

BEFORE THE MANAWATU-WANGANUI REGIONAL COUNCIL

In the matter of the Resource Management Act 1991

and

In the matter of Submissions and further submissions made by
RIVERCITY PORT LIMITED to the Manawatu-
Wanganui Regional Council on the Proposed
Horizons One Plan – Coast.

SUPPLEMENTARY EVIDENCE OF BEN FARRELL
Environmental Planner

15 SEPTEMBER 2008

1 Introduction

- 1.1 The purpose of this supplementary evidence is to confirm the position of River City Port Limited in regard to the outstanding matters raised in my planning evidence prepared 29 August, namely:
- A) Confirmation by the Reporting Officer that wharf extensions shall be permitted, to a degree, in the Port Zone
 - B) Confirmation by the Reporting Officer that small reclamations shall be a Controlled Activity in the Port Zone
 - C) The prohibited activity status of a “port structure” and a “marina” in the coastal protection zone
- 1.2 Since preparing my planning evidence I have conversed the above outstanding matters with:
- Richard Thompson (Pre-Hearings Facilitator)
 - Robin Britton (Reporting Officer)
 - Natasha James (Horizons Regional Council)
 - Julian Watts (Department of Conservation)
 - Shane McGee (Wanganui District Council)
- 1.3 Of the above matters, general agreement was reached in regard to matters (A) and (B), but not (C).

2 Outstanding matters

2.1 In regard to outstanding matter (A) above, I am satisfied with the Reporting Officers recommendation to amend Rule 17-9 and to introduce Rule 17-9a as follows:

<p>17-9 Structures in the port zone</p>	<p>The erection, reconstruction, placement, or alteration, or removal of any boat ramp, wharf, jetty, pontoon, or boat mooring structure located within the port zone as shown in Schedule H pursuant to s 12(1) RMA and any associated:</p> <ul style="list-style-type: none"> (a) occupation of the foreshore or seabed, pursuant to s 12(2) RMA (b) disturbance of the foreshore or seabed pursuant to s 12(1) RMA (c) deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA (d) discharge of water or contaminants into the CMA pursuant to s 15(1) RMA (e) damming or diversion of coastal water pursuant to s 14(1) RMA. 	<p>Controlled</p>	<ul style="list-style-type: none"> (a) <u>The activity shall have the prior written agreement of the port company.</u> (b) Any activity related to the marina shall not extend beyond the existing area currently occupied as at <u>30th May 2007</u>. (c) The activity shall comply with the conditions listed in Table 17.1. 	<p>Control is reserved over:</p> <ul style="list-style-type: none"> (a) efficient use of the CMA (b) effects on water quality (c) extent of disturbance to the foreshore or seabed (d) the material to be used for the structure (e) duration of consent (f) review of consent conditions (g) compliance monitoring
<p>17-9a) Wharf extension in the port zone</p>	<p>The erection, reconstruction, placement, alteration, or extension of any wharf structure located within the port zone as shown in Schedule H, pursuant to s 12(1) RMA and any associated:</p> <ul style="list-style-type: none"> (a) occupation of the foreshore or seabed, pursuant to s 12(2) RMA (b) disturbance of the foreshore or seabed pursuant to s 12(1) RMA (c) deposition of natural marine substances on the foreshore or seabed pursuant to s 12(1) RMA (d) discharge of water or contaminants into the CMA pursuant to s 15(1) RMA (e) damming or diversion of coastal water pursuant to s 14(1) RMA. 	<p>Permitted</p>	<ul style="list-style-type: none"> (a) <u>The activity shall comply with the conditions listed in Table 17.1.</u> (b) <u>Any extension in length to the wharf shall not be greater than 10% of the existing length of 570m.</u> (c) <u>There shall be no extension in width to the existing wharf.</u> (d) <u>The width of any extension to the existing wharf shall be the same or a lesser width from MHWS as the existing wharf</u> (e) <u>the design and materials used shall be similar in nature and scale of effects to those used for the existing wharf structure</u> (f) <u>the structure shall be designed to withstand climate change and sea level rise</u> (g) <u>the Regional Council shall be notified two weeks prior to commencement of any work on the wharf structures.</u> 	

- 2.2 To emphasis, I agree with the Port Company that it is important the One Plan:
- (i) Enables the development of new, or extension of existing, structures within the Port Zone as permitted or controlled activities; and
 - (ii) Ensures the Port Company has the authority to determine what structures are to be developed in the Port Zone (i.e. to avoid other party’s establishing structures in the Port Zone that might conflict with port operations).
- 2.3 In regard to outstanding matter (B) above, I am satisfied with the Reporting Officers recommendation to create a new Rule (17-6a) to enable ‘small reclamations’ to be carried out as restricted discretionary activities within the Port Zone, as follows:

<p><u>17-16(a)</u> <u>Small reclamatio</u> <u>n within</u> <u>the Port</u> <u>Zone</u></p>	<p><u>Reclamation of the foreshore or seabed pursuant to s 12(1) RMA, within reclamation area 1 as shown on Map H10, and any associated</u> (a) <u>(occupation of space in the CMA pursuant to s12(2) RMA</u> (b) <u>structure pursuant to s12(1)</u> (c) <u>disturbance of the foreshore or seabed pursuant to s12(1) RMA</u> (d) <u>discharge of water or contaminants into the CMA pursuant to s15(1) RMA</u></p>	<p><u>Restricted Discretionary</u></p>	<p>(a) <u>Either:</u> (i) <u>the reclamation shall be less than 1 ha, or</u> (ii) <u>the reclamation shall extend less than 100 m in all directions.</u> (b) <u>In the case of an incremental reclamation connected to or part of another reclamation which was commenced or which received a resource consent after 5 May 1994, the sum of the existing and proposed reclamations must not exceed the size dimensions specified in (a) (i) or (ii) above.</u></p>	<p><u>Discretion is restricted to:</u> (a) <u>the functional necessity for the reclamation</u> (b) <u>the material used as fill for the reclamation</u> (c) <u>the visual amenity of the structure</u> (d) <u>any hydro-dynamic impacts on the neighbouring shore line, including wildlife habitats</u> (e) <u>the timing of the activity</u> (f) <u>the design parameters of the structure to address the effects of sea level rise and storm surge</u> (g) <u>review of consent conditions</u></p>
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2.4 The restricted activity status ensures that Horizons Regional Council retains discretion in determining the extent of potential adverse effects (which would be limited). It also gives the Port Company a certain degree of assurance that resource consent applications for such reclamations would unlikely be publicly notified, thereby reducing the risk of inefficient and ineffective resource consent procedures.

- 2.5 Taking the above into account, I understand the only area of the Proposed Plan where general agreement between myself (River City Port Limited) and Robin Britton (Horizons Regional Council) do not agree is in regard to Rule 17-5 – the activity status of port structures in the Whanganui River Protection Zone. This matter is briefly addressed in paragraphs 3.13 – 3.14 of my original planning evidence.
- 2.6 I maintain that the prohibited activity status is not appropriate because it does not allow the question to be asked if a development proposal (even a very small proposal) may or may not be suitable. In this regard I feel the Whanganui River Protection Zone is unique (compared to other protection zones) given the proximity of existing urban development. In addition, as “port structure” and “marina” are not defined in the One Plan, I also feel some activities not intended to be captured by this rule could potentially be prevented from being considered through the resource consent process. Therefore, it is my opinion that a non-complying activity status would be more appropriate for a “port structure” and “marina” in the Whanganui River Protection Zone, and request that amendments be made to Rule 17-5 accordingly.



Ben Farrell
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15 September 2008