standard condition</td></tr>
<tr><td>2.</td><td>Port Community Liaison Group
a) The Consent Holder shall maintain the established Port Community Liaison Group (PCLG hereafter) so as to provide an on-going point of contact between the Consent Holder, the community and the Council, as a forum for discussing any issues that arise from the exercise of these consents and to ensure that the channels of communication are kept open.

b) The Consent Holder shall invite a representative of each of the following parties with interests in the Stage 2 – Twin Berths consents to be members of the PCLG:
(i) The Council
(ii) Ngati Oneone
(iii) Rongowhakaata
(iv) Ngati Tamanuhiri
(v) Te Runanga o Turanganui a Kiwa
(vi) Department of Conservation
(vii) Tairawhiti Rock Lobster Industry Association
(viii) Gisborne Kayak Club
(ix) Midway and Waikanae Surf Club

c) The PCLG functions include, but are not limited to, the following:
(i) Receiving and reviewing reports from the Consent Holder, including those on monitoring, required under the consent conditions;</td><td>Various earlier Port consents, the most recent of which is Wharf1:

CP-2021-110698-00 / CR-2021-110699-00 / CD-2021-110700-00

- Condition 14</td></tr>
</table>

	(ii) Providing advice to the Consent Holder and Council on any cultural, environmental or recreational use issues of concern to the community arising from the activities authorised by this consent; (iii) Providing advice to the Consent Holder and Council on any applications by the Consent Holder to change the consent conditions or any review of consent conditions initiated by the Council; (iv) Developing with the Consent Holder and Council informal protocols and practices to address any issues of concern to the community that may compliment the consent conditions. d) The Consent Holder shall be responsible for convening meetings of the PCLG in accordance with the established PCLG forum and generally at 4 monthly intervals. e) The Consent Holder shall provide the Council with minutes of all meetings of the PCLG. <u>*Condition Notes*</u> 1. *An independent chair is recommended for the PCLG to ensure that there is independence with the running and co-ordination of the meetings and the topics under discussion. Ultimately any decision of an independent chair can be made by the members of the PCLG given this is a voluntary membership group.* 2. *The Consent Holder has agreed to have a holding space on the Company website. This space will hold all relevant reports, technical material, monitoring results and interpretation.*	
3.	**Te Tai Uru Membership** a) The Consent Holder shall include these Stage 2 – Twin Berths resource consents as a subsequent resource consent and 'matter of interest relating to the redevelopment of Eastland Port' to be discussed and covered by the Te Tai Uru forum under condition 4(f) of the resource consents for the redevelopment of Wharves 6 and 7 (reference LU-2017-107936-00, CD-2017-107937-00 & LL-2017-107938). b) For the avoidance of doubt. Condition 4 of the resource consents for the redevelopment of Wharves 6 and 7 (reference LU-2017-107936-00, CD-2017-107937-00 & LL-2017-107938) continues to apply in relation to the Te Tai Uru forum and sets out the role and purpose of Te Tai Uru, protocol and administrative matters. c) In relation to these Stage 2 – Twin Berths resource consents, the purpose of Te Tai Uru includes: (i) Recognise and provide for the kaitiakitanga responsibilities of the Accepting Hapū as being an integral part of the redevelopment of the Eastland Port under these resource consents and other existing or subsequent resource consent applications relating to the Twin Berths development.	Derived from Wharves 6&7 consent: LU-2017-107936-00, CD-2017-107937-00 & LL-2017-107938 - Condition 4

	(ii) Acknowledge and provide for the importance of the landform, sites of cultural significance, and the mauri of the water bodies within and surrounding the port area, as tāonga to the Accepting Hapū; (iii) Facilitate involvement of the Accepting Hapū in the implementation of these Stage 2 – Twin Berths resource consents; (iv) assist in identifying potential opportunities for some involvement of the accepting Hapū in the wider, long term activities of the port; (v) facilitate and encourage the sharing and mutual understanding of scientific knowledge and Mātauranga Māori; (vi) facilitate processes to manage actual or potential impacts on the interests, values, rights and responsibilities of the Accepting Hapū that may arise from the implementation of these Stage 2 – Twin Berths resource consents; (vii) review and provide input into the development of management plans and monitoring reports required under the conditions of these Stage 2 – Twin Berths resource consents; and (viii) make recommendations to mitigate impacts on the interests, values, rights and responsibilities of the Accepting Hapu arising from the exercise of these Stage 2 - Twin Berths resource consents, which may include monitoring. *Condition Notes* *(a) The Accepting Hapu are those hapu that, at the relevant time, have accepted the written invitation to establish and maintain the group referred to as Te Tai Uru.* *(b) The Protocol establishing Te Tai Uru has been agreed and implemented by the Consent Holder, the Accepting Hapū and the Council representatives in accordance with the requirements of condition 4 (respectively) of the resource consents for the slipway redevelopment (LU-2017-107945-00, CD-2017-107944-00, DW-2017-107943-00 and DL-2017-107942-00) and the wharves 6 and 7 redevelopment (LU-2017-107936-00, CD-2017-107937-00 and LL-2017-107938).*	

2 WHARF 8 EXTENSION, OUTER PORT RECLAMATION, OUTER BREAKWATER UPGRADE

Consent Number: CC-2022-111367-00, CR-2022-111368-00, NC-2022-111370-00, LU-2022-111371-00

Activity authorised: The construction and use of the Wharf 8 upgrade, Outer Port Reclamation and Outer Breakwater

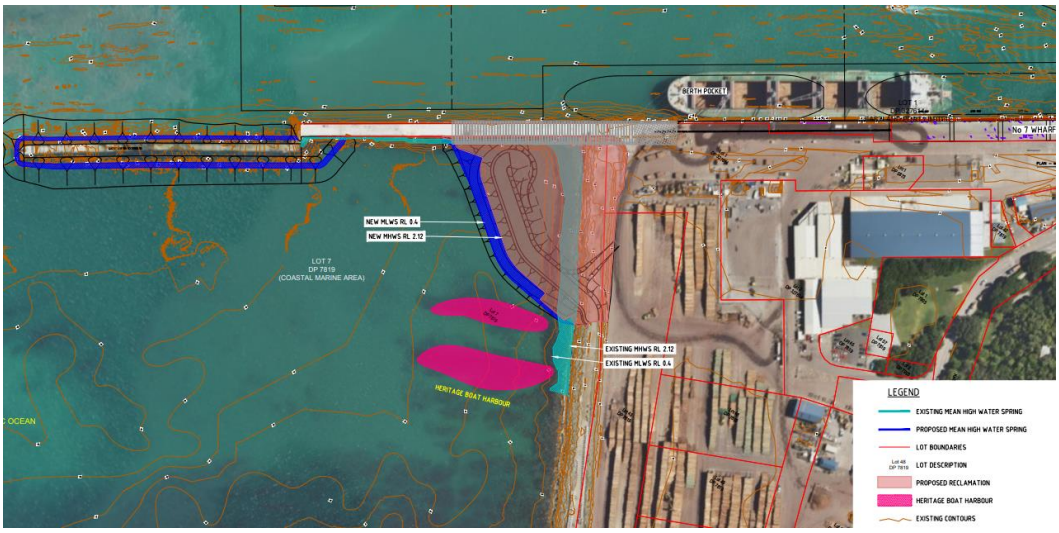
Consent duration: Land use and reclamation components have an unlimited duration pursuant to Section 123 of the RMA

Coastal structures associated with Wharf 8, the Outer Port Reclamation and Outer Breakwater have a duration of 35 years following the commencement of construction works.

Coastal and discharge components relating to the disturbance of the seabed, temporary impoundment of seawater and incidental discharge of contaminants to the CMA during construction have a duration of 15 years following the commencement of construction works.

Consent Lapse: The consent shall lapse within [10] years of commencement.

No.	Condition	Source
1.	The exercise of this consent is subject to the conditions listed in Schedule 1: General Conditions.	Cross-reference to standard condition
2.	These consents are granted by the Council, subject to its servants or agents being permitted reasonable access to the relevant parts of the site at all reasonable times for the purpose of carrying out inspections, surveys, investigations, tests, measurements or taking samples. Wherever possible, reasonable prior notice is to be given by the Council to the Consent Holder in order to address health and safety requirements.	Standard condition
3.	Any costs incurred in the Council monitoring, supervision and enforcement of any or all of the conditions of these consents are to be fully met by the Consent Holder pursuant to section 36 of the Resource Management Act 1991.	Standard condition
Final Plans		
4.	At least twenty (20) working days prior to the commencement of each stage of construction, the Consent Holder shall provide final plans and elevations of all works for that stage, including structures, reclamations, services and associated permanent and temporary occupation of the coastal marine area to the Council's Consents Manager.	Standard condition

Construction Activity Notification and Monitoring		
5.	No less than five working days prior to the commencement of construction for each stage of works under this consent, the Consent Holder shall hold a pre-start meeting on the site to which representatives of Council and contractors are invited. Notification at this time shall include details of who is to be responsible for site management and compliance with consent conditions.	Standard conditions – carried over from conditions 12-14 of Wharves 6&7 consent
6.	A sign shall be placed on the site perimeter fence(s) adjacent to Rakaiatane Road and The Esplanade with the name and contact number of the Construction Site Manager or person appointed to discuss any concerns regarding the environmental effects of the construction activities.	
7.	The Consent Holder shall keep a record of any complaints received during construction and the action(s) taken, whether received direct from the complainant or advised by the Council or its agent. The complaint records shall be made available to the Council upon request.	
8.	No construction activity, dredging sediment or debris deposition shall be permitted to occur within the area identified as the Heritage Boat Harbour as shown on Figure 1 below, or the required 5 metre buffer between the Reclamation Area and the Heritage Boat Harbour.  Figure 1: Identified Heritage Boat Harbour *Source: Figure 7-2 of Eastland Port Reclamation, Wharf 8 Extension and Outer Breakwater Engineering Report, prepared by Worley; referenced as Document No: Rev 1: 301015-04045-MA-REP-002; and dated 5 July 2022*	Project specific
Management Plan Certification Process		
9.	Conditions 10 to 15 shall apply to all Management Plans required by these conditions.	Consolidated condition set, specifying process related matters for certification
10.	Management Plans shall be submitted to the Council's Consents Manager for certification in writing at least 30 working days prior to commencement of construction works onsite, unless otherwise specified in the conditions. The Consent Holder shall ensure that any changes to draft Management Plans are clearly identified.	

11.	Management Plans may be submitted in parts or in stages to address particular activities or to reflect a staged implementation of the Project, and when provided in part or for a stage shall be submitted at least 30 working days prior to commencement of construction of that part or stage unless otherwise specified in the conditions. Management Plans submitted shall clearly show the linkage with plans for adjacent stages and interrelated activities.	of management plans. Key parameters / timeframes are generally consistent with those set by the Wharves 6/7 consent.
12.	Where consultation on a Management Plan is required by a condition of these consents, the Consent Holder shall provide the following information at the time of submitting the Management Plan to the Council's Consents Manager for certification: a. Details of the consultation undertaken during preparation of the Management Plan; b. Any feedback received from the parties that the condition requires consultation with; and c. Identification of any recommendations made and implemented, and where such recommendations have not been accepted or acted upon, the reasons why.	
13.	The Consent Holder may amend any certified Management Plan if necessary to reflect any minor changes in design, construction methods or management of effects, subject to the written certification of the Consents Manager.	
14.	If the Council fails to respond to the request for certification of a Management Plan within 20 working days, the Management Plan can then be deemed to be certified, unless otherwise specified in the conditions.	
15.	If the Consent Manager's response is that they are not able to certify the management plan the Consent Holder shall request that the Consent Manager provide reasons and recommendations for changes to the management plan in writing. The Consent Holder shall consider any of the reasons and recommendation of the Consent Manager and resubmit an amended management plan to be certified.	
16.	If the Consent Holder has not received a response from the Manager within five (5) working days of the date of resubmission under clause (d) above, the amended management plan will be deemed to be certified.	
17.	The Consent Holder must comply with all certified management plans at all times. No works shall commence until written certification of a Management Plan has been received or deemed to be received pursuant to conditions [14] and [16] above, unless otherwise approved in writing by the Consents Manager.	
Construction Environmental Management Plan		
18.	The Consent Holder shall prepare a separate Construction Environmental Management Plan (CEMP) for each of the construction stages being: (a) Wharf 8 Extension, (b) Outer port reclamation, (c) Outer breakwater upgrade, and (d) Stormwater treatment upgrade works. The Consent Holder shall submit each CEMP to the Consents Manager for certification that the CEMP gives effect to the objectives in Condition 19 and complies with the requirements in Conditions 20 and 21.	

19.	The objectives of each CEMP are to: a) Ensure that the construction works comply with limits and standards in the consent and set out the management procedures and construction methods to avoid, remedy or mitigate potential adverse effects arising from construction activities; and b) Ensure a minimum 5 metre buffer zone is maintained between the works and the area identified as the Heritage Boat Harbour, on Figure 1, at all times. c) Give effect to the objectives in the management plans listed in Condition 21.	
20.	Each CEMP shall incorporate or refer to the following management plans and documents as applicable: a) Earthworks, Erosion and Sediment Control Plan (EESCP); b) Contaminated Site Management Plan (CSMP); c) Avian Monitoring and Management Plan (AMMP); d) Marine Pest Management Plan (MPMP); e) Construction Traffic Management Plan (CTMP); f) Construction Noise Management Plan (CNMP); g) Navigation and Safety Management Plan (NSMP); and h) Geotechnical Design Report (GDR).	Adapted from Wharves 6& consent; CMP condition 9; Includes project specific clauses such as staging, protection of heritage boat harbour; and ground stability. Excludes matters that are otherwise addressed through conditions 19/20 by way of other management plans. TTU engagement clause carried over from Wharves 6&7 consent.
21.	Each CEMP shall provide details of the responsibilities, reporting frameworks, coordination and management required for effective site management. Each CEMP shall provide information on the following matters: a) Contractor(s), key personnel and contact details; b) Consent Holder project manager and contact details; c) Construction hours, programme and methods; d) Confirmation of any staging and the sequence of construction; e) Controls used to ensure a minimum 5 metre buffer zone is maintained between the works and the area identified, on Figure 1, as the Heritage Boat Harbour at all times (applicable to the Outer Port Reclamation construction stage only); f) Trap and transfer measures for kōura / crayfish g) Site management; h) Ground stabilisation (Outer Port Reclamation and Outer Breakwater Upgrade only); i) Construction materials and storage, including refuse; j) Construction dust management; k) Procedures for managing hazardous substances and preventing hazardous spills. l) Accidental archaeological discovery procedures; m) Communication with the Council, the Port Community Liaison Group and other adjacent landowners and occupiers; n) Detail of engagement with Te Tai Uru including identification of any recommendations made and implemented and where such recommendations have not been accepted or acted upon, the reasons why; o) Procedures for dealing with any complaints including contact details for all periods where construction activities are taken place; and p) Procedures for dealing with emergencies.	
Earthworks, Erosion and Sediment Control Plan		

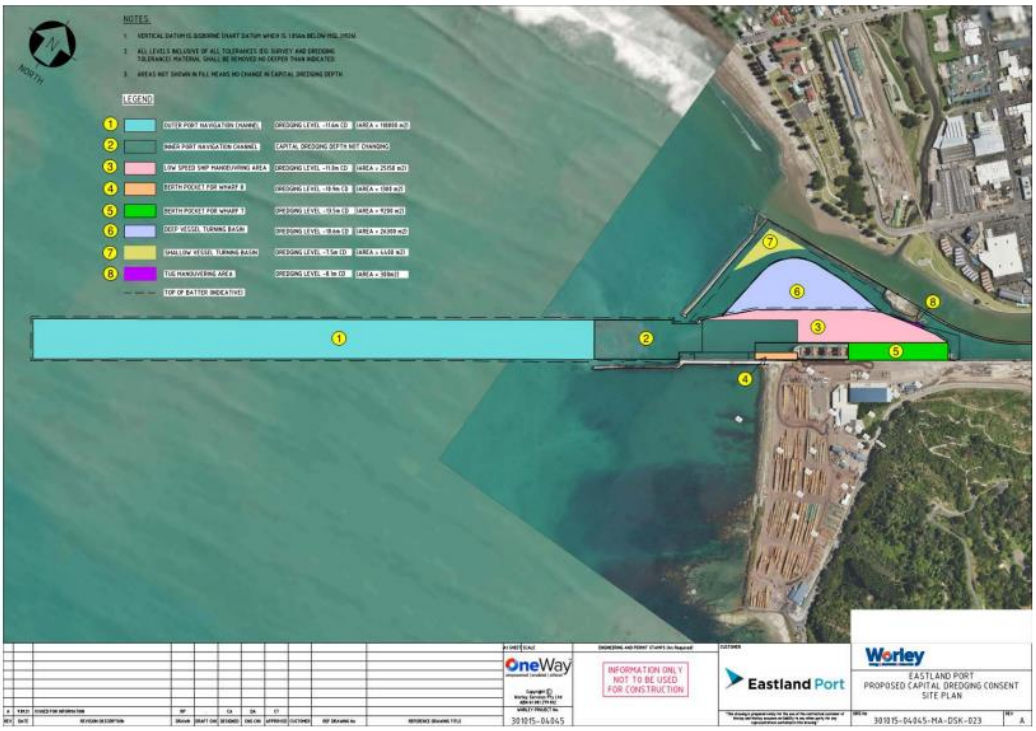
22.	The Consent Holder shall submit an Earthworks Erosion & Sediment Control Plan (EESCP) to the Council's Consents Manager for certification that the EESCP gives effect to the objectives in Condition 23 and complies with the requirements in Condition 24-30.	
23.	The objectives of the EESCP are to: a) Minimise potential erosion effects; b) Minimise discharge of sediment into the CMA and minimise discharge of sediment beyond the area of works within the CMA, to the extent practicable; and c) Ensure appropriate environmental practices are utilised.	
24.	The EESCP shall include, but is not limited to, the following matters: a) Planned volumes of soil disturbance, cut, fill and soil stockpiles; b) Site Layout, final work plans and construction sequence; c) Erosion and sediment management; d) Details of the equipment and methods to be used for the placement of structures, construction materials and fill in the CMA; e) Ground improvement methods for managing the stability of the reclamation and outer breakwater structures, as determined in accordance with Geotechnical condition 61, and measures to minimise associated sediment discharges; f) Construction of revetment working platform; g) Measures to minimise the dispersion of fine sediments during construction; h) Methods to manage any discharge of contaminants associated with reuse of potentially contaminated material from the existing Southern Logyard Revetment Wall; i) Methods to monitor visual water quality associated with sediment plumes during construction works; j) Identifying the person(s) responsible for carrying out all actions in relation to meeting the requirements of this consent; k) Dust management; l) Reference to details of measures for managing any contaminated land; m) Details of construction methods to be employed, including timing and duration; n) Roles and responsibilities under the ESCP and identification of those holding roles including the suitably qualified person; and o) Monitoring, maintenance and record-keeping requirements	Adapted from Wharves 6&7 – condition 19; and including Project specific matters
25.	Erosion and sediment control measures shall be implemented throughout land-based Construction Works. They shall be constructed and maintained so as to operate and perform in accordance with Auckland Council GD20161005: Erosion Sediment Control Guide for Land Disturbing Activities in the Auckland Region and any amendments to this document.	Adapted from Wharves 6&7 – conditions 21 & 22
26.	All cut material from the earthworks that is not re-used on site shall be removed from the site and deposited in an appropriately permitted fill disposal location or stockpiled at a suitable site with appropriate controls for future use.	Adapted from Wharves 6&7 – condition 24 to allow for re-use of revetment material in the reclamation.

27.	Upon completion of earthworks, all areas of bare earth shall be stabilised against erosion or contained under hard surfaces.	Adapted from Wharves 6&7 – condition 25
28.	An 'as built' earthworks plan, and an earthworks completion report with photographs recording various stages of construction, shall be submitted to the Council for approval, within sixty (60) working days of the completion of earthworks. This shall include and show (but is not limited to) areas of cut and fill; volumes of fill; and drainage installation.	Carried over from Wharves 6&7 – condition 26
Contaminated Site Management Plan		
29.	The Consent Holder shall submit a Contaminated Site Management Plan (CSMP) to the Council's Consents Manager for certification that the CSMP gives effect to the objectives in Condition 30 and complies with the requirements in Condition 31. The CSMP shall be prepared by a suitably qualified and experienced contaminated land professional (SQEP) in general accordance with the MfE Contaminated Land Management Guidelines No.5. Site Investigation and Analysis of Soils 2011.	
30.	The objectives of the CSMP are to: a) Minimise harm from potential human exposure to contaminants in soil; b) Manage potential risk to the environment from the disturbance of contaminated material; and c) Ensure appropriate management of any unexpected discovery of contamination.	
31.	The CSMP shall include measures to address: a) Contaminated soil management i Erosion and sediment controls ii Dust control iii Stockpile management iv Soil handling controls v Soil disposal requirements vi Asbestos contaminated soil management vii Decontamination procedures viii Unexpected discovery protocols b) Water Management i Contaminated stormwater management ii Disposal of water c) Health and Safety Controls i Work area restrictions ii Personal protective equipment iii Personal hygiene iv Hazardous identification v Emergency procedures.	Conditions as recommended by 4Sight SQEP in DSI. (Note condition differs from the Wharves 6&7 consents as no DSI was available at the time of those consents).
32.	Prior to any soil disturbance activities, the Consent Holder shall ensure that all relevant environmental control measures outlined in the respective CSMP are in place.	
33.	Any potentially contaminated material identified during the course of works, which is to be disposed of offsite, shall be tested and disposed of to an authorised facility that can receive material of that description.	

34.	All sampling and testing of contamination on the site, and decisions regarding management and disposal of contaminated material, shall be overseen by a SQEP. All sampling shall be undertaken in general accordance with MfE Contaminated Land Management Guidelines No. 5 Site Investigation and Analysis of Soils (Revised 2011) and any amendments to this document.	
35.	A works completion letter for soil disturbance work is provided to the Council within 1 month of completing each stage of work involving the disturbance of soil. As a minimum, the works completion letter should include a copy of the waste manifest that records each load leaving the site with disposal facility location, volume of material and type of material.	
36.	Within 1 month of completion of all soil disturbance works associated with the Project, a works completion report for soil disturbance work shall be provided to the Council. The works completion report shall provide a summary of all previously submitted works completion letters, report on any unexpected discovery of soil contaminants and to summarise the status of the site, which respect to contaminants in soil.	
Avian Monitoring and Management Plan (AMMP)		
37.	The Consent Holder shall, within three months of the issue of consent, submit an Avian Monitoring and Management Plan (AMMP) to the Council's Consents Manager for certification that the AMMP gives effect to the objectives in Condition 38 and complies with the requirements in Conditions 39-41. The AMMP shall be prepared by a Suitably Qualified and Experienced Ecologist (SQEE) in consultation with the Department of Conservation and shall be in general accordance with the '*Twin Berths – Draft Avian Monitoring and Management Plan'* prepared by 4Sight Consulting and dated May 2023.	Project specific as recommended by EPL's ecological experts
38.	The objectives of the AMMP are to ensure activities associated with construction of the reclamation and deconstruction of the existing southern logyard revetment avoid adverse effects on kororā and other threatened coastal bird species and manage adverse effects on potential kororā habitat.	
39.	<u>AMMP - Pre-construction Monitoring and Management</u> The AMMP shall set out a methodology for pre-construction monitoring to characterise existing kororā use of the area and identify any management and mitigation requirements to be implemented prior to construction of the outer port reclamation and deconstruction of the existing southern logyard seawall. The pre-construction monitoring and management section of the AMMP shall, at a minimum, include the following: a) Definition of the extent of the monitoring area, which should include both the area of the existing Southern Logyard Seawall subject to deconstruction works, and existing adjacent areas of known penguin activity identified as the buffer seawalls on Figure 4 of the Twin Berths – Draft Avian Monitoring and Management Plan; b) Identification of monitoring methodology; c) Identification of the frequency of pre-construction monitoring.	
40.	<u>AMMP - Construction Phase Management and Monitoring</u> The AMMP shall set out a methodology for construction monitoring and management and shall, at a minimum, include the following: a) A description of the methodology, area, type and frequency of monitoring required during construction including appropriate set back of works from active burrows.	

	b) Identification of measures to mitigate and manage construction noise effects on kororā and other coastal bird species. Protocols that specify the management of the site and storage of materials to exclude kororā from the active construction areas, c) Required training of project staff/or contractors to implement kororā exclusion mechanisms of the active construction area and monitoring the success of these, d) Protocols that specify the management of incidental discovery of kororā within the active construction area. e) Regular reporting to the Consents Manager, Gisborne District Council, the Department of Conservation and Te Tai Uru that summarises construction works completed and present the findings from the monitoring.	
41.	<u>AMMP - Post-Construction Management and Enhancement</u> The AMMP shall set out a methodology for post-construction monitoring, management, and enhancement measures, including, at a minimum, the following: a) Post construction monitoring and reporting to the Consents Manager, Gisborne District Council, the Department of Conservation and Te Tai Uru that summarises the seawall deconstruction / construction works completed and present the findings from the monitoring. b) If the operation of the consents results in the loss of previously active burrow(s[1]) within the TBP construction area, implementation of habitat offsetting/compensation and habitat enhancement for kororā in the buffer enhancement area that results in positive effects that outweigh such loss, including: i. Installation of two nest boxes for every previously utilised active burrow lost because of the TBP works. Any such nest boxes are to be designed and placed in consultation with the Department of Conversation (DOC) as per the DOC guidelines; ii. Enhancement of the buffer seawall area with planting of salt tolerant vegetation as practicable; iii. Implement predator control and pest management plan for mustelids, cats, rats and other predators to protect kororā and other seabirds; iv. Extension of kororā exclusion fencing to encompass the entire southern seawall i.e., include the buffer seawall to the TBP area; v. Public signage at the Port end of Kaiti beach to create awareness for kororā and encourage dogs to be on lead and under control.	
Accidental Discovery Protocol		
42.	In the event of any archaeological site or koiwi being uncovered during the exercise of this consent, activities in the vicinity of the discovery shall cease. The Consent Holder shall contact the Gisborne District Council to obtain details of the relevant iwi authority. The Consent Holder shall then consult with the relevant iwi authority and the New Zealand Historic Places Trust and shall not recommence works in the area of the discovery until the relevant Historic Places trust approvals or other approvals to damage, destroy or modify such sites have been obtained, where necessary.	As recommended by InSitu

[1] A previously utilised active burrow is a burrow which is no longer active – i.e. no longer has nest contents (egg(s) and/or chicks) or the presence of a moulting bird(s) but the location is likely to be important to kororā due to their high site fidelity.

Construction Dust Management		
43.	Dust from construction activities shall be controlled in accordance with the MfE Good Practice Guide for Assessing and Managing the Environmental Effects of Dust Emissions 2011 (ME408). Should any offensive or objectionable dust be observed beyond the site property boundaries, the discharge shall be modified so that dust is no longer observed beyond the site boundaries or the discharge should cease immediately and shall not restart until such time as compliance is demonstrated to the satisfaction of the Council's Consents Manager.	Carried over from Wharves 6&7 – condition 32
Marine Pest Management Plan (MPMP)		
44.	The Consent Holder shall submit a Marine Pest Management Plan (MPMP) to the Council's Consents Manager for certification that the MPMP gives effect to the objectives in Condition 45 and complies with the requirements in Condition 46. The MPMP shall be prepared in conjunction with Ministry of Primary Industries and Te Tai Uru.	Adapted from Wharf 1– conditions 4-12
45.	The objective of the MPMP is to set out measures to demonstrate how a biosecurity incursion or exacerbation of risk associated with marine pests is to be reduced to the greatest extent practicable during construction works and in relation to capital dredging of areas not previously dredged, identified as areas 6 and 7 on Figure 2 below:  Figure 2: Areas 6 and 7 where dredging has not previously occurred. *Source: Figure 3-4 of Capital and Maintenance Dredging and Disposal Engineering Report, prepared by Worley; referenced as Document No: Rev 0: 301015-04045-CS-REP-002; and dated 07 March 2022*	Adapted from Wharf 1– conditions 4-12
46.	The MPMP shall include, but not be limited to, the following matters:	Adapted from Wharf 1–

	a) A description of the key activities and their potential role in introducing, promoting the growth of, and/or facilitating the spread of notifiable, pest or unwanted organisms. b) Procedures to ensure activities associated with construction of the works and capital dredging of areas where dredging has not previously occurred are undertaken in a manner that avoids or mitigates the spread of any notifiable, pest or unwanted organisms present within the consented works area to surrounding areas. c) Procedures for minimising the risk of new notifiable, pest or unwanted organisms being introduced to the Port during the construction works and/or the capital dredging of areas not previously dredged, including requirements for vessel and equipment cleaning, antifouling and inspections. d) Staff training to familiarise personnel with the risk posed by notifiable, pest and unwanted organisms; how to recognise them; and procedures for reporting and responding to the occurrence of notifiable, pest or unwanted organisms. e) Procedures for recording and reporting actions carried out under this plan and other sightings of marine pest organisms or unusual marine species. f) Process for review of the MPMP. <u>*Condition Notes:*</u> 1. *Notifiable, pest and unwanted organisms are defined and determined under the Biosecurity Act (1993). The presence and risk of Mediterranean Fanworm shall specifically be addressed in the MPMP.* 2. *All conditions of this consent, reports and monitoring data requiring agreement, notification, certification or review by Council, shall be submitted to the monitoring email - compliance.admin@gdc.govt.nz. Council will then refer any reports and data to the Council officers or manager responsible for review or certification.*	conditions 4-12
Biosecurity Inspections		
47.	Pre-works and post-works inspections: a. No more than 60 days before works commence, a pre-works inspection of the construction areas for Wharf 8 and the Outer Breakwater works and dredging areas 6 and 7, as identified in Figure 1 above, shall be undertaken to identify and characterise the presence of any notifiable, pest or unwanted organisms in the area of works. b. Between 60 and 90 days after each stage of construction described in Condition 47(a) is complete, a post-construction inspection of the new Wharf 8 and Outer Breakwater structures shall be undertaken to identify and characterise the presence of any notifiable, pest or unwanted organisms on the new structures.	
48.	Inspection methodology a. Pre and post works biosecurity inspections shall be undertaken by divers with appropriate authorisation and experience in marine biosecurity monitoring and management. b. Notwithstanding condition 48(a), and subject to the Consent Holder providing prior written notice to Council, in the event that environmental conditions and/or health and safety risks mean it is not safe for divers to enter the water during the time-periods specified in	

	Conditions 47(a) and (b), biosecurity inspections may be undertaken using alternative methods such as video surveys, dredging and/or grab samples.	
49.	Reporting Within 15 working days of the completion of each of the pre-works and post-works inspections required by condition 48, the Consent Holder must provide the Council with a report prepared by a suitably qualified and experienced marine ecologist. The report should contain sufficient detail to address the following matters: (a) Summary of the biosecurity inspection undertaken; (b) The location and extent of any notifiable, pest or unwanted organisms identified and details of any measures taken to remove any such organisms and/or otherwise manage biosecurity risks; (c) An assessment of residual biosecurity risks posed by notifiable, pest or unwanted organisms in the area of works; and (d) GPS location of notifiable, pest or unwanted organisms not removed for any reason.	
50.	Should any new notifiable, pest or unwanted organism be identified during the biosecurity inspections, the consent holder shall notify the Council and MPI (Biosecurity New Zealand) immediately.	
Construction Traffic Management Plan		
51.	The Consent Holder shall prepare a Construction Traffic Management Plan (CTMP) for each stage of the project. The CTMP shall be prepared in consultation with Waka Kotahi and GDC and submitted for each stage of construction to the Consents Manager for certification that the CTMP gives effect to the objectives and requirements in Condition 52 applicable to the particular construction stage.	
52.	The objective of the CTMP is to manage construction traffic effects to reduce impacts on the transportation network to minimum practicable levels. The CTMP shall address the following matters: a) Construction staging and programme; b) Light and heavy vehicle demands in each phase of activity; c) Transport routes; d) Measures to avoid use of particular routes (for example Crawford Road to the east) or particular times of day (commuter peaks for example); e) Measures to mitigate adverse effects of construction traffic on pedestrians and cyclists; f) Separation of construction activities from ongoing port operations; g) Nominated access points and parking areas for construction staff and visitors; h) Contractor office(s) and amenities; i) Communication/stakeholder engagement measures including method(s) to enable feedback from road users; j) Any temporary traffic management controls (on or off site); k) Any monitoring and review requirements; l) Contractor contacts and incident reporting protocols; and m) Any other measures to minimise the operational traffic effects of the activity on the surrounding area.	As recommended by the ECC traffic report and expert traffic advice from CKL.

Construction Noise and Vibration

53. Construction noise shall be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 "Acoustics - Construction Noise" and comply with the following Project Standards at any occupied dwelling unless otherwise provided for in the CNMP (Condition 55).

Time period	Weekdays (dB)		Saturdays (dB)		Sundays and Public Holidays (dB)	
	L_{Aeq}	L_{AFmax}	L_{Aeq}	L_{AFmax}	L_{Aeq}	L_{AFmax}
6:30am – 7:30am	55	75	45	75	45	75
7:30am – 6pm	70	85	70	85	55	85
6pm – 8pm	65	80	45	75	45	75
8pm – 6:30am	45	75	45	75	45	75

Carried over from Wharves 6&7 – condition 34

54. Construction vibration shall be measured and assessed in accordance with ISO 4866:2010. The Category A construction vibration criteria in the following table must be complied with as far as practicable. If measured or predicted vibration from construction activities exceeds the Category A criteria, a suitably qualified person must assess and manage the construction vibration during those activities. If measured or predicted vibration from construction activities exceeds the Category B criteria, those activities must only proceed if vibration effects on affected buildings are assessed, monitored and mitigated by a suitably qualified person.

Receiver	Details	Category A	Category B
Occupied residential or visitor accommodation	Night-time 2000h – 0630h	0.3 mm/s PPV	1 mm/s PPV
	Daytime 0630h – 2000h	1 mm/s PPV	5 mm/s PPV
Other occupied buildings	Daytime 0630h – 2000h	2 mm/s PPV	5 mm/s PPV
All other buildings	Vibration – transient	5 mm/s PPV	BS 5228-2* Table B2
	Vibration – continuous		BS 5228-2* 50% of table B2 values

Carried over from Wharves 6&7 – condition 33

55. A Construction Noise Management Plan (CNMP) must be prepared by a suitably qualified person and submitted to the Consents Manager for certification that the CNMP gives effect to the objectives in Condition 56 and complies with the requirements in Condition 57.

56. The CNMP objectives are to:

a) Identify and adopt the best practicable option (BPO) for the management of construction noise;
b) Define the procedures to be followed when the noise standards in Condition 53 and the vibration standards in Condition 54 cannot be met;
c) Inform the duration, frequency and timing of works to manage disruption;
d) Require engagement with affected receivers and timely management of complaints; and

Recommended by Marshall Day

	e) Manage the underwater noise levels from impact and vibratory pile driving methods to protect marine mammals and avoid adverse effects on threatened or at-risk species.	
57.	The CNMP shall include: a) The relevant measures from NZS 6803:1999 "Acoustics – Construction Noise", Annex E2 "Noise management plans" b) Prioritising dredging works in the deep vessel turning basin and the shallow vessel turning basin to take place during the daytime; c) A requirement to engage with the Holiday Park owners, Gisborne Holdings, prior to any night-time dredging where noise levels are predicted or measured to be above 50 dB $L_{Aeq\ (15\ min)}$ at any point within the campground. The engagement shall include an offer to construct an extension to the existing acoustic fence to cover the southern boundary of the campground; and d) Measures to minimise underwater noise effects on marine mammals, as set out in the evidence of Ben Lawrence for Eastland dated 2 October 2023 and the attached memorandum by Helen McConnell dated 29 September 2023.	
58.	No construction activities involving piling, excavation, dredging, compaction, drilling, concrete/rock breaking and/or the trucking of fill or waste material shall be permitted on Waitangi Day, Good Friday, Easter Monday, Christmas Day, Boxing Day or New Years Day.	Carried over from Wharves 6&7 – condition 35
Navigation and Safety Notifications and Documentation		
59.	Prior to commencement of construction in the CMA, the Consent Holder shall consult the Harbourmaster to identify the appropriate location, number and types of navigational aids and lighting required for the construction (including for the temporary and/or permanent structures in the CMA). The navigational aids and lighting as approved by the Harbourmaster will be provided and maintained by the Consent Holder at its cost, and in accordance with Maritime New Zealand guidelines, and the Port and Harbour Marine Safety Code.	Project specific
60.	The Consent Holder shall establish a Navigation Safety Management Plan (NSMP) for on-water construction activities. The objectives of the NSMP are to: a) Provide for efficient operation of the waterspace affected by construction; b) Provide a safe environment for all water users; c) Ensure water users are appropriately notified of construction activities and any changes to the operation of the waterspace affected by construction; d) Maintain safe navigation for and access to other berth holders and water space users; and e) Ensure access to and from the inner harbour, marina and public boat ramp is maintained for vessels at all times as far as practicable.	
Geotechnical Conditions		
61.	The Consent Holder shall submit a Geotechnical Design Report (GDR) to the Consents Manager no later than thirty (30) working days before the Commencement of Construction of the Outer Port	

	Reclamation, and Outer breakwater stages for certification that it adequately addresses the matters in Condition 62 below.	Project specific – ref Worley report
62.	The GDR shall include analysis and design to address specific geotechnical stability matters likely to affect the Reclamation and Outer breakwater and shall include but not be limited to: a. Geotechnical assessment and design of structures and earthworks; b. Identification of suitable ground improvement measures required (if any) to ensure the stability of the Outer Port Reclamation and upgraded Outer Breakwater; and c. Details of the selection process for reuse of material from the existing Southern Logyard revetment wall in the Reclamation.	
63.	All geotechnical-related earthworks shall be managed to ensure that they do not lead to any uncontrolled instability or collapse affecting the site or structures. In the event that such collapse or instability does occur, it shall immediately be rectified.	
Operational Environmental Management Plan		
64.	Not less than thirty (30) working days prior to completion of construction, the Consent Holder shall submit an Operational Environmental Management Plan (OEMP) to the Council's Consents Manager for certification that the OEMP gives effect to the objectives in Condition 65 and complies with the requirements in Condition 66 and 67.	
65.	The objectives of the OEMP are to: a) ensure appropriate environmental practices are implemented in the operational management of Wharf 8, the Outer Port Reclamation and the Outer Breakwater and that adverse effects are appropriately avoided, remedied or mitigated. b) Give effect to the objectives in the OEMP listed in Condition 66.	
66.	The OEMP shall incorporate or refer to the following management plans and documents as applicable: a) Port Noise Management Plan (PNMP) b) Southern Logyard Stormwater Management Plan (SMP) c) Operational Traffic Management Plan (OTMP)	
67.	The OEMP shall include, but is not limited to, the following matters: a) Port Operational Manager(s) and contact details; b) Bark and Other Debris: Management practices to reduce or restrict log bark and other debris that may become suspended within the stormwater runoff; c) Dust: Measures to control dust, including monitoring of weather, mitigation methods such as watering, sprinkler system, sweeping and signage; d) Noise: Measures required to ensure compliance with the specified noise emission limits; e) Site security: Measures to limit public access to the wharves for human health and safety reasons; f) Fuel supply: Measures to monitor use of the facility and fuel spill contingency planning; g) Stormwater system maintenance: Measures involved in the regular management of the site stormwater drainage network and associated treatment devices;	Carried over from Wharves 6&7 – condition 38

<table>
<tr><td></td><td>h) Stormwater quality monitoring: A programme to monitor stormwater quality within the stormwater drainage network and the receiving environment;
i) Heritage Boat Harbour: No operational port activities are to occur within the area identified as the Heritage Boat Harbour on Figure 1 above or the required 5 metre buffer between the Reclamation Area and the Heritage Boat Harbour, other than maintenance and repair of the Southern Logyard seawall within the footprint of the seawall.
j) Contingency plans to deal with any pollution incidents and any dust, noise or stormwater discharges that exceed the ‘thresholds’ specified in this consent; and
k) The recording of any complaints of an environmental nature and the procedures for effectively dealing with them, including advising the Council.

Condition note: It is anticipated that the OEMP required by conditions 60-63 of this consent will be incorporated into the Environmental Management Plan relating to operation of Wharves 6 and 7 as required by way of condition 38 of the resource consents for the wharves 6 and 7 redevelopment (LU-2017-107936-00, CD-2017-107937-00 and LL-2017-107938).</td><td></td></tr>
<tr><td>68.</td><td>The OEMP shall be reviewed by the Consent Holder yearly for the first two (2) years of the operation of the extended Wharf 8 area, the Outer Port Reclamation and the Outer Breakwater and then at five (5) yearly intervals thereafter.</td><td>Carried over from Wharves 6&7 – condition 39</td></tr>
<tr><td>69.</td><td>The Consent Holder may review of the OEMP at any time to deal with any particular issue that may arise in connection with operation of the extended Wharf 8 area, the Outer Port Reclamation and the Outer Breakwater and require an amendment to the OEMP. Any revised OEMP shall be recertified by the Council’s Consent Manager.</td><td>Carried over from Wharves 6&7 – condition 40</td></tr>
<tr><td colspan="3">Operational Port Noise</td></tr>
<tr><td>70.</td><td>Sound from all port activities in the Tairāwhiti Resource Management Plan Port Management Area excluding the rail bridge, Port A Management zone and area outside the Breakwater must comply with the following noise limits when assessed in accordance with NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning.
<table>
<tr><td>At any point in the Amenity Reserve Zone or Amenity Commercial Zone</td><td>67 dB $L_{dn\ (5\text{-}day)}$
62 dB $L_{Aeq\ (9h)}$ (2200h – 0700h)
67 dB $L_{Aeq\ (15\ min)}$ (2200h – 0700h)
85 dB L_{Amax} (2200h – 0700h)</td></tr>
<tr><td>At any point in the Recreation Reserve Zone, General Residential Zone or Inner City Residential Zone</td><td>65 dB $L_{dn\ (5\text{-}day)}$
60 dB $L_{Aeq\ (9h)}$ (2200h – 0700h)
65 dB $L_{Aeq\ (15\ min)}$ (2200h – 0700h)
85 dB L_{Amax} (2200h – 0700h)</td></tr>
<tr><td>At the permanent port noise monitoring location (Portside Hotel)</td><td>67 dB $L_{dn\ (5\text{-}day)}$
62 dB $L_{Aeq\ (9h)}$ (2200h – 0700h)
67 dB $L_{Aeq\ (15\ min)}$ (2200h – 0700h)
85 dB L_{Amax} (2200h – 0700h)</td></tr>
</table></td><td>Adapted from Wharves 6&7 – condition 42 as recommended by Marshall Day;</td></tr>
</table>

71.	The Consent Holder shall maintain a permanent noise monitor at the Portside Hotel or an alternative location agreed by the Council's Consents manager. The monitor shall be regularly calibrated and continuously measure sound levels to provide sufficient valid data for the Consent Holder to prepare reports regarding compliance with the limits applying at this location under these conditions. The Consent Holder shall prepare a summary report of monitoring results and submit this to Council's Consents Manager, Te Tai Uru and the PCLG annually, within one month of the end of the reporting period. Data from the monitor must be publicly available on a website in real-time.	Adapted from Wharves 6&7 – condition 43; as recommended by Marshall Day
Operational Port Noise Management Plan		
72.	Not less than 30 working days prior to the commencement of operations on the upgraded Wharf 8 and Outer Port Reclamation an operational Port Noise Management Plan (PNMP) prepared by a suitably qualified and experienced person in accordance with Section 8 of NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning shall be submitted to Council's Consent Manager for certification. Certification shall be limited to ensuring that the PNMP gives effect to the objectives in Condition 73 and complies with the requirements in Condition 74. The certified PNMP must be implemented throughout operation of Wharf 8 and the Outer Port Reclamation.	
73.	The objectives of the PNMP shall be to: (a) Ensure the port complies with the relevant noise performance standards in Condition 70; (b) Provide a framework for the measurement, monitoring, assessment, and management of noise; (c) Identify and adopt the BPO for the management of noise effects; and (d) Require engagement with the community and timely management of noise complaints.	As recommended by Marshall Day
74.	The PNMP shall, as a minimum, address the following matters: a) Annual reviews of the PNMP, and include noise contour maps showing the predicted port noise levels based on current operations. b) Operator and staff training c) Equipment selection d) General measures e) Safety/reversing alarms f) Night-time activities g) Noise monitoring h) Te Tai Uru engagement i) Community engagement	
Operational Traffic Management Plan		
75.	Within 1 year of resource consent for the works being granted the Consent Holder shall submit a Framework Operational Traffic Management Plan (FPTMP) to Council's Consent Manager for certification. The FOTMP shall be prepared by a suitably qualified and experienced person, and in consultation with Waka Kotahi and Gisborne District Council. The objective of the FMOTP is to provide a strategic framework to guide the preparation of the OTMP required by Condition 76 and	Recommended by CKL

	ensure alignment with any Network Operating Plan or transport network upgrade proposals identified in relevant Council or Waka Kotahi plans or strategies. The FOTMP shall cease to have effect once the OTMP has been prepared and certified in accordance with Condition 76.	
76.	Not less than 30 working days prior to the commencement of operations on the upgraded Wharf 8 and Outer Port Reclamation an Operational Traffic Management Plan (OTMP) prepared by a suitably qualified and experienced person, shall be submitted to Council's Consent Manager for certification. The objective of the OTMP is to manage operational traffic effects to reduce impact on the transportation network to acceptable levels. The OTMP shall, as a minimum, address the following matters: a. An overall access, parking and circulation layout; b. A summary of on-site parking supply and allocation including provision of at least one accessible parking space for people with disabilities (compliant with NZS4121 design standards); c. The number and location of cycle parking spaces; d. Measures to support/promote travel to the site by walking, cycling, public transport or other sustainable modes; e. Site safety protocols such as vehicle speed limits; f. Measures to avoid or limit use of inappropriate routes (for example Crawford Road to the east); and g. Communication/stakeholder engagement measures.	Recommended by CKL.
As-Built Drawings		
77.	Within three (3) months of Completion of Construction for each stage of construction (wharf 8 upgrade, outer reclamation and outer breakwater upgrade), the Consent Holder shall supply a complete set of As-Built Drawings to the Council's Consents Manager. The As-Built Drawings shall show the location, dimensions and typical cross-sections of structures and services.	Standard condition
78.	Within twenty (20) working days of the completion of construction activity in the CMA, the Consent Holder shall supply a copy of the 'as built' plans to the New Zealand Hydrographic Authority (Land Information New Zealand, Private Box 5501, Wellington 6011 or customersupport@linz.govt.nz). The As-Built drawings shall relate to all activities in the CMA, including finished reclamations, wharves, breakwaters and other structures that are appropriate for inclusion on Hydrographic Charts.	Standard condition
Review of Consent Conditions		
79.	In accordance with section 128 of the Resource Management Act 1991, the Gisborne District Council may review the conditions of this consent for the purpose of ensuring unforeseen adverse effects are avoided, remedied or mitigated. Notice of review for such purposes may be given once annually between 1 July and 30 July for the duration of the consent.	Standard condition

3 SOUTHERN LOGYARD STORMWATER UPGRADING

Consent Number: CP-2022-111365-00

Activity authorised: Upgrade of the existing stormwater treatment system in each of the northern and southern catchments of the Southern Logyard and the discharge of treated stormwater to the coastal marine area via the existing outfall in each of the catchments.

Consent duration: This consent will expire 35 years from the date of commencement

Commencement of Consent: In accordance with section 116(1) of the RMA

Consent Lapse: The consent shall lapse within [10] years of commencement.

No.	Condition	Source
1.	The exercise of this consent is subject to the conditions listed in Schedule 1: Common Conditions.	
2.	Construction of the stormwater works authorised by this consent shall be undertaken in accordance with the construction management requirements of Conditions 4 to 43 and 51 to 58 of Consent Numbers CC-2022-111367-00, CR-2022-111368-00, NC-2022-111370-00, LU-2022-111371-00 relating to the construction and use of the Wharf 8 upgrade, Outer Port Reclamation and Outer Breakwater	
Final Plans		
3.	At least twenty (30) working days prior to the commencement of stormwater upgrades, the Consent Holder shall provide final plans of all structures and details of stormwater treatment devices, consistent with the Cheal Stormwater Management Engineering Report titles '*Eastland Port Twin Berth Project*' reference 200577 and dated 12 August 2022 to the Council's Consents Manager.	
Stormwater Quality		
4.	<u>Southern Logyard Northern Catchment</u> The stormwater discharge into the coastal marine area from the southern logyard northern catchment (SLY Nth) shall, after reasonable mixing, meet the following standards for Class SC classified water in the Tairawhiti Resource Management Plan: a) The natural water temperature shall not be changed by more than 3 degrees Celsius; b) The natural pH of the water shall not be changed by more than 0.1 unit and at no time shall be less than 6.7 or more than 8.5; c) There shall be no destruction of natural aquatic life by reasons of a concentration of toxic substances nor shall the waters emit objectionable odours; and d) The natural colour and clarity of the waters shall not be changed to a conspicuous extent.	Carried over from Port Entry consent – condition 51 for Class SC receiving waters. Condition 5 has been added for Class SA receiving waters, as per

5.	Southern Logyard Southern Catchment The stormwater discharge into the coastal marine area from the southern logyard southern catchment (SLY Sth) shall, after reasonable mixing, meet the following standards for Class SA classified water in the Tairawhiti Resource Management Plan: a) The natural water temperature shall not be changed by more than 3 degrees Celsius; b) The natural pH of the water shall not be changed by more than 0.1 unit and at no time shall be less than 6.7 or more than 8.5; c) There shall be no destruction of natural aquatic life by reasons of a concentration of toxic substances nor shall the waters emit objectionable odours; d) The natural colour and clarity of the waters shall not be changed to a conspicuous extent; and e) Aquatic organisms shall not be rendered unsuitable for human consumption by the presence of contaminants, and the water shall not be rendered unsuitable for bathing by the presence of contaminants	existing SLY discharge consent s127 – Condition 9
6.	General Notwithstanding the general responsibility imposed by the conditions of this consent, if for any reason (accidental or otherwise) other wastes or discharges associated with the Consent Holder`s operation escape to natural water beyond the boundaries of the site, the Consent Holder shall: a) Immediately commence mitigation procedures to limit or prevent remedy or mitigate any adverse effect associated with the fugitive discharge and to avoid any further any actual or potential adverse effects to the marine environment. All such actions shall be logged so that a complete record of actions will be available to the Council upon request, b) Notify the Council Compliance Officer within 24 hours of the escape of the wastes or discharges, c) Report in writing to the Council within seven days detailing the manner and cause of the escape and steps taken to control and prevent its recurrence.	Carried over from Port Entry Consent – condition 52
Southern Logyard Stormwater Management Plan (SLYSMP)		
7.	A Southern Logyard Stormwater Management Plan (SLYSMP) shall be provided to the Consents Manager for certification that the SLYSMP gives effect to the objective of the SLYSMP and complies with the requirements of any consent conditions relating to stormwater discharges. The objective of the SLYSMP shall be to set out how the stormwater management system is to be operated and maintained to ensure that adverse environmental effects are minimised. The SLYSMP shall include: (a) Eastland Port Operations Manager(s) and contact details; (b) Debris management practices to reduce or restrict bark and other debris from entering on site stormwater systems and being carried onto adjacent roads and/or enter roadside stormwater systems; (c) Stormwater system maintenance: measures involved in the regular management of the site stormwater drainage network and associated treatment devices;	Adapted from Port Entry Consent – condition 37, with detail on trigger levels and indicators for potential stormwater associated contaminants and stressors for the discharges and receiving

	(d) Stormwater Quality Monitoring Programme (SQMP): a programme to monitor stormwater quality within the stormwater drainage network and the receiving environment; (e) Contingency plans: Plans to deal with any pollution incidents and any dust, noise or stormwater discharges that exceed the 'thresholds' specified in this consent; (f) Trigger levels and indicators for potential stormwater associated contaminants and stressors for the discharges and receiving environment; and (g) Additional monitoring and investigations required to confirm compliance with the trigger values specified under condition 7(f) above during the initial twelve month commissioning phase. *Advice note:* *It is anticipated the SLYMP and SQMP shall generally align with the approach taken to management of the stormwater systems and monitoring of stormwater discharge quality from the upper logyard and wharfside logyard, as set out in DW-2020-105049-02 and CD-2016-107183 respectively.*	environment to be set out in the SQMP rather than forming a condition of consent.
8.	The SLYSMP shall be reviewed by the Consent Holder yearly for the first two (2) years of the operation of the upgraded SLY North and SLY South stormwater treatment systems and then at five (5) yearly intervals thereafter. Any revised SLYSMP shall be recertified by the Council's Consent Manager.	Adapted from Port Entry Consent – condition 39
Stormwater System Management		
9.	<u>Initial Commissioning Period</u> The Consent Holder shall confirm the actual performance of the treatment system during a twelve month commissioning period. Minor breaches of the trigger values set out in the certified SLYSMP, required under Condition 7, may occur during the commissioning period. Minor breaches are defined as breaches either of short duration (less than 2 hours), and/or of an otherwise small scale and which do not lead to the impairment or mortality of marine biota including the effects from any additional treatment. All breaches occurring during this period shall be recorded and reported to Council's Consents Manager within one month of any breach occurring.	Adapted from Port Entry Consent – condition 53
10.	<u>Operation of Stormwater System</u> The Consent Holder shall visually inspect the stormwater collection and treatment system weekly from the commencement of operation of the upgraded stormwater treatment system authorised by this consent to ascertain that the system is maintained in good working order and is not causing: a) Any conspicuous colour change; b) Any conspicuous floatable or suspended materials; c) Any scums or foams; or d) Any emission of objectionable odour.	Adapted from Port Entry Consent – condition 54
11.	Subsequent to rainfall events exceeding the 90 percentile storm, the stormwater catchment pits, yard drainage and culverts shall be inspected and maintained if necessary, to achieve the same level of stormwater treatment to that which existed prior to the rain event.	Carried over from Port Entry

	Advice Note: For practical purposes the 90 percentile storm event shall be any rain event that exceeds 21mm in any 24 hour period.	Consent – condition 55
12.	The Consent Holder shall maintain a record of any log yard ponding and/or overflow event for the first two years of operation of the stormwater works authorised by this consent and shall submit a report to the Council's Consent Manager after two years of operation providing: a) A record of any log yard ponding and/or overflow event and the reasons for occurrence of the ponding and/or overflow event; b) An assessment of possible design changes to minimise or avoid any such events in the future; and c) The actions proposed to implement any design changes identified under Condition 12(b) above as necessary to resolve ponding and/or overflow events occurring or where such design changes are not proposed to be acted upon, the reasons why. *Advice note:* *Additional resource consent/s may be required to implement any design changes required in accordance with this condition. Contact the Team Leader – Resource Consents for advice.*	Recommended by Cheal
Stormwater Quality Monitoring Programme		
13.	As specified in Condition 7(d), a Stormwater Quality Monitoring Programme (SQMP) shall be included in the SLYSMP and subject to the same certification requirements. The purpose of the SQMP shall be to: a) Assess stormwater discharge and receiving environment quality and confirm that they remain within the relevant trigger levels and indicators incorporated in the certified SLYSMP in accordance with Condition 7(f); and b) Assist in the ongoing refinement of trigger values and indicators, monitoring sites and reasonable mixing zones over the duration of the SLYSMP. The SQMP shall address the following matters: (i) location of stormwater and coastal monitoring sites including mixing zone boundaries and background sites; (ii) monitoring frequencies (that will be at least once every three months, subject to Conditions 14 & 15); (iii) sampling and testing methods, including: a. the basis for sample replication, mixing zones, dilution factors and other matters to be taken into account when analysing and reporting monitoring results; and b. for 'trigger' levels that are receiving environment based, requirements that samples for relevant parameters are taken from within the stormwater system and have a dilution factor applied for the zone of reasonable mixing; (iv) provide direction on the basis for any statistical analysis, interpretation of indicators and any justification for the use of surrogate parameters, such as turbidity. All stormwater sampling and analysis required to meet the conditions of these consents shall be carried out in accordance with the methods set out in the Council certified SQMP. All stormwater	Adapted from Port Entry Consent – conditions 57, 66 and 72

	analysis required to meet the conditions of these consents shall be carried out by a IANZ registered laboratory or equivalent in accordance with the American Public Health Association, American Water Works Association and Water Pollution Control Federation: Standard Methods for Examination of Water & Wastewater 22nd (2012) or newer edition.	
14.	Following two years of sampling and verification that the stormwater and receiving environment water quality achieves the target trigger levels identified in the SQMP, the monitoring frequency for monitoring parameters in the certified SQMP, can be reduced to once per year.	Adapted from Port Entry Consent – condition 59
Reporting of Stormwater Monitoring Results to Council		
15.	Within 20 working days of receiving the laboratory analysis of the stormwater quality parameters, to be monitored in accordance with the SQMP required by Condition 12, the Consent Holder shall provide a monitoring report to the Council that: (a) Contains the results of the stormwater monitoring tests; (b) Provides a comparison of the sampling results against the applicable 'trigger' levels and 'trend indicator' values specified in the certified SLYSMP in accordance with Condition 7f;, and identifies any exceedances. *Advice note:* *The monitoring report shall be presented in a format consistent with the Stormwater Monitoring Report required to be submitted to the Council in accordance with Condition 63 of CD-2016-107183 relating to stormwater discharges to the Coastal Marine Area from the Wharfside Logyard*.	Adapted from Port Entry Consent – condition 7
16.	The Consent Holder shall provide an annual Monitoring report to Council prior to 1st October each year. The monitoring report shall provide: a. an assessment of the stormwater and sediment sampling results against the applicable 'trigger' levels; b. an assessment the potential ecological effects of the discharge on the receiving environment. The report shall include all analytical results, QA/QC and field sheets for the year.	Carried over from Port Entry Consent – condition 74
17.	The Consent Holder shall provide access to all monitoring data and interpretation required by this consent to the Port Community Liaison Group and Te Tai Uru, by placement of the reports, on the Eastland Port Website or a web portal designed for public access of Port Monitoring information. Such information shall be available for viewing within seven days of being provided to the Council.	Carried over from Port Entry Consent – condition 75
As-Built Drawings		
18.	Within three (3) months of Completion of Construction of the Southern Logyard stormwater upgrades, the Consent Holder shall supply a complete set of As-Built Drawings to the Council's	Standard condition

	Consents Manager. The As-Built Drawings shall show the location, dimensions and typical cross-sections of structures and services.	
Review Condition		
19.	The Council may serve notice on the Consent Holder of its intention to review the conditions of this consent pursuant to section 128 of the Resource Management Act 1991, (i) within one month after the first anniversary of the completion Southern Log yard stormwater upgrade, and (ii) thereafter within one month after each subsequent anniversary of the commencement of these consents, for the following reasons: a. To review the effectiveness of the conditions of this resource consent in avoiding or mitigating any adverse effects on the environment from the Consent Holders activity and, if considered appropriate by the Council, to deal with such effects by way of further or amended conditions. b. To review the appropriateness of conditions in the light of changes to relevant national standards, regulations and guidelines, and the Council's relevant regional and district plans. c. To impose additional or modify existing conditions of this consent relating, but not limited to, the matters specified below if necessary to deal with any adverse effect on the environment which may arise from the exercise of this permit and which it is appropriate to deal with at a later date: i. Stormwater system management; and ii. Receiving environment water quality	Adapted from Port Entry Consent – condition 42

4 CAPITAL AND MAINTENANCE DREDGING AND DISPOSAL

Consent Number: CD-2022-111366-00

Activity authorised: Capital dredging of approximately 140,600m^3 from a port seabed area of approximately 18.46ha and the subsequent deposition of the dredged material, up to 140,600m^3, at the offshore disposal ground along with associated discharges of decant water to the coastal marine area during dredging and disposal activities.

Maintenance dredging of up 140,000m^3 per year from an outer port seabed area of approximately 25ha and the subsequent deposition of the dredged material, up to 140,000m^3, at the offshore disposal ground along with associated discharges of decant water to the coastal marine area during dredging and disposal activities.

Consent duration: The capital dredging component of this consent will expire 15 years from the date of commencement of construction works

The maintenance dredging component of this consent will expire 35 years from the date of commencement of construction works

Consent Lapse: The consent shall lapse within [10] years of commencement.

No.	Condition	Source
1.	The exercise of this consent is subject to the conditions listed in Schedule 1: Common Conditions.	
2.	Capital and Maintenance dredging works authorised by this consent shall be undertaken in accordance with the following requirements of Consent Numbers CC-2022-111367-00, CR-2022-111368-00, NC-2022-111370-00, LU-2022-111371-00 relating to the construction and use of the Wharf 8 upgrade, Outer Port Reclamation and Outer Breakwater: • Construction noise management (Conditions 53 to 58) • Operational noise management (Condition 70-74) • Marine Pest Management Plan (Conditions 44 to 50)	
3.	Noise from all capital and maintenance dredging shall comply with 50 dB $L_{Aeq\ (15\ min)}$ during the night-time (10 pm – 7 am) at any point within the Holiday Park campground. Noise levels shall be measured in accordance with New Zealand Standard NZS 6801:2008 *Acoustics* –	

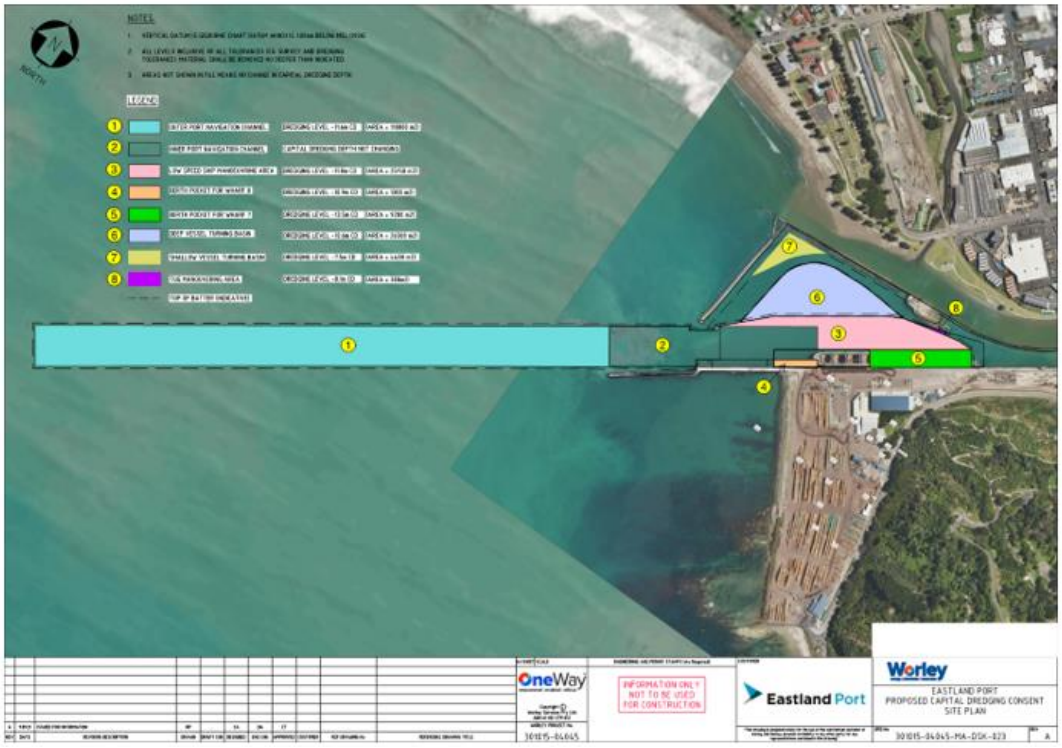
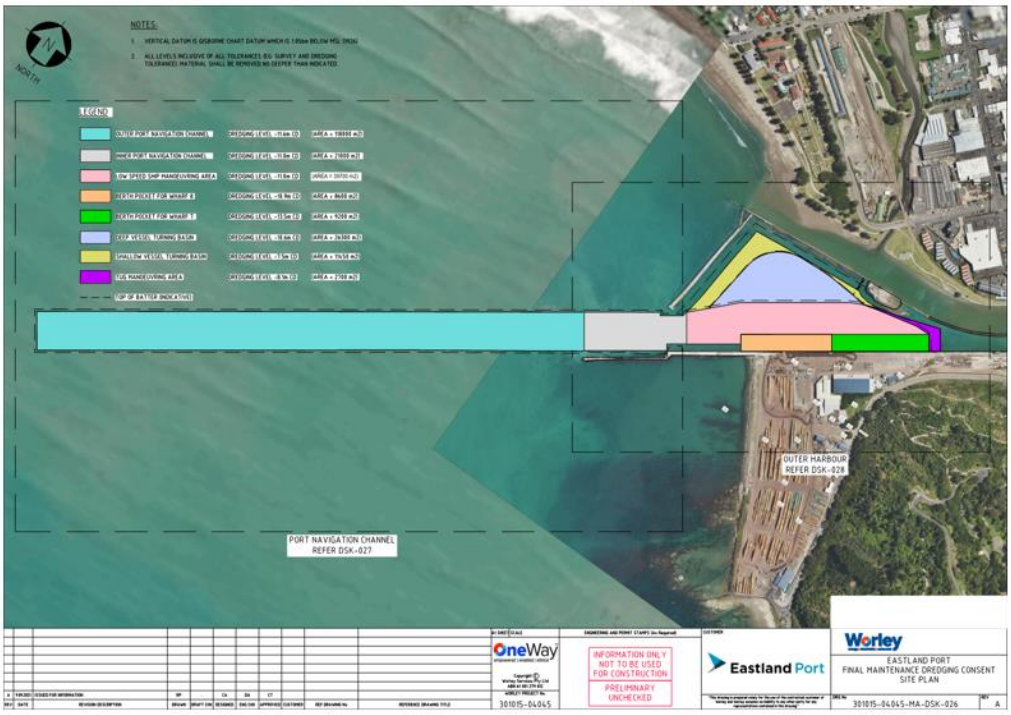
	Measurement of environmental sound and assessed in accordance with New Zealand Standard NZS 6802:2008 *Acoustics - Environmental Noise*.	
Annual Dredging & Disposal Report		
4.	The Consent Holder shall submit to the Council, Te Tai Uru and the PCLG before 30th June each year, a report on the capital and maintenance dredging and disposal operations undertaken during the preceding 12 month period between 1st April and 31st March. This report shall include the approximate quantities of dredged material, the principal areas of dredging (i.e. the port navigation channel, vessel turning basin, and berth pockets), along with the results of the coastal processes, benthic ecology, sediment, and water quality monitoring required under the specific conditions of these consents. *Condition Note:* *The Annual Dredging & Disposal Report required by Condition 2 is expected to form part of the Annual Dredging & Disposal Reports required by Condition 3 of the Wharf 1 mooring platform and maintenance dredging consent (CP-2021-110698-00 / CR-2021-110699-00 / CD-2021-110700-00) and Condition 59 of the Wharves 6 & 7 consents (LU-2017-107936-00, CD-2017-107937-00 and LL-2017-107938)*	As discussed with Rongowhakaata and adapted from Wharf 1, condition 3 and Wharves 6&7 condition 59
Area of Capital Dredging		
5.	The capital dredging authorised by this consent is limited to the port operating area, including the port navigation channel, vessel turning basin and wharf berth pockets, shown in **Error! Reference source not found.**. 	

	Figure 1. Plan of Capital Dredging Area	
Area of Maintenance Dredging		
6.	The maintenance dredging authorised by this consent is limited to the port operating area, including the port navigation channel, vessel turning basin and wharf berth pockets, shown in Figure 2.  Figure 2. Plan of Maintenance Dredging Area	
Conditions relevant to Capital and Maintenance Dredging		
Management of Operations to Limit Effects on Water Colour & Visual Clarity		
7.	There shall be no conspicuous change in the colour and visual clarity of the seawater as a result of the Consent Holder's operations and activities that are authorised by this consent after two hours of the cessation of each dredge run, or when the dredging overlaps within this 2 hour period, within 2 hours after the last completed dredge run.	Carried over from Wharf 1 (condition 17) and Wharves 6&7 (condition 52)
Sediment Quality Monitoring Programme		
8.	In February or March of each year a sediment quality survey shall be undertaken within the area of dredging authorised by this consent. The survey shall involve representative sampling and analysis of the metals and a metalloid (arsenic) identified in Table 1 below along with Polycyclic Aromatic Hydrocarbons (PAH) and Total Resin Acids. The sampling shall be related to the exposed port navigation channel and the more sheltered vessel turning basin and wharf berth	Carried over from Wharf 1 (condition 18) and adapted from Wharves

<table>
<tr><td></td><td>pocket areas and generally involve the three sites shown in Figure 3 as well as a background sampling site at the Turanganui River section below the Gladstone Road bridge.

Not less than 20 working days prior to the first field survey in accordance with this condition, the Consent Holder shall submit to the Council for certification a proposed methodology for the Sediment Quality Monitoring programme.

The proposed methodology shall detail engagement with Te Tai Uru regarding the proposed methodology, including reasons why any recommendations made and implemented by Te Tai Uru have not been accepted.

Condition Notes:

1. The Sediment Quality Monitoring Programme required by Condition 7 is expected to form part of the existing port wide sediment quality sampling programme

2. The proposed methods should take into account that sampling methods used to determine the suitability of dredged sediment for disposal may differ from those used to assess contaminant accumulation in sediments.</td><td>6&7 (condition 53)</td></tr>
<tr><td>9.</td><td>Sediment quality results shall be assessed with reference to the Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2018 (ANZG 2018) Toxicant Default Guideline Values (DGVs) for Sediment Quality in Aquatic Ecosystems (or the appropriate updated reference document) listed in Table 1 below, in order to assess the suitability of the dredged sediments for offshore disposal, unless an amendment to the below requirements has been certified in accordance with condition 11.

Table 1. ANZG 2018 Default Guideline Values for Sediment Quality

<table>
<tr><th>Parameter</th><th>Sediment Quality DGV (mg/kg dry weight)) - see https://www.waterquality.gov.au/anz-guidelines/guideline-values/default/sediment-quality-toxicants</th></tr>
<tr><td>Arsenic</td><td>20</td></tr>
<tr><td>Cadmium</td><td>1.5</td></tr>
<tr><td>Chromium</td><td>80</td></tr>
<tr><td>Copper</td><td>65</td></tr>
<tr><td>Lead</td><td>50</td></tr>
<tr><td>Mercury</td><td>0.15</td></tr>
<tr><td>Nickel</td><td>21</td></tr>
<tr><td>Silver</td><td>1</td></tr>
<tr><td>Zinc</td><td>200</td></tr>
</table>

<table>
<tr><th>Organics</th><th>DGV (ug/kg,)</th></tr>
<tr><td>Total PAH</td><td>4,000</td></tr>
</table>
</td><td>Wharves 6&7 (condition 53); Wharf 1 (Condition19</td></tr>
</table>

Total Resin Acids	No guideline
Total Organic Carbon	No guideline

Condition Notes

1. *The DGVs are those below which toxicological effects on biota are unlikely, and above which such effects are more probable. They are not 'compliance limits' that have to be met on all occasions.*

2. *The sediment quality survey is intended to confirm that the material is suitable for offshore disposal in terms of the contaminant concentrations which are assessed in relation to ANZG 2018 DGVs (sediment quality guidelines). However, these surveys and reports also support the recognition of the values and aspirations that hapu hold for the coastal marine environment in which the Off Shore Disposal Ground (OSDG) is currently situated.*

10.	All sampling and analysis shall be carried out by suitably qualified independent person and analytical laboratories approved by the Council and such sampling and analysis shall be carried out at the cost of the Consent Holder. The analysis shall be carried out in accordance with the American Public Health Association, American Water Works Association and Water Pollution Control Federation: Standard Methods for Examination of Water & Wastewater: 22nd (2012) or newer edition.	Wharves 6&7 (condition 54); Wharf 1 (Condition20)
11.	Within 20 working days of receiving the laboratory analysis of the sediment quality samples undertaken in accordance with Condition 7, the Consent Holder shall provide a report to the Council, Te Tai Uru, and the Port Community Liaison Group that: a) contains the results of the sediment quality surveys including tabulated raw data results and the coordinates of all sampling stations; b) presents and interprets the sediment quality results with reference to the ANZECC DGV, and any changes or trends relative to previous monitoring results; and c) is prepared by a suitably qualified and experienced independent person..	Wharf 1 (Condition21) and derived from Wharves 6&7 (Condition 55)
12.	Where an ANZG (2018) DGV is exceeded or there is a statistically significant increase in Total Resin Acids concentration mean value at the same sampling site on consecutive annual surveys, further sampling of the exceedance parameter shall be undertaken within 40 working days to verify (or otherwise) the exceedance within the port sediments to be dredged. This further sampling shall include the background site in the Turanganui River section below the Gladstone Road bridge. The Consent Holder shall provide a further monitoring report on the findings of this assessment work to the Council and Te Tai Uru that identifies: a) the possible sources of the contaminant; b) if one or more of the sources can be related to port related activities any possible management options for reducing the levels of contaminants discharged to the port; and	Wharves 6&7 (condition 56); Wharf 1 (Condition22)

	c) engagement with Te Tai Uru including any recommendations made by Te Tai Uru and where such recommendations have not been accepted or acted upon, the reasons why.  Figure 3. Location of Outer Port annual sediment quality sampling sites	
Process for Dredging of Areas with any Consecutive Exceedances of Heavy Metal Concentrations in Sediments		
13.	Within 4 weeks of reporting of results in accordance with condition 11, the Consent Holder shall provide a further report to the Council and Te Tai Uru that: a) assess the significance of the results of the relevant sediment quality surveys (in relation to the continued use of the OSDG for the disposal of dredging sediments under these consents); b) identifies any recommended measures necessary to avoid, remedy or mitigate any adverse effects on the OSDG resulting from the disposal of the dredging sediments under these conditions; and c) details engagement with Te Tai Uru including any recommendations made by Te Tai Uru and where such recommendations have not been accepted or acted upon, the reasons why.	Wharf 1 (condition 23); Wharves 6&7 (Condition 58)
Water Quality Monitoring Programme		
14.	The Consent Holder shall implement a water quality monitoring programme as follows: (a) The Consent Holder shall once every three years, in February or March, as part of the sediment sampling in the vessel turning basin arrange for an elutriate test of metals to be carried out by a registered analytical laboratory. A Standard Operating Procedure for the testing is to be provided to the Council before the work is undertaken.	As recommended by 4Sight Water Quality / Ecology specialist

(b) The elutriate testing will require the metals identified below to be measured in the following samples:

i. sediment used in the elutriate test;
ii. seawater used in the elutriate test; and
iii. filtered elutriate generated by the elutriate test.

(c) The metal concentrations tested in the seawater and the elutriate shall be compared with the ANZG 2018 DGVs at the 90 % Species Protection Level set out in Table 2 below, unless an amendment to the below requirements has been certified in accordance with condition 14.

Table 2: ANZG 2018 Default Guideline Values for Marine Water Quality

Parameter	**ANZG DGV for 90% species protection level (ug/1)**
Cadmium	14
Chromium (CR 111)	49
Chromium (CR VI)	20
Copper	3
Lead	6.6
Mercury (inorganic)	0.7
Nickel	200
Silver	1.8
Zinc	12

(d) If the elutriate testing indicates that after reasonable mixing and dilution, concentrations of one or more of the tested metals exceed the above mentioned ANZG 2018 DGV then additional water quality testing and analysis for the same parameters shall be undertaken in order to establish background concentrations of the metals, the gradient of metal concentrations near the working dredge and possible influencing factors.

(e) The results of the further water quality testing and analysis shall be reported to the Council within 20 working days of completion of the laboratory analysis. The monitoring report provided to the Council shall identify the possible sources of the contaminant and if one or more of the sources can be related to port related activities then the report shall identify any possible management options for the reducing the levels of contaminant discharge to the port.

Review of Sediment and Water Quality Monitoring Programme		
15.	The Consent Holder may as part of any sediment or water quality monitoring report submitted to the Council request changes to the range of parameters tested, analysed and reported to the Council where the concentrations of metalloids/metals have over a significant period of time (at least 5 year monitoring cycle) been consistently below the ANZG(2018) DGVs. Any such request shall detail the engagement undertaken with Te Tai Uru in relation to the proposed change and any recommendations or views expressed by Te Tai Uru. The revised testing regime shall not commence until the Consent Holder has received written confirmation that the amended sediment and/or water quality monitoring programme is certified by the Consent Authority.	Wharves 6&7 (condition 60); Wharf 1 (Condition24)
Monitoring of Dredging Effects on Coastal Processes		
16.	The Consent Holder shall monitor the effects of capital and maintenance dredging on coastal processes as follows: (a) The Consent Holder shall within 6 months of the commencement of this consent submit to the Council, Te Tai Uru and PCLG a report from a coastal processes scientist or engineer a report detailing the capital and maintenance dredging effects monitoring to be carried out as generally outlined in the MetOcean's Proposed Monitoring Requirements Report of 12 September 2022, reference No. P0331-31 submitted with the application. This report shall identify the beach profile monitoring to be undertaken in the vicinity of the Port to compliment the monitoring currently undertaken by the Council in Poverty Bay. (b) The Consent Holder shall within 1 year of the commencement of this consent and at subsequent 1-year intervals submit to the Council, PCLG and Te Tai Uru a progress report from a coastal processes scientist or engineer on the capital and maintenance dredging effects monitoring, including any recommendations on changes to the coastal processes monitoring related conditions set out in this consent. (c) The Consent Holder shall not less than 6 months before the expiry of this consent submit to the Council, PCLG and Te Tai Uru a final report on the findings of the capital and maintenance dredging coastal processes monitoring at the Port of Gisborne.	As recommended by MetOcean Solutions
17.	The Consent Holder shall provide to the LINZ Hydrographic Office a hydrographic survey of the capital dredged areas within six months of dredging.	
Conditions Specific to Disposal of Dredgings		
Area of Dredging Disposal		
18.	All dredged material shall be disposed of within the Offshore Spoil Disposal Ground (OSDG) identified by the following NZTM co-ordinates and shown in **Error! Reference source not found.**4.	Wharves 6&7 (condition 61);

Northings	Eastings
5703102	2032605
5704450	2034095
5702065	2034417
5702583	2034951

Figure 4. Offshore Spoil Disposal Ground

		Wharf 1 (Condition30
Spread of Dredged Material		
19.	The dredged material shall be evenly discharged so as to spread over the OSDG and not concentrated in any one particular location. Each dredge discharge track is to be logged and a copy of the log forwarded to the Council and Te Tai Uru annually by 30th June in the year in which the disposal occurs until this consent expires.	Wharves 6&7 (condition 62); Wharf 1 (Condition31
Management of Operations to Limit Effects on Water Colour and Visual Clarity		
20.	There shall be no conspicuous visual change in colour and visual clarity of the seawater as a result of the Consent Holders operations and activities that are authorised by this consent after six hours of the cessation of each dredge discharge run.	Wharves 6&7 (condition 63); Wharf 1 (Condition32
Offshore Spoil Disposal Ground and Control Area Surveys and Monitoring		
21.	The Consent Holder shall undertake annual hydrographic and side-scan sonar surveys of the OSDG and control area identified in the MetOcean Monitoring report submitted with the applications. The results of the surveys are to be sent to the Council, PCLG and Te Tai Uru by 30 June of each year in which the surveys have occurred until this consent expires.	Wharves 6&7 (condition 64); Wharf 1 (Condition33
Offshore Spoil Disposal Ground Benthic Ecology Monitoring Programme		

22.	The Consent Holder shall implement a benthic ecology monitoring programme in the offshore disposal ground, as follows: (a) The Consent Holder shall every five years undertake in-faunal sampling and analysis of the sediments within and near the OSDG and at appropriate control sites. Such control sites shall include reference sites located in areas of soft substrate, where possible, in close proximity to known sub-tidal reef habitats identified in consultation with Te Tai Uru, until expiry of this consent. (b) The sampling sites, methodology and data analysis shall be generally consistent with the last previous programme undertaken and reported on by 4Sight Consulting in July 2020 titled 'Offshore Disposal Ground for Dredged Sediment, Benthic Fauna Survey'. (c) Not less than 20 working days prior to the first field survey in accordance with this condition, the Consent Holder shall submit to the Council's Consents Manager for certification a proposed methodology for the Benthic Monitoring Programme. The proposed methodology shall detail engagement with Te Tai Uru regarding the proposed methodology, including reasons why any recommendations made and implemented by Te Tai Uru have not been accepted. (d) The results of the sampling and analysis are to be reported to the Council, the PCLG and Te Tai Uru by 30 June of the year sampling occurs as part of the annual maintenance dredging and disposal report required by condition 3	Wharves 6&7 (condition 65); Wharf 1 (Condition34-37)
Offshore Spoil Disposal Ground Sediment Quality Monitoring Programme		
23.	The Consent Holder shall implement a programme to monitor sediment quality in the offshore disposal ground as follows: (a) Sediment quality surveys shall be undertaken annually for the term of the dredging consent to assess concentrations / percentages of the heavy metals listed in Table 1 in the sediments at representative OSDG sites and background sites. Not less than 20 working days prior to the first field survey in accordance with this condition, the Consent Holder shall submit to the Council for certification a proposed methodology for the Sediment Quality Monitoring Programme. The proposed methodology shall detail engagement with Te Tai Uru regarding the proposed methodology, including reasons why any recommendations made and implemented by Te Tai Uru have not been accepted. (b) Within 20 working days of receiving the laboratory analysis of the sediment quality samples undertaken in accordance with condition 19(a) the Consent Holder shall provide a report to the Council, the PCLG and Te Tai Uru that: (i) contains the results of the sediment quality surveys; (ii) assesses the significance of the results of the relevant sediment quality surveys taking into account any exceedances of guideline values provided in Table 1 and any changes or trends relative to	Wharves 6&7 (condition 57&58; Wharf 1 (Condition38-39

	previous monitoring results (in relation to the continued use of the OSDG, for the disposal of dredging sediments under these consents); (iii) identifies any recommended measures to avoid remedy or mitigate any adverse effects on sediment quality in the OSDG resulting from the disposal of the dredging sediments under these consents that are assessed to be of a more than minor nature; and (iv) details engagement with Te Tai Uru and where such recommendations have not been accepted or acted upon, the reasons why. The Consent Holder shall retain (or ensure the retention of) the sediment quality survey samples to assist with evaluating any exceedances in the subsequent annual OSDG Sediment Quality Monitoring Programme (and thereafter may be destroyed). *Advice Note: The OSDG sediment quality surveys and reporting required by Conditions 38 and 39 are expected to form part of the OSDG sediment quality surveys and reporting undertaken in accordance with Conditions 57 and 58 of the Wharves 6 & 7 consents (LU-2017-107936-00, CD-2017-107937-00 and LL-2017-107938)*	
Offshore Spoil Disposal Ground Coastal Processes Investigations and Monitoring Programme		
24.	The Consent Holder shall monitor the effects of disposal of dredge material in the Offshore Disposal Ground on coastal processes as follows: (a) The Consent Holder shall within 6 months of the commencement of this consent submit to the Council, Te Tai Uru, and PCLG a report(s) from a coastal processes scientist/engineer detailing the OSDG and control area surficial sediment investigations and monitoring to be carried out as generally outlined in the MetOcean Monitoring Report submitted with the application. (b) The results of the sampling and analysis are to be reported to the Council, the PCLG, and Te Tai Uru by 30 June of the year sampling occurs as part of the annual maintenance dredging and disposal report required by condition 3. The report shall include any recommendations on changes to the coastal processes and sediment quality monitoring related conditions set out in this consent. (c) The Consent Holder shall not less than 6 months before the expiry of this consent submit to the Council, the PCLG and Te Tai Uru a final report on the findings of the OSDG coastal processes and sediment quality investigations and monitoring, along with recommendations on the future use of the facility and/or any possible alternative facilities for the disposal of maintenance dredgings from the Port of Gisborne.	Wharves 6&7 (condition 66)
Review Condition		
25.	The Council may serve notice on the Consent Holder of its intention to review the conditions of this consent pursuant to Section 128 of the Resource Management Act 1991 at the following times:	Wharves 6&7 (condition 67);

	(a) within 30 working days of receiving a written recommendation from Te Tai Uru pursuant to condition 3B(viii) of Schedule 1 relating to an adverse cultural effect where either: a. the Consent Holder does not propose to address Te Tai Uru's recommendation; or b. Te Tai Uru considers the Consent Holder's response is inadequate; (b) within 30 working days of receiving the Consent Holder's report under condition 2 in relation to sediment quality surveys, where that report identifies recommendations that the Consent Holder's report does not propose to implement; (c) within one month after the first anniversary of the commencement of the maintenance dredging, and (d) thereafter within one month after each subsequent anniversary, For the following reasons: i To require the adoption of the best practicable option to remove or reduce any effects on the environment. ii To modify any monitoring and/or reporting programme (including requiring additional monitoring or decreasing the frequency of monitoring and/or reporting required) if there is evidence that current monitoring and/or reporting requirements are no longer appropriate. iii modify any monitoring programme, or to require additional monitoring if there is evidence that current monitoring requirements are inappropriate or inadequate.	Wharf 1 (condition 13)

5 PORT OCCUPATION

Resource Consent: [Council reference number]

Activity authorised: To occupy 19.25ha of the common marine and coastal area for port structures and activities.

Consent duration: This consent will expire 35 years from the date of commencement

<table>
<tr><th>No.</th><th>Condition</th><th>Source</th></tr>
<tr><td>1.</td><td>The activities authorised by this consent shall be undertaken in general accordance with the plans and all information submitted with the application, as detailed below, except where otherwise required in the consent conditions. Where there is any inconsistency between the application documentation and the consent conditions, the consent conditions prevail.
<table>
<tr><th>Document</th><th>Prepared by:</th><th>Reference No.</th><th>Version</th><th>Date</th></tr>
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</table></td><td>Standard condition</td></tr>
<tr><td>2.</td><td>All works and structures relating to this resource consent shall be designed and constructed to conform to the best engineering practices and at all times maintained to a safe and serviceable standard.</td><td></td></tr>
<tr><td>3.</td><td>The area to which this occupation permit relates is shown in Figure 1 below.</td><td></td></tr>
</table>

Figure 1: Gisborne Port Occupation Area

Update of Marine Charts

4.	The Consent Holder shall in consultation with Council's Harbourmaster and Maritime New Zealand, develop a proposal for how the total area occupied by the Port is to be identified on the marine charts. This should include but not be limited to any safety markers required on the charts and the need for any prior notice to mariners. The proposal shall be submitted to Council for certification prior to works commencing on Wharf 8.	

APPENDIX 2: TRMP POLICY ANALYSIS

TRMP Provision	Assessment against proposal	Reasoning
Regional Policy Statement – Tangata Whenua (Section B1)		
B1.3.1 Objective 1. *To have particular regard to the concept of kaitiakitanga when managing the use, development and protection of natural and physical resources, in a way which accommodates the views of individual iwi and hapu.*	Complies	As discussed in the evidence of Mr Bayley, Eastland has engaged with iwi and hapū groups and will continue to do so in relation to this Project and other Port activities and development. This includes through Te Tai Uru, the purpose of which, includes recognising and providing for the kaitiakitanga responsibility of the member hapū and acknowledging and providing for the importance of the landform, sites of cultural significance, and the mauri of the water bodies within and surrounding the Port area, as tāonga to the hapū members. Eastland proposes to carry over conditions relating to the Te Tai Uru forum, as well as requirements to engage with Te Tai Uru during the preparation of management plans; to adopt conditions relating to dredging and disposal activities that were developed in consultation with Rongowhakaata in relation to the 2020 maintenance dredging application; incorporate accidental discovery
B1.3.2 Policies 1. *To consult with iwi and hapu on an individual basis to determine how kaitiakitanga can be recognised and integrated in the management of the use, development and protection of natural and physical resources in the Gisborne district.* 2. *To recognise and provide for the role and mana of kaitiaki as resource managers or guardians of local resources.* 3. *To encourage applicants for resource consents to consult with tangata whenua.* 4. *To take account any relevant planning document/s recognised by the appropriate iwi, hapu or marae.*		
B1.4.2 Objectives 1. *To promote, where practicable, the preservation and protection of sites of value to Māori.* 2. *To recognise and provide for the relationship of Māori with their culture, traditions, ancestral lands, and other resources.*		
B1.4.3 Policies		

1. *To recognise that each iwi, hapu and marae has its own priorities and preference for the management of resources and to respect those priorities and preferences within the limits of the Act.*		protocols; and have iwi-hapū involvement in review of the consent conditions. On this basis, it is considered that appropriate regard has been given to opportunities to enable the exercise of kaitiakitanga during construction and operation of the Project.
Regional Policy Statement – Built Environment, Energy and Infrastructure (Section B3)		
B3.5.1 Objective 1. *The provision by relevant organisations of safe, efficient, and convenient rail, air, port and road transport services in a way that avoids, remedies or mitigates adverse effects on the natural and physical environment.*	Complies	Key objectives of the Project are to improve the capacity, safety and efficiency of the Port. Associated benefits include reduced reliance on the road network to transport goods into and out of the region, including reduced emissions and road maintenance costs. Eastland's technical experts have undertaken comprehensive assessment of the Project and confirm that subject to adoption of the recommended mitigation measures, actual and potential adverse effects of the Project on the natural and physical environment and adjoining land uses can be appropriately avoided, remedied or mitigated. Conditions of consent as well as a series of management plans are proposed to ensure this occurs.
B3.5.2 Policies 1. *To avoid, remedy or mitigate any adverse effects resulting from the construction and maintenance of transport facilities and network utilities* 2. *To plan for the location of transport facilities and network utilities and their relationship with adjoining land uses so that they do not cause or sustain adverse effects from nearby land uses.* 3. *To recognise and promote the environmental and economic advantages of efficient rail and sea.* 4. *To encourage efficient and sustainable transport and utility networks in the region.* 6. *To be willing to consider new transport options – such as barging or new port facilities – which might reduce the region's dependence on roading.* 7. *To encourage efficient and sustainable port developments.*		

		The Project is considered to represent efficient and sustainable development of this existing regionally significant transport infrastructure.
Regional Policy Statement - Coastal Environment (Section B4)		
Section B4.2 - Coastal Management		
B4.2.1 Objective 1. *Management of the coastal environment that is integrated across the boundaries of the coastal marine and inland areas and between agencies, organisations and the tangata whenua.*	Complies	The Project takes a comprehensive and integrated approach to Port development, involving both land and sea-based activities. The Project has been developed with input from GDC, tangata whenua and other relevant agencies and organisations, including industry groups and members of the PCLG. Eastland is committed to ongoing meaningful engagement with tangata whenua, including through the Te Tai Uru forum, to identify opportunities for the exercise of kaitiakitanga. Specific provision is made by way of consent conditions, for continued input to the development of management plans and implementation of the Project by Te Tai Uru members. The approach proposed to managing construction and implementation of the Project seeks to maintain existing natural and physical resources to the extent practicable.
B4.2.2 Policies 1. *To consult closely with Māori when developing and implementing plans affecting the coast, and when considering resource consents which raise issues of concern to Māori who are recognised as kaitiaki of the area.* 2. *To recognise and maintain, in as natural a condition as possible, the dynamic, complex and inter-dependent nature of natural and physical resources in the coastal environment.*		

Section B4.3 - Natural Character		
B4.3.1 Objectives *1. The preservation of the natural character of the coastal environment – including by protecting outstanding natural features and landscapes, areas of significant indigenous vegetation and habitats of significant indigenous fauna in the coastal environment.* *2. Rehabilitate degraded landscapes and ecosystems within the coastal environment.* *3. Coastal water quality that is maintained or enhanced.* *4. Amenity values of the coastal environment arising from the preservation of natural character – including the quality of open space – are maintained and enhanced*	Complies	Natural character in this part of the coastal environment is heavily influenced by the existing Port facilities and activities and there are no identified outstanding natural features or landscapes. Nor are there any areas of significant conservation value, as listed in TRMP Schedule G1. Implementation of the proposed AMMP will ensure kororā activity is appropriately identified and managed and effects on the local population are avoided, with the creation of replacement habitat ensuring preservation of habitat. Effects on kōura are assessed as low with an expectation of habitat restoration in the upgraded outer breakwater. The Project design and materials will ensure the Project appears as an integrated part of the working coastal landscape created by the existing Port without detracting from existing landscape and visual amenity values. Upgrades to the SLY stormwater treatment system will reduce contaminant loading in stormwater runoff and enhance water quality.
B4.3.2 Policies *3. To recognise and protect sites and taonga of value for Māori.* *4. To allow subdivision, use or development in the coastal environment, particularly in areas already degraded, which:* *a) Preserves natural character; and* *b) Avoids, remedies or mitigates adverse effects.*	Complies	

		Specific management measures are incorporated to protect taonga species such as kororā and marine mammals. Provision is made for further opportunities for kaitiakitanga to be incorporated in the Project through Te Tai Uru and the management plan process incorporated in the proposed consent conditions. The Project is appropriately located at the existing Port where natural character values are already degraded and will be implemented in a manner that appropriately avoids, remedies or mitigates adverse effects.
Section B4.4 - Natural Processes and Features		
B4.4.1 Objectives *2. The protection of the integrity, functioning, resilience and quality of natural coastal processes, natural physical resources and biological communities in the coastal environment.* *3. Restoration and rehabilitation of areas of the coastal environment where the integrity, functioning, resilience and quality of natural coastal processes, natural physical resources and biological communities has been degraded and appropriate remedial action can be taken.*	Complies	Structural elements of the Project (Outer Port Reclamation and Breakwater upgrade) have been designed to minimise changes to coastal processes, and avoid altering the dynamic, complex and interdependent nature of the coastal environment. Restoration and rehabilitation of natural ecosystems will be achieved through extended/improved habitat for crayfish, Kororā and other marine biota. Effects on biological diversity and ecosystem integrity have been assessed by Eastland's technical specialists as being at a generally low level and primarily during construction, with a high level of recovery anticipated.
B4.4.2 Policies *1. To avoid, remedy or mitigate the effects of activities which have an adverse effect on biological diversity and ecosystem integrity.* *2. To encourage activities which could rehabilitate or enhance degraded ecosystems, coastal processes and natural physical resources – including water.*		

3. To encourage subdivision, use and development which takes into account the integrity and resilience of natural processes and recognises that natural features provide buffers against natural processes that might damage an activity.		Effects are considered to be appropriately avoided, remedied or mitigated. The Project seeks to enhance the resilience of the Port to adverse weather and climate change taking into account natural processes and is assessed as avoiding any exacerbation of coastal processes effects to surrounding areas.
Section B4.8 - Point Source Discharges		
B4.8.1 Objective *To avoid, mitigate or remedy the adverse effects of point-source discharges on receiving waters.* ***B4.8.2 Policies*** *1. To endeavour to ensure that the effects of any contaminants contained in point-source discharges are such that they:* *a) do not unduly impact on the receiving environment; and* *b) do not reduce, after reasonable mixing, the quality of the receiving water below any standards established in any plan for that water.* *2. When considering proposals or applications to discharge contaminants directly to water, matters to be taken into account include:* *a) the total contaminant load of the effluent composition/flow rate];* *b) the assimilative capacity [including available dilution and dispersal] of the water body and existing water quality;* *c) the need to safeguard the life-support capacity of the water body;*	Complies	Upgrades to the SLY stormwater treatment system will reduce sediment and contaminant loading thereby improving discharge quality and enhancing coastal water quality in the location of these outfalls. The relevant SA and SC water quality standards applying to receiving waters for SLY stormwater discharges are expected to be met, including in relation to maintenance of natural water temperature and pH, no destruction of natural aquatic life and maintenance of natural colour and clarity of the water with no conspicuous change. This expectation is based on successful implementation of the same stormwater treatment system in the ULY and WLY and comprehensive monitoring data and is

d) actual or potential uses of the water body and the degree to which the needs of other water users are or may be compromised; *e) scenic, aesthetic, amenity and recreational values including fisheries values and the habitat of trout and indigenous fish;* *f) allowance for a reasonable mixing zone;* *g) the potential for bio-accumulative or synergistic effects;* *h) the actual or potential risk to human and animal health from the discharge;* *i) measures to reduce the quantity of contaminants to be discharged;* *j) the cultural and spiritual values of tangata whenua, and* *k) the use of the best practicable option for the treatment and disposal of contaminants, which in the case of human sewage wastewater, may include the use of land disposal or wetland treatment.*		supported by stormwater and water quality experts for both Eastland and GDC.
Regional Policy Statement - Environmental Risk Including Natural Hazards (Section B5)		
Section B5.1 - Effects of Natural Hazards		
B5.1.2 Objective *1. A pattern of human settlement that:* • *Provides a high level of personal safety from natural hazards for its inhabitants.* • *Avoids or mitigates the risk to property and infrastructure from natural hazards.* • *Does not accelerate or worsen the effects of natural hazards upon the natural and physical environment.*	Complies	The Project is needed to protect and strengthen existing Port facilities that are old and in poor condition and will improve Port resilience. The Project will have a range of significant benefits, including Port capacity, safety, efficiency, opportunities for further diversification of products, sustainability and economic. The benefits are considered more than the costs, noting that measures are proposed to avoid,
B5.1.3 Policies		

2. *To recognise the limitations of attempts to control natural processes by physical work and limit such attempts to appropriate situations where they are:* a) *needed to protect existing development, or waahi tapu or new public infrastructure such as ports, roads, bridges; and* b) *have a favourable benefit to cost ratio; and* c) *will not have significant adverse effects on the natural character of the coastal environment, or other adverse environmental effects; and* d) *will not cause or worsen hazards to other lands/waters; and* e) *can be designed with confidence of long-term effective performance; and* f) *are the only practical alternative.* 5. *To recognise the possibility of sea level rise and the likelihood of changes to the frequency and impacts of some natural hazards due to climate change and sea-level rise*		remedy or mitigate all actual and potential adverse effects. The technical analysis confirms the Project will not result in significant adverse effects or exacerbate natural hazard risk to other land / water. The Project has been designed for long term performance and takes into account sea level rise. The alternatives assessment concluded that the Project was the most practicable development option to achieve the intended outcomes of improved Port capacity and resilience.
B5.4.1 Objective 3. *No adverse environmental effects caused by inappropriate disposal of residual solid wastes.*	Complies	Specific provision is made in the TRMP for the disposal of dredged spoil to the OSDG in recognition that dredging is an expected Port activity and necessary for the ongoing accessibility of the Port to vessels. It is not an inappropriate activity. The technical assessments confirm the dredged sediments are not contaminated and that adverse effects on water quality and benthic ecology will be appropriately avoided, remedied or mitigated through carry over of
B5.4.2 Policies 9. *To avoid the disposal of solid waste to the Coastal Marine Area.* 10. *To ensure that all collection and transportation of solid waste is carried out in a manner which avoids, remedies or mitigates adverse environmental effects and minimises any potential for nuisance conditions.*		

		best practice methodologies developed over time and in consultation with GDC and iwi.
Section B5.6 - Land Contamination		
B5.6.1 Objectives *1. The risk to human and environmental health from contaminated land is lowered to an acceptable level.* ***B5.6.2 Policies*** *2. To apply the ANZECC guidelines, or such other guidelines as Council may consider to be applicable to a particular situation, to determine the most appropriate course of action for a particular contaminated piece of land.* *3. To encourage owners of sites with contaminated land to take responsibility for remediation.*	Complies	Risk to human and environmental health from residual contaminants in the SLY will be appropriately managed by implementation of a Contaminated Site Management Plan, as recommended in the DSI, along with adherence to specific construction methodologies to minimise the risk of sediment escaping from the Outer Port reclamation to the marine environment beyond. On completion of the Project, all potentially contaminated material will be confined by paved surfaces with no available exposure pathways.
Regional Policy Statement - Cultural and Historic Heritage (Section B7)		
B7.1.1 Objective *To recognise and protect heritage values including those of Māori whenever these are affected by the use or development of natural and physical resources.* ***B7.1.2 Policies*** *1. To ensure the effects of development proposals on significant heritage values in the region are avoided, remedied or mitigated. A heritage value should be considered significant if:* *a) It is particularly old, rare or unique within the district.*	Complies	The InSitu Heritage report confirms the Project will not result in adverse effects on heritage values, and this can be ensured in relation to the identified heritage boat harbour by maintaining a 5m separation distance during both construction and operational stages of the Project. There are important cultural and heritage values associated with the Port environs. As detailed in the evidence of Mr Bayley, Eastland has engaged with relevant iwi and hapū during preparation of the

b) It is found only within the district or contributes to the distinctive or unique character of the district. *c) It is used, valued or appreciated by the district community as well as the local community.* *d) It is considered by Iwi to require a district approach.* *e) It relates to land owned or managed by the Gisborne District Council.* *f) It is of national significance.* *5. Involve Māori in the recording and understanding of Māori heritage.*		Application and is committed to ongoing engagement and involvement of iwi / hapū in implementation of the Project works, including to ensure appropriate recognition and protection of Māori heritage values.
Regional Policy Statement – Natural Resources (Section B9)		
Section B9.1 - Natural Values and effects of inappropriate subdivision, use and development		
B9.1.1 Objectives *1. The preservation of the natural character of the coastal environment, lakes, rivers, wetlands and their margins, and the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.*	Complies	The Project is appropriately located at the existing Port, the ongoing use and development of which is specifically provided for by the TRMP. The natural character of the coastal environment in this location is significantly influenced by the Port. There are no outstanding natural features and landscapes. Nor are there any areas of significant conservation value, as listed in TRMP Schedule G1. In this context, and given the presence of the existing Port and the functional and operational need for port activities to locate in the coastal environment, the Project is not considered to be an inappropriate use and development.
B9.1.2 Policies 8. *To protect areas of significant native vegetation and areas of significant habitats of indigenous fauna within the region, including the coastal marine area. Where significant areas are degraded, to rehabilitate them, where appropriate, as a matter of priority. Recognise that any other areas of indigenous vegetation should be disturbed only to the extent reasonably necessary to carry out permitted or approved activities*		

9. *To preserve the natural character of the coastal environment, wetlands and lakes and rivers and their margins in the region and protect them from inappropriate subdivision, use and development. To protect significant landscapes and outstanding natural features, such as those defined as being nationally, regionally or internationally significant, from inappropriate subdivision, use and development.*		No parts of the project have been assessed as comprising *significant* habitat of indigenous fauna. However, the existing SLY seawall and Outer Breakwater have habitat value to kororā and kōura, respectively. Implementation of the AMMP and creation of alternative habitat for both Kororā and kōura will ensure natural character is appropriately preserved.
Section B9.2 - Public Access		
B9.2.1 Objectives *1. Maintenance or enhancement of public access to and along rivers, lakes and the coastal marine area*	Complies	Public access along the coastal margin of the Port will continue to be restricted, as is the existing situation, for public health and safety reasons as well as to protect kororā populations utilising the Waikahua section of the SLY revetment. Implementation of the AMMP will ensure adverse effects on kororā are appropriately avoided and any loss of burrows as a result of the Project works is offset by the provision of two new burrows in the adjoining section of seawall. Existing public boat access through the Port and to the marina will not be affected by the Project.
B9.2.2 Policies *1. In order to recognise the national importance of maintaining and enhancing public access to and along the coastal marine area, lakes and rivers, management restricting access should only be imposed where such management is necessary:* *a) To preserve the natural character of the coastal environment, wetlands, lakes, rivers and their margins, such as keeping access to boardwalks over sensitive dunes or restricting motorised recreation in sites more appropriately used for passive recreation.* *b) To protect areas of significant indigenous vegetation and habitats of indigenous fauna such as sensitive vegetation or breeding and roosting sites.* *c) To protect Māori cultural values such as urupa.* *d) To protect public health and safety such as diversion away from areas of danger like land subsidence, river control*		

construction sites, port operational areas and areas used for defence purposes. *e) To ensure a level of security consistent with the purpose of a resource consent.* *f) In other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.* *2. To ensure, when planning for and making decisions on new subdivision, use, and development, that:* *a) There is no reduction in the quality of existing legal access to and along water bodies, unless that reduction is consistent with Policy 1, above* *b) Opportunities for access to and along water bodies, or parts of water bodies, not restricted by Policy 1 above, which are considered by Council to be of benefit to the local community for their conservation, recreational, cultural, scenic, spiritual or other amenity values are recognised and provided for.*		

Region Wide Provisions

Section C2 BUILT ENVIRONMENT, INFRASTRUCTURE and ENERGY		
Section C2.1 Infrastructure, Works and Services		
C2.1.3 Objectives (Infrastructure) *Infrastructure that enables people and communities to provide for and enhance their environmental, social, cultural and economic well-being.* *Infrastructure that is designed, located, constructed, operated and maintained to ensure:* • *A safe and healthy environment.* • *The efficient use of energy and resources.* • *Adverse effects are avoided, remedied or mitigated.*	Complies	The Project will enable people and communities to provide for and enhance their environmental, social, cultural and economic well-being. As detailed in the Economic Assessment, the Project will provide significant economic benefit to the region including direct and indirect benefits through employment, the purchase of goods and services, economies of scale, greater competition and increased resource utilisation. The Project will provide for the safe and efficient operation of regionally significant infrastructure and a lifeline utility, which plays a critical role in supporting the Tairāwhiti-Gisborne region during increasingly common states of emergency and significant weather events. As previously detailed, adverse effects are appropriately avoided remedied and mitigated.

C2.1.4.2 Policies (Funding and Provision of Infrastructure) • *To generally require developers to ensure that appropriate infrastructure will be provided to and within subdivisions and developments so that the service level standards for the proposed activity can be met.* • *To use capital works planning processes to identify infrastructure projects to support developments.* • *To use development contributions as the primary method to provide funding for Council's capital expenditure on water, wastewater, stormwater, land transport and reserve infrastructure related to developments. To also consider, in special circumstances, other funding methods such as financial contributions and special rating areas.* • *To determine financial contributions for water, wastewater, stormwater, land transport infrastructure on a case-by-case basis.*	Complies	All necessary infrastructure will be provided by the Project, in particular on-site stormwater treatment systems, which are to be upgraded as part of the works. The existing poor performance of the SH35/Hirini Street intersection is well document. However, it has not yet been identified as part of a capital works programme, such that there is no opportunity to seek a development contribution in relation to that work. Irrespective, the evidence of Ms Makinson confirms that upgrade works are required regardless of the Project and that the projected HCV generation of the Project will be within the level of variability already existing in the surrounding traffic environment resulting in a low level of effect that does not, on it's own, generate the need for intersection upgrades. There are no policies in this or other parts the TRMP that would enable a financial contribution to be required towards the upgrading of Council or Waka Kotahi managed roads and associated pedestrian/cycle facilities, noting that The case law indicates that such contributions must be made to the Council and cannot be made to a 'third party'. The case law also indicates that any financial contributions to the Council must be for resource management purposes clearly specified in the

		Tairawhiti Plan and for identified capital works or other similar infrastructure upgrade programme.
C2.1.4.5 Policies (Works and Services) 1. *The road reserve provides a range of environmental and community functions that shall be recognised and provided for in an integrated manner, including:* • *The safe and efficient movement of people, goods and services.* • *A corridor for network utility operators and their operations.* • *A space for community interaction and recreation.* • *Amenity, streetscape and character values.* 2. *To ensure that property access occurs in a manner that does not adversely affect the wider functions of the road reserve.* 3. *To encourage roads and accessways to be designed according to their environment context and surrounding land uses.* 4. *To ensure that the development and use of existing roads does not adversely affect the character of local communities or the surrounding environment.*	Complies	HCV movements through the urban areas of Gisborne is managed by GDC by way of its 2021 Traffic and Parking Bylaw, which restricts heavy vehicle movements in the Gisborne city urban area. The GDC bylaw identifies the Hirini Street / Rakaiatane Road / Kaiti Beach Road corridor as a freight route and clearly anticipates continued use of this road by HCVs and recognises its importance in providing access to the Port.
C2.1.4.5 Policies (Works and Services) *Stormwater* *6. To require stormwater systems to be designed and constructed to:* • *Protect people, infrastructure, land and buildings against flooding and nuisance effects.*	Complies	The proposed upgrades to the SLY stormwater system will provide additional capacity and have been designed to: • accommodate stormwater runoff from parts of the adjoining public road and Kaiti reserve as well as the extended wharf 8 and reclamation area; • take into account 90th percentile storm events; and

• *Avoid, remedy or mitigate adverse environmental effects – including the pollution, sedimentation and erosion of receiving environments.* • *Provide adequate capacity and design standards to service the catchment within which they occur, taking into account foreseeable growth and development.*		• reduce the risk of ponding or overflow of untreated stormwater to the CMA. The upgrades have also been designed consistent with the ULY and WLY systems to reduce contaminant loading and associated risk of adverse effects on water quality, coastal ecology and sedimentation.
C3 Coastal Management (Part Operative and Proposed)		
Section C3.2 - Natural Character		
C3.2.2 Objectives 1. *The natural character of the Gisborne regions Coastal Environment and wetlands, rivers, lakes, and their margins within the Coastal Environment is preserved unless such preservation is inconsistent with the purpose of the RMA.* 3. *Areas of the Gisborne region Coastal Environment where natural character has been adversely affected by past activities are identified. Such specifically identified areas should, where appropriate, be restored and rehabilitated.*	Complies	As previously identified, natural character in this location is strongly influenced by existing Port facilities and activities. The technical assessments confirm the Project will appropriately avoid, remedy or mitigate adverse effects on natural processes and qualities including wave and current movements, sedimentation patterns, biodiversity and water quality. While there is recognition in the Port management provisions (PCMA and Port Management Zone) that natural character has been adversely affected by Port activities, neither the Port nor adjoining parts of the coastal environment have been specifically identified in the TRMP as requiring restoration or rehabilitation. Rather, specific provision is made for the ongoing operation and development of the Port subject to the
C3.2.3 Policies 3. *The adverse effects of activities on the integrity, functioning and resilience of natural processes and qualities should be avoided as far as practicable and, where complete avoidance is not practicable, the adverse effects shall be mitigated and provision made for remedying those effects to the extent practicable. Natural processes and qualities include:* • *Bio-diversity.* • *Freedom of movement of biota (living organisms).* • *Intrinsic values.* • *Natural substrate composition.*		

• *Natural air and water quality.* • *Water quantity.* • *Dynamic processes and features arising from the natural movement of sediments, water and air.*		adverse effects being appropriately avoided, remedied or mitigated. On this basis, it is considered that existing natural character values, which include the Port will be preserved to the extent necessary in the context of a Project that will improve the efficiency and safety of this existing regionally significant infrastructure, and the directive nature of enabling Port policies in the NZCPS.
Section C3.6 - Tangata Whenua		
C3.6.2 Objectives 1. *To protect the special value sites of tangata whenua.* 2. *To rehabilitate, where practicable, sites of value to Māori degraded by human activities.* 3. *To maintain the integrity of the relationship of Māori with their culture, traditions, ancestral lands, and other resources.*	Complies	Policies in this section primarily focus on actions to be taken by GDC. Notwithstanding this, and for completeness, Eastland has engaged with iwi and hapū as detailed in the assessment of effects on cultural values. Opportunities to enable the exercise of kaitiakitanga and provide for ancestral and cultural relationship are embedded in the proposed consent conditions through continuation of the Te Tai Uru forum, engagement opportunities in the preparation of management plans, extensive monitoring programmes and accidental discover protocols.
C3.6.3 Policies 4. *The Council will encourage applicants for resource consents in the Coastal Environment to demonstrate that the tangata whenua have been consulted in respect of applications.* 5. *The Council and consent authorities shall have regard to the need to protect the mauri of coastal resources and, where necessary and appropriate, will encourage the restoration of the mauri of coastal resources.* 6. *The Council will, in conjunction with tangata whenua, recognise and provide for the protection of waahi tapu, other taonga and other sites/areas of special value to tangata*		

whenua in the Coastal Environment, where these are known, and consent authorities will have particular regard for the integrity of those waahi tapu and other sites of special value to tangata whenua, in respect of proposed developments and activities that would have an adverse effect on them.		
Section C3.7 - Structures		
C3.7.2 Objectives 1. *Provision is made for appropriate structures in the CMA provided that any adverse effects on the environment arising from the erection, reconstruction, placement, alteration, extension, removal or demolition of a structure are avoided as far as practicable. Where complete avoidance is not practicable, the adverse effects are mitigated and provision made for remedying those effects, to the extent practicable.* *3. Maintenance or enhancement of the diversity of aquatic life adjacent to, or otherwise affected by, structures in the Gisborne Coastal Environment.*	Complies	To the extent the Project works comprise 'structures' rather than 'reclamation', they are considered appropriate in the context of the existing Port and the significant capacity, safety and efficiency improvements and resilience achieved by the Project. The technical assessments demonstrate works can be undertaken in a manner that appropriately avoids, remedies or mitigates adverse effects. A key project objective is to improve Port resilience to natural hazards and this has been addressed through the design of the works including matters such as orientation, materials used and finished heights above MHWS. Sea level rise has been taken into account in the modelling and Project design and the assessment demonstrates that the works will not exacerbate natural hazards effects on adjoining areas.
C3.7.3 Policies *2. To provide for the maintenance and upkeep of structures located in the Coastal Environment. To avoid, remedy or mitigate the effects of maintenance and upkeep (Ref: C3.7.2(1), C3.7.2(2)).* *13. To ensure that new structures are designed, located and managed in a way that avoids threats to them from coastal processes. Where appropriate, to ensure that the design, location and management of structures located in or adjacent to the CMA takes into account the most recent Inter-Governmental Panel on Climate Change (IPCC) "best estimate" for sea level rise (Ref: C3.7.2(6)).*		

16. To recognise the potential impacts that natural hazards have on the existing subdivision, use or development in the Coastal Environment and to provide for the mitigation of these adverse effects by providing for coastal protection works only where coastal protection works can be shown to be the best method for preventing or minimising adverse effects on the environment having regard, among other things, to the sensitivity of the surrounding environment, the effects of the protection work when combined with other options, and the current state of technical knowledge and the likelihood that the option can be successfully applied.		
Section C3.9 - Alteration of the Foreshore and Seabed		
C3.9.2 Objectives *1. To provide for activities that alter the foreshore or bed of the CMA while avoiding, remedying or mitigating any adverse effects they have on ecosystems and habitat.*	Complies	Dredging is a necessary part of Port operations in order to maintain draft depths in the shipping channels, and enable safe, secure access to the Port. The technical assessments demonstrate dredging and disposal of dredged material at the OSDG can be undertaken in a manner that appropriately avoids, remedies or mitigates adverse effects, particularly in terms of sediment quality, water quality and benthic ecology. As detailed in Mr Poynter's evidence, capital and maintenance dredging and the disposal of dredged material will cause only minor adverse ecological or water quality effects, the scale and intensity of which
C3.9.3 Policies *1. Council and consent authorities will give priority to avoiding the adverse effects of disturbance or alteration of the foreshore or seabed on:* *a) habitats important to the continued survival of indigenous species* *b) values associated with a Significant Values Management Area* *c) areas of strategic importance to aquatic species, including but not limited to whitebait spawning areas, marine mammal haul-out areas and fish spawning areas.* *Where complete avoidance is not practicable, the adverse effects on a), b) and c) above should be mitigated and*		

provision made for remedying those effects, to the extent practicable. 6. *To ensure that the material used in any reclamation, or constituent of any dumping does not contain contaminants that, in the quantities dumped, having regard to cumulative and synergistic effects, will result in any of the following:* • *The death of organisms by toxic contamination* • *The bioaccumulation of heavy metals in organisms* • *The rendering of nursery areas and feeding grounds unsuitable for dependent species.* • *The localised depletion of dissolved oxygen as a result of increased biological activity.* 7. *To ensure activities that alter or disturb the foreshore or bed of the CMA are not located in sites of cultural, conservation or historical significance unless it can be demonstrated that the adverse effects of locating there are minor.*		is anticipated to remain similar to those associated with existing operations. As detailed in relation to Policy 11 of the NZCPS, the comprehensive management process set out in the proposed AMMP will ensure there are no significant adverse effects on kororā habitat and that other adverse effects will be appropriately avoided, remedied or mitigated. With regard to kōura, effects are assessed as low with an expectation of habitat restoration. Adverse effects of the loss of intertidal and subtidal habitat as a result of the reclamation are assessed as low to moderate with new habitat created by the new revetment wall assess as having positive ecological potential. The DSI confirms that material from the existing SLY seawall can be reused in the reclamation without any of the effects identified in Policy C3.9.3(6) occurring. Past monitoring has established that dredged sediments are unpolluted and do not contain contaminants that might result in effects on water quality. The reclamation has been designed to avoid adversely affecting the identified heritage boat harbour and

		conditions of consent are proposed to ensure this outcome is achieved.
Section C3.10 - Discharges		
C3.10.2 Objectives 1. *To maintain or, where practicable enhance the physical and cultural quality of water (including that found in aquifers) and land in the Coastal Environment.* 2. *The progressive upgrade of the quality of existing point and non-point discharges to water of the Coastal Environment.* 3. *Avoidance, where practicable of the adverse effects of discharges to land or water on the natural character and amenity of the Coastal Environment. Where avoidance is not practicable, adverse effects on amenity and natural character will be remedied or mitigated.*	Complies	As detailed in the evidence of Mr Poynter and supported by GDC's technical experts, upgrades to the SLY stormwater treatment system will reduce sediment loading and improve water quality with an expectation that relevant water quality standards will generally be met. The same comprehensive management, monitoring and reporting programme adopted for the ULY and WLY stormwater systems will be carried over and will ensure appropriate discharge standards are maintained. Construction phase discharges of stormwater and sediments cannot be avoided, but will be managed to appropriately reduce and mitigate effects. Dredging is necessary for maintaining the safety and accessibility of shipping channels. Short term exceedances of water quality standards relating to conspicuous changes in water colour and clarity may occur, but are assessed as temporary and of low effect, particularly in the context of high background sediment levels carried into Poverty Bay from rivers
C3.10.3 Policies 4. *The Consent authority shall not grant a permit for a discharge to water of the CMA which on its own, or in combination with other existing lawful discharges, will, after reasonable mixing, result in existing water classification standards being exceeded except where:* a) *Exceptional circumstances justify the granting of the consent.* b) *The discharge is of a temporary nature and will not result in adverse effects that are cumulative.* c) *The discharge is needed for maintenance work, the result of which will be an improvement in the quality of the discharge, and the discharge will not result in adverse effects that are cumulative.*		

d) The existing water classification can be demonstrated to be inappropriate, and exceeding the standards is consistent with sustainable management having particular regard to the desirability of enhancing water quality, and public expectations for water quality. 8. *All discharges of contaminants to water, land of the Coastal Environment shall avoid creating adverse effects on habitats, feeding grounds or ecosystems by:* *a) Not locating where locally important habitats, feeding grounds, or ecosystems are likely to be adversely affected by the contaminant.* *b) Not having physical or chemical properties such as a temperature, toxicity, pH or turbidity suspended solids which alone, or in combination with other discharge properties, is likely to cause fish mortality, a failure of fish spawning or passage, significant changes in the abundance and composition of aquatic flora and fauna in the receiving environment.*		and the disturbance effects of vessels manoeuvring within the Port. Comprehensive monitoring of sediment quality confirms that the sediments to be dredged are unpolluted and not a source of bio-accumulative or otherwise potentially persistent or toxic contaminants. There is therefore no risk that such contaminants could be mobilised or transported at concentrations that would affect marine life or water quality.
C4 Cultural and Historic Heritage (Operative)		
C4.1.3 Objectives *1. The recognition and protection of the cultural heritage resource.* ***C4.1.6 Policies*** *1. To manage subdivision, use and development to ensure that adverse effects on archaeological sites are avoided, remedied or mitigated.*	Complies	The Project has been designed to avoid adverse effects on the identified heritage boat harbour and this will be ensured through adherence to consent conditions recommended by Eastland's heritage specialist and construction methodologies to avoid sedimentation effects on this feature.
C11.2 Noise and Vibration		
C11.2.4 Objectives for Noise and Vibrations		

1. *To enable noise and vibration at levels which do not have an adverse effect on human health.*	Complies	Recommendations of Eastlands acoustic specialist will be implemented, including through establishment of Project specific construction noise limits and Port wide operational noise limits, implementation of construction and operational noise management plans, measures to manage noise from night time dredging and continuation of existing noise monitoring. These measures will ensure noise emissions are appropriately managed in a way that protects health and safety and amenity. Specific measures are proposed to manage underwater construction noise effects on marine mammals through the MMMP.
C11.2.5 Policies for Noise including Vibrations 1. *To ensure that noise emissions are contained at levels or in locations in a manner which provides for the health and safety of individuals and the community.* 2. *To maintain noise at limits that reflect the amenity values and character associated with the locality in which the noise is having an effect.*		
C11.2.12 Objectives for Noise in Coastal Environment 2. *The management of space within the CMA to accommodate activities which create significant noise as a consequence of their operational requirements.* 3. *The avoidance of the effects of noise on sensitive ecosystems.*		
C11.2.13 Policies for Noise in Coastal Environment 2. *To recognise that some activities, especially those associated within the Port Management Area, create noise and to manage the effects of this noise with regard to the operational requirements of ports.*		
C11.2.8 Objectives for Transport Noise 1. *Mitigation of the adverse effects on residential sites of traffic noise generated by vehicles using the roading network.*	Complies	HCV transport routes within the city are managed by the GDC bylaw, which identifies freight routes that HCVs are permitted to travel on. This includes the Port access road (Hirini Street / Rakaiatane Road / Kaiti Beach Road). The GDC bylaw clearly anticipates continued use of this road, together with associated road noise, by HCVs and recognises its importance in providing access to the Port.
C11.2.9 Policies for Transport Noise 1. *To require new residential development on front sites adjacent to arterial roads or within the Airport Noise Impact Overlay be constructed in a manner which mitigates the adverse effects of noise from the roading network or the airport operation.*		

DP1 Port Coastal Management Area		
DP1.3 Objectives 1. *Provision made, in the Port Coastal Management Area, for activities related to the use of vessels, and the transport of goods by vessels or storage of cargo or fuel products prior to distribution, for which a permanent location in the coastal environment is an operational necessity.* 2. *Port-related activities, including those which provide the port of Gisborne with the means to carry out all of its operations and services in appropriate areas within the Port Coastal Management Area.* 3. *Adverse effects on the environment arising from the lawful operation of vessels and services within the Port Coastal Management Area are avoided, remedied or mitigated to the fullest extent practicable, recognising that the preservation of natural character is a matter of national importance while promoting the sustainable management of natural and physical resources.*	Complies	The Port has an operational and functional need to locate in the coastal environment incorporating both land-based and sea-based activities. Key objectives of the Project are to improve Port capacity, safety, efficiency and resilience in a location where the TRMP specifically acknowledges the appropriateness of these activities. The Project will ensure the continued and improved efficient transport of goods by vessels and storage of cargo. The technical assessments confirm the Project can be undertaken in a manner that appropriately avoids, remedies or mitigates adverse effects. As previously discussed, effects on natural character are considered to be minimal in the context of the existing Port.
DP1.4 Policies 1. *In the exercise of any function, power or duty under the Act, a consent authority will give particular regard to the need to provide for activities related to the use and service of vessels, the storage and distribution of cargo and petroleum products, and Port infrastructure for which a location in the coastal environment is an operational necessity, within Port Coastal Management Areas.*		
DP2 Port Management Zone		
DP2.3.1 Management of Port Objectives	Complies	The purpose of the Project is to provide for the operational needs of the Port by enhancing Port

1. *Enable continued operation and development of the Port Management zones, recognising the importance of the Port as a major regional transport facility.* 2. *Recognise or provide for the operational needs of the Port while ensuring adverse effects of Port activities are avoided, remedied or mitigated.*		capacity, safety, efficiency and resilience. The technical assessments demonstrate that adverse effects are appropriately avoided, remedied or mitigated.
DP2.4.1 Management of Port Policies 1. *Provide for Port and non Port-related activities within the Port zone provided that:* a) *non Port-related activities do not have an adverse effect on the operation of the Port* b) *the effects of Port and non Port-related activities on the environment can be avoided, remedied or mitigated* c) *non Port-related activities do not have any adverse effect on the sustainability of the city centre, particularly the area zoned Inner Commercial.* 2. *In respect of residential areas surrounding the Port Management zone ensure that:* a) *an adequate level of screening either by means of fencing or landscaping or a combination of both is provided to at least maintain the existing level of amenity* b) *the effects of noise on residential properties are avoided, remedied or mitigated primarily through the acoustic treatment of new dwellings, alterations or additions to habitable rooms of existing dwellings where this is necessary and appropriate.*	Complies	The Project involves Port-related activities. The specialist assessments confirm adverse effects on the environment can be appropriately avoided, remedied or mitigated. The Landscape Assessment concludes the Project will have minimal effect on visual amenity. The Project will be implemented in accordance with construction and operational noise management plans to ensure acoustic effects are appropriately avoided, remedied or mitigated. The TRMP requires façade treatment in new habitable rooms within the Port noise overlays.
DP2.3.2 Access Objectives 1. *Recognition that within operational areas of the Port, continual access by the public to and along the coastal marine area margin may be inappropriate for public health and safety reasons.*	Complies	Access to the coastal margin of the Port will continue to be restricted to the public for health and safety reasons and Port security.

2. *Free, unhindered and safe vehicular and pedestrian access to the inner harbour area.*		
DP2.4.2 Access Policies 1. *To restrict public access to operational areas of the Port where public safety is at risk.*		
DP2.3.3 Rail and Road Links Objective 1. *Rail and road access within the Port Management zones which avoids, remedies or mitigates adverse effects on the natural and physical environment.*	Complies	Road access to the Port will continue to be via Hirini Street / Rakaiatane Road / Kaiti Beach Road, which function as an urban connector road and are identified in the GDC Bylaw as a freight route where HCVs are permitted. The traffic assessments confirm that the Project will enable the Port to operate at peak capacity more days per year than it does currently, but that peak daily traffic will remain within the existing daily maximum and will like within the expected range of day-to-day variation in traffic movement.
DP2.4.3 Rail and Road Links Policies 1. *To locate, design and manage road and rail links to ensure safe and efficient flow of traffic while avoiding, remedying or mitigating adverse effects on the natural and physical environment particularly in respect of new roading and infrastructure.* 2. *To provide a defined road network to assist in the management of traffic in the Port Management zones and its immediate roads.*		
DC1 General Coastal Management Area		
DC2.3 Objectives 1. *Appropriate and sustainable subdivision, use, development and protection of the coastal environment in the General Management Area.* 2. *The maintenance and enhancement of the quality and integrity of the coastal environment.* 3. *Low level of environmental risk in decision-making.* 4. *Involvement of local communities in the identification and protection of the values and the preservation of the natural character of areas within the General Management Area**.***	Complies	The Outer Port Reclamation is needed to enable vehicle and machinery access to the extended Wharf 8 and is considered appropriate in the context of its role in enabling the Project objectives of improved Port safety, efficiency and capacity. The area of the reclamation has been minimised to the extent practicable. Affected inter-tidal habitat in the location of the reclamation is assessed as having limited habitat value, and will essentially be replaced by

		habitat opportunities in the new reclamation seawall. Comprehensive monitoring and assessment has been undertaken such that there is robust information about actual and potential effects of the Project and low risk that understanding of Project effects may be incomplete. Eastland has engaged with iwi and hapū and consulted widely with other key stakeholders, including the PCLG ensuring a high level of involvement in and understanding of the Project.