

CONSENT CONDITIONS

CD-2015-106583-00, CD-2015-106584-00, CD-2015-106585-00,

CR-2015-106586-00, DA-2015-106587-00

Pursuant to Sections 104 and 104B of the Resource Management Act 1991, consent to Eastland Port Limited for maintenance dredging of the port navigation channel, vessel turning basin and Wharves 7 and 8 area at the Port of Gisborne, legally described as Lot 7 DP 7819, for a period of 5 years, subject to the following conditions and advice notes:

General Conditions (Applying to both maintenance dredging and disposal of dredgings)

1. Activities to be in Accordance with the Applications

The maintenance dredging and disposal activities shall be carried out in accordance with the submitted application dated January 2015, responses to request for further information (letters dated March 31st 2015 and April 24th 2015) and accompanying plans and maps, except to the extent that these are required to be modified to comply with the conditions of this permit.

2. Payment of Council Charges

The consent holder shall pay to the Gisborne District Council (the Council hereafter) any administration, inspection or monitoring charges fixed in accordance with Section 36 (1) of the Resource Management Act 1991, or any additional charge pursuant to Section 36 of the Resource Management Act 1991, payable in respect of these consents.

3. Annual Maintenance Dredging & Disposal Report

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

4. Review of Consent Conditions by Council

- (a) The Shared Services Manager of the Council may give notice to the consent holder of the intention to review the conditions of these consents, pursuant to Sections 128 and 129 of the Resource Management Act 1991.
- (b) The review shall occur within one month following the 30 June of each year for all or any of the following purposes:
 - (i) To require the consent holder to adopt the best practicable option to remove or reduce any adverse effects on the environment; or

- (ii) To deal with any adverse effects on the environment on which the exercise of these consents may have an influence; or
- (iii) To consider the need to apply any specific effects monitoring regime which may be required from time to time;
- (iv) To consider the need vary the areas over which the consents apply; or
- (v) To apply restrictions on the maintenance dredging or disposal operations in terms of rates, quantities or times.

5. Port Community Liaison Group

- (a) The consent holder shall establish and maintain a Port Community Liaison Group (Liaison Group hereafter) so as to provide an on-going point of contact between the consent holder, the community and the Council, as a forum for discussing any issues that arise from the exercise of consents and to ensure that the channels of communication are kept open.
- (b) The consent holder shall invite the following parties with interests in the maintenance dredging and disposal operations and other port activities to be members of the Liaison Group:
 - (i) The Council
 - (ii) Ngati Oneone
 - (iii) Ngati Tamanuhiri
 - (iv) Te Runanga o Turanganui a Kiwa
 - (v) Department of Conservation
 - (vi) Tairāwhiti Rock Lobster Industry Association
 - (vii) Gisborne Kayak Club
 - (viii) Midway and Waikanae Surf Club (1 representative)
- (c) The Liaison Group functions include, but are not limited to, the following:
 - (i) Receiving and reviewing reports from the consent holder, including those on monitoring, required under the consent conditions;
 - (ii) Providing advice to the consent holder and Council on any cultural, environmental or recreational use issues of concern to the community arising from the maintenance dredging and disposal operations;
 - (iii) Providing advice to the consent holder and Council on any applications by the consent holder to change the consent conditions or any review of consent conditions initiated by the Council;
 - (iv) Developing with the consent holder and Council informal protocols and practices to address any issues of concern to the community that may compliment the consent conditions.
- (d) The consent holder shall convene the first meeting of the Liaison Group within four weeks of the commencement of the consents. The consent holder shall be responsible for convening all subsequent meetings of the Liaison Group, generally at 6 monthly intervals.
- (e) The consent holder shall provide the Council with minutes of all meetings of the Liaison Group.

Advice notes.

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

Conditions Specific to Maintenance Dredging

6. Area of Maintenance Dredging

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

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

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

8. Sediment Quality Monitoring Programme

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



Plan A: Maintenance Dredging Area & Sediment Sampling Sites

- (b) The sediment sampling and analysis shall be for the metals and metalloids (arsenic) identified below. The results shall be carried with reference to the ANZECC Guidelines for Marine Water Quality 2000 Table 3.5.1 Recommended Interim Sediment Quality Guidelines – Low Trigger Value also listed below in order to assess the suitability of the dredged sediments for offshore disposal.

Parameter	ANZECC Marine Water Quality Guidelines ISQG-Low Trigger Value (mg/kg)
Arsenic	20
Cadmium	1.5
Chromium	80
Copper	65
Lead	50
Mercury	0.15
Nickel	21
Silver	1
Zinc	200

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

Advice Notes

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

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

9. Water Quality Monitoring Programme

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

Parameter	ANZECC Marine Water Guidelines Trigger values for 95% species protection level (ug/l)
Cadmium	5.5
Chromium (CR111)	27.4
Chromium (CR VI)	4.4
Copper	1.3
Lead	4.4
Mercury (inorganic)	0.4
Nickel	70
Silver	1.4
Zinc	15

- (d) If the elutriate testing indicates that after reasonable mixing and dilution, concentrations of one or more of the tested metals exceed the above mentioned ANZECC 2000 trigger values then additional water quality testing and analysis for the same parameters shall be undertaken in order to establish background concentrations of the metals, the gradient of metal concentrations near the working dredge and possible influencing factors.

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

10. Process for maintenance dredging of areas with any sediment heavy metal or elutriate result exceedances

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

11. Review of Sediment and Water Quality Monitoring Programme

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

Advice Note

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

12. Limits on Noise Emissions

- (a) The longer term average sound level (L_{dn}) from "essential port activities" within the Port Management zones shall not exceed 55dBA at any point outside the 55dBA noise contour nor 65dBA at any point outside the 65dBA noise contour.
- (b) The noise emitted by maintenance dredging activities occurring between 10pm and 7am the following day shall comply with the following limits;
- (i) The average sound level (L_{eq}) shall not exceed 60dBA when measured at any point on land beyond the 65dBA noise contour depicted within Appendix 28 of the Operative Gisborne Combined Regional Land & District Plan; and
 - (ii) The night time maximum sound level (L_{max}) shall not exceed 85dBA at any point on land beyond the 65dBA noise contour depicted within Appendix 28 of the Operative Gisborne Combined Regional Land & District Plan.

- (c) The measurement and assessment of noise emissions shall be in accordance with NZS 6809:1999 Acoustics - Port Noise Management and Land Use Planning.

Conditions Specific to Disposal of Dredgings

13. Area of Dredgings Disposal

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

Northings	Eastings
5703102	2032605
5704450	2034095
5702065	2034417
5702583	2034951



Plan B – Offshore Spoil Disposal Ground

14. Spread of Dredged Material

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

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

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

16. Disposal Ground Surveys and Monitoring

The consent holder shall undertake annual hydrographic and side-scan sonar surveys of the Offshore Spoil Disposal Ground. The results of the surveys are to be sent to the Council and Liaison Group by the 31st of October of each year in which the survey has occurred until this consent expires.

17. Benthic Ecology Monitoring Programme

- (a) The consent holder shall every five years undertake in-faunal sampling and analysis of the sediments within and near the Offshore Spoil Disposal Ground, until expiry of this consent.
- (b) The sampling sites, methodology and data analysis shall be generally consistent with the last previous programme undertaken and reported on by the National Institute of Atmospheric Research (NIWA) in May 2014.
- (c) The results of the sampling and analysis are to be reported to the Council and Liaison Group by the 31st October of the year sampling occurs.

18. Disposal Ground Investigations

- (a) The consent holder shall within 6 months of the commencement of this consent submit to the Council and Liaison Group a report from a coastal processes engineer detailing the investigations to be carried out into the long term capacity of the Outer Spoil Disposal Ground, as generally outlined in the Worley Parsons report of 2 February 2015 submitted with the application.
- (b) The consent holder shall within 1 year of the commencement of this consent and at subsequent 1 year intervals submit to the Council and Liaison Group a progress report from a coastal processes engineer on the Offshore Spoil Disposal Ground (OSDG) coastal processes investigations, along with any preliminary findings and recommendations.
- (c) The consent holder shall not less than 6 months before the expiry of this consent submit to the Council and Liaison Group a report on the findings of the OSDG coastal processes investigations, 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.

The report shall:

- Determine settling velocity of dredge spoil sediments and relate this to plume longevity caused by the activities authorised by these consents.
- Determine and complete a programme of targeted data collection based around spring and neap tide situations during dredging to characterise settling and dispersion patterns of sediment from dredging.
- Determine and complete a programme using Acoustic Doppler Current Profiler (ADCP), or similar equipment, to characterise currents through the water column to inform settling rates and

dispersal patterns caused by the activities authorised by these consents.

- Determine the long term use of the outer spoil disposal ground for the disposal of spoil from Eastland Port dredging.

