

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 **Martin Bayley** on behalf of Eastland Port Limited

Dated:

3 October 2023

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STATEMENT OF EVIDENCE OF MARTIN BAYLEY FOR EASTLAND PORT LIMITED

INTRODUCTION

- 1 My full name is Martin William Bayley.
- 2 I am the General Manager – Infrastructure & Development at Eastland Port. I have been employed by Eastland Port Limited (*Eastland*) since 2010, and have held previous roles as the Infrastructure Manager and Project Manager. Prior to this I worked in production forestry operations across Tairāwhiti with Ernslaw One and Juken NZ.
- 3 While I am not giving expert evidence, for completeness I note the following qualifications and experience relevant to my evidence. I have the qualifications of Bachelor of Forestry Science with Honours, and Master of Engineering Management, both from the University of Canterbury.
- 4 I have been responsible for obtaining resource consents and undertaking the subsequent projects for Eastland since 2012. Projects have included the redevelopment of Eastland’s storage yards on and off port, dredging & disposal operations, and the Twin Berth Stage 1 consents. I have been either the project manager or director of the seven storage yard developments, as well as the recent Wharf 7 Rebuild and various other projects at Eastland.
- 5 My evidence is given for Eastland, 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*).
- 6 I am very familiar with the area that the Project covers having managed port operations and projects for Eastland since 2011 and have been on site at the port daily for much of that time.
- 7 I am also very familiar with the region of Tairāwhiti. I was born here into a sheep and beef farming family in the hinterland of Mātāwai. Having worked in agriculture and then forestry across Tairāwhiti. I have a good knowledge of the region’s primary industry and the challenges and opportunities it has.
- 8 I am also very involved in operational and business strategy in relation to the port and in that capacity was the author of the Alternatives Assessment report dated 22 August 2022 (*Alternatives Assessment*) which was included in the Project Application documents.

- 9 I have been heavily involved in Eastland's community engagement and consultation efforts relating to the Project. I contributed to, and have read and agree with the Proposed Twin Berth Stage Two Project Engagement Report lodged on 22 August 2022 (*Engagement Report*). I have led consultation and mediations with Project submitters and have reached positive outcomes through many of these mediations.
- 10 I have also participated in the Environment Court mediation processes that led to agreed consent conditions for the Wharves 6/7 and Slipway application (including with parties who are submitters on the Project) that are proposed to be retained as part of the Project.
- 11 I have read the relevant sections of the Assessment of Environmental Effects (*AEE*) that accompanied the Application and have also read the public submissions lodged in relation to the Project.

SCOPE OF EVIDENCE

- 12 My evidence will deal with the following:
- 13 A summary of Eastland;
- 13.1 Background to the development of the second stage of the Twin Berths Project including the need for, and benefits of, the Project;
- 13.2 A summary of alternatives to the Project;
- 13.3 Civil engineering and construction management;
- 13.4 A summary of Eastland's engagement and consultation in advance of and subsequent to lodging its application;
- 13.5 My response to submissions relating to engineering, corporate matters, Eastland's engagement process and the Alternatives Assessment;
- 13.6 My response to engineering, corporate matters, Eastland's engagement process and alternatives assessment addressed in the Council Officer's Report under section 42A of the Resource Management Act 1991 (*Act*) (*Officer's Report*);
- 13.7 My comments on the draft conditions; and
- 13.8 My overall conclusions in relation to the Project.

Summary of evidence

- 14 Eastland Port is entirely locally owned and has a critical role in the local economy, being New Zealand's second largest log export port and also accommodating growing horticulture and tourism industries. Around 5,630 jobs in industries across the region rely on the Port. The Port is a lifeline utility with a critical civil defence function in ensuring the region remains connected, as so recently demonstrated when Cyclone Gabrielle cut road links to other regions.
- 15 The significant infrastructure upgrades of the Project are needed to future proof the Port to ensure it is able to accommodate both a forecast wood fibre resource from already planted and maturing forests, and diversification and/or expansion of other export products.
- 16 Critically, the Project will:
- 16.1 restore the Inner and Outer Breakwaters which are in poor condition and have not been materially upgraded since being constructed;
 - 16.2 repair and extend Wharf 8, and reclaim land adjacent to the Southern Log Yard (SLY) and upgrade the existing stormwater system for the SLY, allowing that two Handymax sized vessels to berth and be loaded at the same time; and
 - 16.3 authorise dredging required to deepen the channels and harbour to accommodate larger vessels and also to maintain the necessary dredge depths.
- 17 Prior to considering expansion options Eastland worked to maximise the efficiency of existing operations and the supply chain to minimise the need for on-site works. A comprehensive assessment of alternatives was then undertaken to determine the works that would best achieve the objectives of the Project including; upgrading aging infrastructure, increasing export capacity for forecast wood fibre exports, and providing flexibility to accommodate new trade and activities.
- 18 While construction sequencing will ultimately be determined as part of detailed design with the construction contractor (once selected) Eastland plans to undertake the Wharf 8 extension first, in parallel with the reclamation, which is anticipated to take up to three years to complete. The breakwater refurbishment is expected to take five further years to complete (post the completion of the reclamation).
- 19 Eastland has carried out extensive stakeholder and community engagement on the Project, notably with the Port Community Liaison Group, the Department of Conservation, Gisborne District

Council, the Te Tai Uru Forum and iwi/hapū who are not members of the Forum. Eastland is proud that this engagement has resulted in considerable public awareness of, knowledge about, and support for the Project. More importantly it has given the community an opportunity to highlight any concerns with Eastland and have these clarified or mitigated. Eastland has engaged leading experts to undertake detailed technical assessment of the effects of the Project and is committed to offering a set of management conditions recommended by that team of experts to avoid and manage effects of the Project, while still being able to harness the significant benefits that the Project will enable.

- 20 Eastland is proud to be pursuing the Project and to have the support of an informed community that can see the benefits that the Project will bring in both the near term and for the future of the Region.

Eastland – about us

- 21 Eastland is 100% locally owned and has a critical role in the local and national economy. The sole shareholder is Trust Tairāwhiti (*Trust*), which was created in 1993 for the purpose of leading local economic development to create more employment opportunities for the local community.
- 22 Eastland has a firm commitment to supporting the local community and promoting sustainable practices.
- 23 Eastland has helped generate \$549 million of total shareholder return for the Trust from 2003 to 2023. This includes \$211 million of distributions to support economic development and regional wellbeing. This is fed back into the local community through various funding agreements and business initiatives.

Eastland Port –history and now

- 24 Eastland operates the Port of Gisborne (*Port*). The Port's commercial history dates to 1872. The Port has been progressively extended and upgraded to its current level of development over the last 150 years. It is therefore well overdue and in need of upgrade activities to support the safe and efficient operation of the port now and into the future.
- 25 By way of context and history I note that:
- 25.1 The breakwater and groyne were constructed around the late 1800s and the river diversion wall and inner harbour built in the 1920s transforming the river harbour into a closed port.
- 25.2 Significant capital dredging and wharf construction occurred in the late 1960s through to the 1990s in the outer harbour with reclamation undertaken in the 1980s.

- 25.3 During the late 1980s through to the 2000s considerable private investment took place in the region's plantation forestry, that in turn drove progressive redevelopment and upgrading of storage yards and other mainly land based facilities at the Port.
- 26 The Port is now New Zealand's second largest log export port, facilitating the current trade of up to 3 million tonnes of forestry exports along with regional produce export.
- 27 The Port's main cargo trade are logs (\$536m), kiwifruit (\$30m), and squash (\$18m). While logs have been the primary export volume in recent history, there has been growth in kiwifruit and apple crops which are beginning to mature across the region. Consequently, increases in kiwifruit and apple crop exports are forecast. Currently these crops are leaving the region by road freight for Napier or Tauranga but we expect, as supply increases, that the Port will have a greater role in transporting these goods. Eastland also forecasts increases in other export markets that the Port will need to be able to support including processed wood products and biofuel products.
- 28 While the Port primarily services the region's export economy, it also accommodates a growing tourism industry, with increasing numbers of cruise liners scheduled to call at the Port since the easing of COVID-19 restrictions.
- 29 The Port is relied upon to service 23% of the region's Gross Regional Product and is at the heart of Tairāwhiti-Gisborne's \$2.3 billion economy.
- 30 The Port employs more than 200 people directly on-site. A further 5,630 people (being ~26% of the full and part-time jobs across the region), work in industries associated with and reliant on port activities - primarily forestry and horticulture.¹
- 31 Eastland Port encompasses the inner harbour and marina precinct of Gisborne. Along with the Gisborne District Council (*GDC*), Eastland is responsible for the management and maintenance of the inner harbour area.
- 32 The Port is a lifeline utility as defined by Civil Defence Emergency Management Act 2022. The importance of this status was highlighted recently in the aftermath of Cyclone Gabrielle. Eastland provided berthage for the NZ Navy, bringing supplies for the region immediately after the cyclone, and then supported coastal shipping to transport produce to export ports when Tairāwhiti was isolated

¹ Eastland Port Twin Berth Project, "Assessment of Economic Effects", 17 March 2022.

from the rest of NZ due to state highway closures.² The recently completed Wharf 7, which was part of the Stage 1 consent, was built to Level 4 Importance (seismic resilience) reflecting this responsibility and the role this structure could fulfil in post-disaster activities. The Project will result increased resilience to the region to be able to accommodate any relief or recovery efforts, while maintaining the region's economy simultaneously.

Background to the Project

- 33 The Project will be the most significant infrastructure upgrade to the Port in 100 years since the harbour was transformed from a river harbour to a closed port in the 1920's.
- 34 The Project is intended to future proof the Port, by ensuring it has the operational capacity to facilitate export volume growth and diversification, and support the Tairāwhiti region's primary industries.
- 35 Once complete, the Project will enable two 185-200 metre long ships to berth at once, allowing increased volume to be loaded and unloaded, larger vessels and consignments, and the opportunity for the region to diversify its trade and export/import destinations. These are opportunities that are not currently able to be accommodated given the demands of log exports on current facilities.
- 36 The wider Twin Berths upgrade was planned to be consented in two stages (with Stage 2 is the subject of the current Application), comprising:
- 36.1 Stage 1 – This stage involved the rebuild of Wharf 6 and 7, and the upgrade of the historical Slipway. This was granted resource consent in December 2020. Construction of Wharf 6 & 7 has just been completed. Upgrading of the Slipway will follow; and
- 36.2 Stage 2 – This stage involves the extension of Wharf 8, and related reclamation, rebuilding the Outer Breakwater structure and related dredging works.

Need for and benefits of the Project

- 37 The Project is intended to both support the continued safe and efficient use of existing infrastructure to facilitate growth and help future-proof the safety and efficiency of Port infrastructure for anticipated future growth (including container trade) and changes in the export market and processes. A fully operational second berth will significantly improve efficiency by resolving capacity issues, and

² <https://www.nzherald.co.nz/hawkes-bay-today/news/new-emergency-shipping-route-a-lifeline-for-hawkes-bay-and-gisborne/47CCQ7O6BFF3DJKNYLNMBY37M/>

is essential for the development of new trade and exports, both international and domestic.

- 38 The Breakwater and Wharf 8 that serve the Port's export activities are old, in poor condition and require upgrades to support the safe operation of the port. The current Breakwater and Wharf 8 infrastructure do not adequately serve current day-to-day Port operating needs. These issues can result in delays caused by vessels being unable to berth due to limited wharf space and/or poor weather conditions. These delays have significant flow-on effects on the operations of the export sectors that the port serves and impacts the Port's ability to efficiently serve new and growing sectors of the regional economy.³
- 39 The Port has been dealing with significant growth across existing, and historical exports. It is under pressure to facilitate new trade from emerging exports/imports, as well as enabling historical cargos that the Port has traditionally serviced, such as processed wood.
- 40 Part of the justification for the Project is based on the region's log exports forecast. Currently, the Port has the ability to export approximately 3 million tonnes of logs per year, but demand for export volume is expected to increase to 4.2 million tonnes per year by 2030 based on known planted and maturing forestry stand areas.⁴
- 41 Exporting this wood volume is still the primary driver for this Project, however Eastland is planning for the potential that the form of this wood export product changing. Wood pellets, wood chip, and processed timber are likely to feature as potential export products in the near-medium term. Eastland is cognisant that production forestry practices have been under scrutiny after Cyclone Gabrielle with central government undertaking a Ministerial Inquiry into Land Use causing woody debris and sediment-related damage in Tairāwhiti and Wairoa.⁵ This inquiry has caused uncertainty as to when and how the volume of wood fibre that exists across Tairāwhiti will be exported. What does remain certain is that there is a vast wood fibre resource across the region that needs to be transported and/or exported in some form and the Port will be critical in supporting that transition.
- 42 One outcome of the Land Use inquiry is that the government has provided \$10.4m for woody biomass research to build an evidence

³ Eastland Port Twin Berth Project, "Alternatives Assessment Report" (August 2022).

⁴ Eastland Port Twin Berth Project, "Alternatives Assessment Report" (August 2022) at 24.

⁵ <https://environment.govt.nz/what-government-is-doing/areas-of-work/land/ministerial-inquiry-into-land-use/>

base for investing in biomass forestry.⁶ This research is likely to focus on the production of wood pellets and/or wood chips for export. For either (or both) wood pellets or wood chips to be exported, the Project is needed to enable the export of these products, either domestically or international, alongside the existing log exports.

- 43 With no major wood processing plants or expansions planned within the region at present, there remains a need for facilities to export the anticipated volume wood fibre as logs. The Port must address the current forecast needs, while simultaneously future proofing its assets to allow for industry transitions, as per the key objectives of the Project.⁷
- 44 Cyclone Gabrielle has also focused attention on the need for the Tairāwhiti to have supply chain redundancy due to the fragile nature of the roading network to the Hawkes Bay and Bay of Plenty.⁸ The Project will help improve this redundancy, to support both an initial civil emergency response, and ensure the region's exports are quickly linked up to domestic coastal shipping and international container ports, as they were post-Gabrielle.⁹
- 45 The Project is critical for continuing future operations at the Port. There are seven key challenges faced by the Port, which the Project is intended to address:¹⁰

45.1 Aged and damaged key assets: As noted above, most infrastructure proposed to be upgraded by the Project was built before the 1930s. The Inner Breakwater built in the 1890's has not been materially upgraded since its original construction.¹¹ Neither has the Outer Breakwater which was built in the 1920's. Both the Inner and Outer Breakwater are in poor to very-poor condition. Wharf 8, which is the Ports' current primary log export berth, has rock scour and degradation issues due to its original construction in the 1990's. The Port has experienced sudden and prolonged operational disruptions with very little notice due to this issue

⁶ <https://www.beehive.govt.nz/release/government-takes-action-east-coast-land-use-report>

⁷ Eastland Port Twin Berth Project, "Alternatives Assessment Report" (August 2022).

⁸ <https://www.nzherald.co.nz/nz/cyclone-gabrielle-main-highways-into-east-coast-closed-families-told-to-evacuate-hikuwai-river-at-unprecedented-level/6K67LEVZWJHLZHC5SCEWCYEJOY/>

⁹ <https://www.beehive.govt.nz/release/investment-blue-highway-lifeline-regional-economies-and-cyclone-recovery>

¹⁰ Eastland Port Twin Berth Project, "Alternatives Assessment Report" (August 2022). For further information about the challenges faced by the Port, see the Worley "Twin Berths Project Design Justification" Report (2022) in Appendix E.

¹¹ Eastland Port Twin Berth Project, "Assessment of Environmental Effects" August 2022 at 18.

and it is quite likely to occur again. Having the redundancy of a 2nd Handymax¹² sized berth would prevent or lessen these types of operational disruptions.

- 45.2 **More frequent and intense weather events:** The impact of the weather on operations has become more evident and significantly impacts industries that the Port services, in particular forestry. On average over a year, weather disruptions prevent a vessel from entering the port 17% of the time. With the effects of climate change becoming more frequent and intense, an increased level of redundancy is needed in the regional export supply chain. Another Handymax vessel capable berth would improve supply chain redundancy and reduce high anchorage waiting times post weather events.¹³
- 45.3 **Water depth limitations:** Currently, only select Handymax vessels can load to full capacity at the Port due to the safety restrictions linked to the draft depths the various parts of the harbour and associated dredging limits.¹⁴ As well as restricted export consignment sizes leaving port, bringing part loaded vessels into harbour is also a restricted operation. Currently most fully loaded vessels must wait for high tide to exit the harbour, which restricts the ability to load vessels continuously, with regular periods of downtime resulting as vessels waiting on the berth to exit the harbour. The water depth also restricts the periods of time when shipping operations can bring vessels into the harbour. These restrictions hamper Eastland's customers' ability to run safe, reliable, efficient shipping operations out of the Port. Water depth limitations are therefore a significant impediment to potential capacity at the Port.
- 45.4 **Wharf berth utilisation and operational capacity:** While berth utilisation at the Port remained very high it is often limited by economic, climatic and other factors. Berth occupancy of Wharf 8 has peaked at 70% which is very high by industry standards. An operation like Eastland's should operate efficiently at around 65%. Occupancy higher than 65% means ships will likely wait at anchorage for prolonged

¹² A Handymax bulk carrier is a type of cargo ship that is primarily used for transporting bulk commodities, such as logs with a capacity roughly between 40,000 to 50,000 DWT (deadweight tonnage) and 150-200m LOA.

¹³ See the 2020 Eastland Port Annual Report, where it was noted that port operations had been affected by bad weather events several times. For example, in July 2019, stormy weather closed Wharf 8 for about quarter of the month, leaving vessels to remain in the bay until the sea conditions calmed. The Gisborne Herald reported that, at its peak, 22 ships were anchored from East Cape to Mahia awaiting access to Eastland Port (20 May 2019).

¹⁴ For more detailed information on the water depth and other limitations that affect shipping operations at the Port, see the Worley Report at section 7.4.

periods awaiting a berth¹⁵. Vessels waiting at anchorage is wasted productivity which significantly and unnecessarily detracts from industry profitability. Delays have cumulative effects through the supply chain impeding forestry operations and at times bringing them to a halt, and ultimately undermining confidence in the industry. Consequently, these events negatively impact the Port's ability to facilitate the Tairāwhiti export industries. A second Handymax sized berth is required to resolve these issues and increase the Port's capacity.

- 45.5 **Increasing log volumes:** The Port has already reached its capacity, with berth occupancy above 65% in most years since 2018. In 2020, there were up to 16 vessels awaiting berthage at one time. Since 2018, Tairāwhiti export volumes have reached around 3.0 million tonnes, which is approximately equivalent to Port capacity depending on export configurations. As noted above, fibre export volumes are expected to peak at 4.2 million tonnes before 2030.¹⁶
- 45.6 **Catering for increased vessel size:** All vessels visiting the Port are draught-limited given the current infrastructure and dredged depths. As a result, the Port is unable to efficiently load Handymax vessels to capacity and accommodate larger Supramax¹⁷ vessels. This substantially reduces the viability of future expansion of the Port and the local economy that relies on export and/or coastal shipping. The Port has seen an increase in the average vessel size visiting the port, this is directly correlated with the upgrades in the global shipping fleet. The Port's customers wish to load Handymax vessels to capacity, and bring more modern larger size Supramax to Tairāwhiti, but without adequate facilities this is not possible or economical.
- 45.7 **Restricted ability to provide for other forms of shipping or trade:** As noted above, alongside the log exports, there is the potential for other products to be imported/exported. Eastland is exploring these opportunities with its customers, but conversations are limited until the Project is able to be implemented due to capacity constraints. The Project intends to future proof its assets in anticipation of future export

¹⁵ Working Group 158 *Masterplans for the Development of Existing Ports Report #158*, PIANC (2014).

¹⁶ Eastland Port Twin Berth Project, "Assessment of Environmental Effects" (August 2022) at 20. For further information, see "Eastland Port Twin Berth Project Alternatives Assessment Report" in Appendix D and Worley "Twin Berths Justification Report" (2022).

¹⁷ A Supramax bulk carrier is a type of cargo ship that is primarily used for transporting bulk commodities, such as logs with a capacity roughly between 50,000 to 60,000 DWT (deadweight tonnage) and 180-200m LOA.

growth in wood resources, whilst allowing for the exploration of opportunities in horticultural produce, wood processing, and other trades involving primary industry exports. The need for this has been highlighted to the region in the aftermath of Cyclone Gabrielle both from a supply chain resilience perspective, and as a result from the anticipated forestry industry transitions outlined in the Ministerial Land Use Inquiry recommendations.

- 46 Eastland began planning the Twin Berth's upgrade in 2015 with the intention of providing necessary upgrades to ageing Port infrastructure that would allow for the Port to be suitably resilient to future natural hazards, while increasing export capacity to cater for forecast export wood resource volumes, and providing future opportunity for regional exports, and other activities from the Port. To that end, the Project has a 50-year design life, i.e. the outer port is being redeveloped to serve the region for at least the next 50 years.¹⁸
- 47 The material works that make up the Project are the:
- 47.1 Extension of the existing Wharf 8 structure into the area of the inner breakwater;
 - 47.2 Reclamation next to the Southern log yard (SLY);
 - 47.3 Rebuilding the outer breakwater structure;
 - 47.4 Deepening access channels in the outer port to accommodate larger Handymax vessels; and
 - 47.5 Improving stormwater collection and treatment facilities in the SLY.
- 48 The proposed works for the Project are directed at ensuring that two Handymax sized vessels can be readily berthed and loaded in the Port at the same time. Enabling two ships to berth at the Port simultaneously will unlock greater capacity for bulk freight container freight options in the future. While difficult to predict with certainty, Eastland expects that that during peak demand years, both berths could be in operation at the same time for around 150 days a year. Without the Project this demand would go unmet.
- 49 Currently, the Port helps generate around 25% of total household income, employment and Gross Regional Product within the Tairāwhiti-Gisborne region. The Project is expected to result in

¹⁸ Worley, "Twin Berths Project Design Justification Report" (2022).

upgrades that enable the Port to sustain upwards of 40% of total economic activity in the region.¹⁹

- 50 Aside from employment generated from the construction of Project facilities, once the second berth is operational (which is expected to be in part from 2025 and fully from 2029) it is estimated that it will contribute an additional 245 jobs in the region. This equates to \$20 million additional wages and \$71 million per year in additional revenue for local businesses.²⁰
- 51 If the Project is successfully completed, it is expected to (directly and indirectly) support around 43% of the region's total employment.²¹

Alternatives considered

- 52 Before embarking on the Project, Eastland went through a comprehensive assessment of various options for upgrading the Port infrastructure and addressing the safety and efficiency challenges faced by the Port.
- 53 This assessment of options was undertaken as part of the Port's usual business practices and corporate responsibility but also addresses the requirements of the Resource Management Act 1991 (*RMA*), the Tairāwhiti Resource Management Plan (*TRMP*) and the New Zealand Coastal Policy Statement (*NZCPS*) with respect to assessment of alternatives. This options/alternatives assessment considered a wide range of potential on-site and off-site works, as well as considering the feasibility of a 'do nothing' status quo option.
- 54 The options considered were required to satisfy three key objectives:
- 54.1 Provide necessary upgrades to ageing Port infrastructure that is needed for the Port infrastructure's safe and efficient resilience to natural hazards;
 - 54.2 Increase the export capacity to cater for forecast export volumes; and
 - 54.3 Provide future opportunity for regional exports and other activities from the Port.

¹⁹ Brown, Copeland and Co, "Assessment of Economic Effects" Report (17 March 2022), paragraph 13.

²⁰ Brown, Copeland and Co, "Assessment of Economic Effects" Report (17 March 2022), paragraph 14.

²¹ Brown, Copeland and Co, "Assessment of Economic Effects" Report (17 March 2022), paragraph 58. Primary industries and primary product processing industries account for 38.8% of the region's employment and this increases to 39.0% with the inclusion of an estimated 54 jobs created by cruise ship visits.

- 55 As an initial assessment prior to considering expansion options, Eastland carried out work on-Port and with the wider supply chain, to ensure the Port's operations and existing assets are used to their full efficiency, and to minimise the need for on-site works (including reclamation and other capital works). This work resulted in operational improvements and significantly reduced the amount of additional storage required, which in turn has limited the need for reclaimed land. Key operational improvements included:
- 55.1 Redevelopment of underutilised areas;
 - 55.2 Movement of non-essential operations off port;
 - 55.3 Upgrades to storage areas including hard-surfacing and new stormwater treatment systems;
 - 55.4 Rationalising dry and chilled storage on-port;
 - 55.5 New storage and log handling equipment and operations to increase log storage capacity ; and
 - 55.6 Optimisation of traffic management to facilitate efficient operations on port.
- 56 However, these operational improvements were not sufficient by themselves to provide the capacity required to service the forecast export volumes, or possible additional trade volumes. From a supply chain efficiency perspective, reclaiming relatively large areas of land at the Port was the preferred approach to creating additional storage. However, the estimated environmental effects and high financial cost led to alternative off-port storage development facilities being pursued instead of reclamation.
- 57 **Table 1** outlines the options that were considered as potential methods to achieve the objectives of providing infrastructure resilience and increasing shipping capacity to cater to forecast exports and future opportunities. The table also outlines the conclusions made on each of these options.

Option	Description	Assessment / conclusion
Option 1	Asset maintenance, essential maintenance required to maintain assets as they are today. This option would allow for <i>180m and 150m vessels</i> to berth simultaneously.	These works would only result in the retention of status quo operations, and would not cater for the other objectives of the Project, such as increasing efficiencies by providing for simultaneous loading and unloading of two vessels needed for the projected increase in export volumes.

Option 2	Extension of Wharf 8 so that <i>two vessels of 185m</i> could berth simultaneously.	Though this would have the benefit of accommodating the forecasted forestry exports, it would only accommodate a 200m vessel at the expense of a second vessel, thereby undermining the ability to accommodate forecast export volumes.
Option 3 (Selected option)	Extension of Wharf 8 to allow for a <i>185m and 200m vessel</i> to berth simultaneously.	The upgrade would accommodate all forecast exports, and provide additional flexibility that Option 2 lacks. This was assessed to be Eastland's preferred option, and is the subject of the present Application.
Option 4	Extension of Wharf 8 to allow for <i>two 200m vessels</i> to berth simultaneously.	This option provided the most efficiency benefits. However, due to the limited dredge depth at Wharf 8, the full benefits from this option would not be realised unless significant additional works were completed, such as increased reclamation to allow access to the berth and increased dredging, and a significant upgrade to Wharf 8. Eastland considered that the operational benefits did not justify the increased environmental effects from the need for increased reclamation, increased seabed disturbance and financial cost. Therefore, this option was not preferred over Option 3.
Option 5	Replacement of the breakwater. Eastland considered replacing the breakwaters, rather than refurbishing them, allowing for deeper dredging and thereby achieving full uplifts off Wharf 8, so that <i>two 200m vessels</i> could be fully accommodated.	It was concluded that this option would not resolve the challenges of gaining deeper drafts and capacity completely. In addition, the safety, cost and construction risks associated with undertaking the works while continuing Port operations were deemed to be significant meant that the option was not considered to be feasible.

Table 1: summary of alternatives assessment of options to provide infrastructure resilience and increase shipping capacity

58 **Table 2** outlines the options and conclusions on potential methods that were considered for addressing storage capacity, in order to service the forecasted export volumes:

Option	Description	Assessment
Option 1	Reclamation.	Several reclamation options were considered to resolve challenges relating to appropriate storage for forecast volume increases. From a supply chain

		efficiency perspective, reclaimed land adjacent to the berth that is regular in shape is the most preferable additional storage to maintain consistently high load rates. However, as noted above, the environmental effects and high financial cost of reclamation to increase storage ultimately led to alternative off-Port storage development facilities being pursued.
Option 2 (Selected Option)	No additional storage on-Port with alternate off-Port storage developments	This option involved the construction and use of off-Port satellite storage-yards, (for example Eastland has invested in a 13ha off-Port storage yard 9km away from the Port). These storage yards provide longer term storage, while the on-port storage yards will become a predominantly 'just-in-time' facility. This additional off-port storage strategy has become the preferred option for storage expansion and is explained in the background to the Project and the current Application. It avoids and minimises effects on the coastal ecology and is more fiscally prudent.

Table 2: summary of alternatives assessment of options for storage

59 **Table 3** outlines options and conclusions on methods for disposing dredged material from capital and maintenance dredging activities (that are the subject of the current Application):

Option	Description	Assessment
Option 1	Use dredged material in the Project reclamation.	This option was not considered possible as the natural consistency and form of dredged material recovered is unsuitable for use in reclamation. Irrespective of this, the proposed reclamation works would not accommodate all the material that would need to be disposed of, and alternative dredging material disposal would be necessary.
Option 2 (Selected option)	Use of the existing mapped and enabled Offshore Spoil Disposal Ground (OSDG).	The OSDG is identified in the TRMP and is located approximately 4km south-west of the Port, about 18-20m deep. Since 2000, the OSDG has been the recognised area in the TRMP to dispose of dredge material. Continuing disposal of dredged material in this area was considered to have the least environmental effects and was the only option considered to be feasible, and as such, is Eastland's preferred option and forms part of the present Application.
Option 3	Land-based disposal.	Eastland was investigated but was not able to identify appropriate locations for land-based disposal that

		<p>were able to accept the dredged material volumes. Consequently, Eastland would be required to acquire suitable land, obtain disposal resource consent and manage direct and indirect effects of the land-based disposal on the environment (including transport, dust, salinity etc). Further, Eastland was unable to identify any land that met the recommended criteria. Accordingly, this option was not considered to be possible.</p>
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Table 3: summary of alternatives assessment of options for dredge disposal

- 60 To achieve the TBP objectives, it was concluded that the most effective options for storage, berthing, and disposal of dredged material, respectively were:
- 60.1 No additional storage on-port with alternate off-port storage developments, to achieve storage capacity objectives;
 - 60.2 Extension of Wharf 8 to berth two Handymax/Supramax sized vessels (185m + 200m simultaneously), to achieve shipping capacity objectives; and
 - 60.3 OSDG for the disposal of dredging material.
- 61 These are the options for which consent is sought in the Application and which have been the subject of detailed consideration. Eastland is confident that these options meet the requirements of the RMA, NZCPS and the TRMP. The selected options represent a considered and balanced practical solution for Eastland that avoid environmental effects to the greatest extent possible while still allowing for the Project activities that are required to ensure the safe and efficient ongoing operation of the Port. The changes are expected to result in significant benefits for both the Port and the wider Tairāwhiti community.
- 62 Consideration of the use of rail as an alternative was not part of the formal Alternatives assessment. I note here that I do not consider that restoration of the rail network represents any form of viable alternative to the Project, for the following reasons:
- 62.1 The rail line network and operation of the rail line is not within Eastland's control.
 - 62.2 The Port does not have the area to accommodate a railhead on port. Further reclamation or a reduction in storage capacity would be required, each of which would have potentially material implications with respect to capital costs, port efficiency and environmental effects.

- 62.3 Re-establishing use of the rail network from its current non-existent use would likely cause noise and disturbance issues for those central Gisborne communities in close proximity to railway lines.
- 62.4 The economics of re-establishing the line are unknown, along with the lines' condition. Costs are likely to be high given the time that has passed since the rail line was last in regular use.
- 62.5 The wider network has been badly damaged from Cyclone Gabrielle and there has been no timeline given by KiwiRail as to when or if it will be repaired.²²

Civil engineering and construction management

- 63 Eastland has extensive experience managing port construction and upgrade projects in compliance with environmental controls and consent conditions.
- 64 Construction of the land-based components of the Project (Wharf 8 extension, reclamation and breakwater refurbishment work) is expected to take up to eight years.
- 65 Subject to final detailed construction design (which will be undertaken with the appointed contractor), Eastland anticipates that:
- 65.1 Construction of the Wharf 8 extension to be undertaken first, with the reclamation and associated revetment construction starting in parallel to the Wharf 8 extension construction program.
- 65.2 The Wharf 8, reclamation and revetment construction will take up to three years to complete.
- 65.3 There could be some initial Port efficiencies gained with completion of the Wharf 8 works within the first year of works, but the full benefits of the second berth will not be realised until the reclamation works are finished.
- 65.4 The breakwater refurbishment will be conducted afterwards and is expected to take five years to complete.
- 65.5 Construction of the marine components of the Project, dredging and disposal, is expected to occur in parallel and as funding allows.

²² <https://www.gisborneherald.co.nz/news/300-damage-sites-on-wairoa-napier-rail-line>

- (a) It is anticipated dredging of the harbour and berth pockets will occur in parallel to the Wharf 8 Extension to realise the benefits of this project and the Stage 1 consents.
 - (b) The balance of dredging authorised by the Application will take place as funding and operational requirements determine.
- 66 A comprehensive suite of requirements and guidance material will be compiled in a Construction Management Plan (*CMP*) that will be prepared to cover management of the site and ensure compliance with relevant health and safety, noise and other requirements.
- 67 Eastland has recent experience at successful implementation of such management plans having recently completed the Wharf 7 rebuild project. That project was completed on time with no material unanticipated environmental issues being encountered. That project has added to Eastland's collective knowledge and will inform the development of the Project's *CMP*.

Stormwater management

- 68 As part of the Project, Eastland will also be upgrading the SLY stormwater treatment system. This upgrade will complete a series of improvements to the Port's stormwater systems and will ensure that run-off from the entire Port is appropriately treated before being released.
- 69 Log handling operation generates a significant number of contaminants of various sizes and densities. Most residue is easily managed by alternative drain systems, sealed surface sweeping and collection in dry weather. However, a significant quantity of small particles is resistant to sweeping and mechanical recovery. Sediment contamination during rainstorms elevates the risk of contaminant spill beyond the port yards and into the surrounding environment. As many of these finer particles are "locked up" until rainfall events, it was necessary for the Project to consider management options to avoid or mitigate effects of fine particle discharges.
- 70 Consequently, Eastland engaged experts to assess the stormwater treatment facilities at the Port.²³ The current stormwater system for the SLY was designed in 2010 and was assessed as requiring upgrades to meet performance standards and discharge consent conditions. The stormwater systems used elsewhere in the Port, particularly the Wharfside Log Yard (*WLY*) and Upper Log Yard (*ULY*) have been recently upgraded such that they exceed performance

²³ Cheal Consulting, "Stormwater Management Engineering Report" (12 August 2022).

expectations and readily comply with water discharge quality expectations.

- 71 As part of the Project, Eastland proposes to similarly upgrade the SLY stormwater management system. The upgrade is anticipated to achieve similar outcomes as are experienced at the WLY and ULY by implementing treatment methods used in these more recent systems. Port staff now have considerable experience and expertise with operating these systems.²⁴
- 72 The stormwater upgrade proposed as part of the TBP involves the installation of a secondary treatment system (similar to those used for the WLY and ULY) as part of the existing network of filtration structures, and upstream of the existing outfalls. The secondary treatment process will consist of:
- 72.1 Underground detention chambers;
 - 72.2 Chemical dosing to improve particle settling; and
 - 72.3 Lamella clarifiers to remove the flocked particles.
- 73 This system proposes to treat the runoff from storm events up to the 90th percentile, based on a stormwater runoff of 21mm, and will maintain receiving water quality for all scenarios except for relatively extreme rainfall events. In the rare instances of extreme events, it is highly unlikely there will be high sediment load stormwater being discharged. The first 'flush' of stormwater that will be expected to have the highest contaminant concentration will already have been accommodated and treated by the system.
- 74 The system will be located wholly within the Port site which, coupled with implementation of standard construction management measures, will ensure compliant discharges during construction.²⁵
- 75 As discussed in the evidence of Mr Mark Poynter, the expert assessments of the proposed treatment system consider that the proposed system can effectively achieve the required discharge quality objectives within the confines of the site. Eastland expects the redevelopment to result in an overall improvement in water quality.
- 76 To support the ongoing assessment of the stormwater management system, monitoring of rainfall, runoff and discharge concentrations

²⁴ Cheal Consulting, "Stormwater Management Engineering Report" (12 August 2022), at 15.

²⁵ Cheal Consulting, "Stormwater Management Engineering Report" (12 August 2022).

of the new system is proposed. Specifically, Eastland has proposed to:

- 76.1 Implement a Stormwater Quality Monitoring Programme, similar to that in place for the WLY; and
- 76.2 Submit a report to GDC after two years of operation on any log yard ponding / overflow event and possible design changes to minimise or avoid such events in the future.

Community and stakeholder engagement

77 Eastland has proactively engaged with its stakeholders throughout the development and design of the TBP. Specific stakeholder engagement on Stage 2 began in 2020. Eastland took a structured approach to stakeholder engagement. It developed a stakeholder engagement plan, which set out the method and timeline for engagement with key stakeholders. Those key stakeholders included:

- 77.1 Port staff and contractors;
- 77.2 Iwi and hapu;
- 77.3 Statutory bodies including central government;
- 77.4 Commercial enterprises;
- 77.5 Recreational groups;
- 77.6 Community groups, including port neighbours;
- 77.7 Businesses, including port customers and lease-holders;
- 77.8 Local and central government;
- 77.9 Relevant environmental groups.

78 This engagement means that Eastland has been able to better understand potential issues and benefits associated with the Project through discussions with its iwi partners and key stakeholders, including local authorities, residents and business groups.

79 Engagement activities undertaken by Eastland included the following key measures:

- 79.1 Four community newsletters were sent to both internal and external stakeholders between October 2020 and June 2022, which covered activities and progress related to the Project. These newsletters were distributed through multiple channels, including individual and group emails, social media, the Port website, the Gisborne Herald online advertising, in addition to

hard copies being handed out at the A&P show as well as being available for distribution at the Port office. Each newsletter included ways for people to communicate their questions, ideas and feedback back to Eastland.

79.2 Eastland started a project website in December 2020 to provide information about the Project to external stakeholders.²⁶ This website provided the ability to give feedback, suggestions or ask questions to Port management via email or an online feedback form. Eastland has continued to operate and update this website throughout the application process. Through the process documentation has been uploaded to the website, including the full application, and a set of application briefs which set out to address the key items of interest and concern to the community.²⁷ These were titled:

- (a) Unlocking Tairāwhiti's long term growth
- (b) Traffic around Eastland Port
- (c) Sustaining the economy
- (d) Noise from the port
- (e) Dredging and the Tūranganui-a-Kiwa coastline and surf breaks
- (f) Ecology and water quality
- (g) Respecting cultural values & heritage
- (h) Fixing the breakwater and building a reclamation

79.3 A social media campaign was developed to increase engagement with the community. Project content included informative videos, photos and infographics. Mechanisms for providing feedback were also included.

79.4 A number of print and digital media outlets have also published articles relating to the Project. Eastland contributed to 24 articles on the Project between November 2020 and June 2022.

79.5 Eastland attended and had a stand at the Gisborne A&P show on 16 and 17 October 2020. Members of the Project team

²⁶ www.eastlandport.nz/about-us/twin-berth-project/

²⁷ <https://eastlandport.nz/about-us/twin-berth-project/twin-berth-stage-2-application-briefs/>

were present to answer questions and take feedback from members of the community. Feedback provided was positive, with some community members raising concerns ecology, roading to the Port, and engagement with iwi.

79.6 Eastland presented to various stakeholders and provided Port tours to provide a view of the Port's current operations and how the Project will change the way it operates. Presentations generally included an overview of the Project, timings, historical and forecast volumes and berth capacity, community and environment initiative, economic contributions, ongoing economic uplift, and the Port's long-term vision. Specific stakeholders Eastland has consulted with include, but are not limited to:

- (a) Waka Kotahi;
- (b) Gisborne District Council councillors;
- (c) Gisborne District Council consenting team;
- (d) Wharf 1 tenants;
- (e) Department of Conservation;
- (f) Heritage New Zealand Pouhere Taonga;
- (g) Historic Places Trust;
- (h) Central government politicians; and
- (i) Chamber of Commerce.

79.7 Several presentations were held off-site, with Eastland staff travelling to various locations to ensure the widest possible breadth of members of the community were able to be appropriately engaged with. I personally presented many of the off-site presentations, some of which had over 100 people in attendance. These include, but are not limited to:

- (a) Tairāwhiti Rock Lobster Industry Association;
- (b) Tairāwhiti cruise industry;
- (c) Log export customers and their staff (Summit, Ernslaw One, JNL, Aratu, FMNZ, Ngati Porou Forests);
- (d) Business & Professional Women;
- (e) NZ Trade & Enterprise;

- (f) Trust Tairāwhiti trustees;
- (g) Rotary;
- (h) University of the Third Age (U3A); and
- (i) Gisborne District Council operations committee.

Port Community Liaison Group

80 In addition to the above and even before the prospect of the Project emerged, Eastland had a standing arrangement for engagement with the Port community. This is managed through regular meetings every 4-months of a standing group called the Port Community Liaison Group (*Liaison Group*). The Liaison Group has representatives for local residents, apartment owners, Hauora Tairāwhiti, GDC, and other community stakeholders. Individuals and representatives invited to the group have historical concerns or engagement with the Port, or have submitted on previous resource consent applications. The Liaison Group has been active since 2009.

81 Between July 2020 and July 2022, seven meetings with the Liaison Group took place, and discussed the TBP Project with strong attendance at all of these meetings.

82 At these meetings the Port shared the TBP plans and solutions for key areas of concerns with the Liaison Group, including measures proposed to minimise disturbance and impacts to the neighbours and community. Members were provided with the opportunity to give port management direct feedback. Most meetings had a standing agenda item to discuss community concerns and Eastland's responses to these concerns. Issues raised by the Group tended to relate to noise and vibration impacts, privacy and dust.

83 Eastland has, as is consistent with its approach to other consent applications, proposed a condition of consent to provide for ongoing two-way communication between the Liaison Group and Eastland.

Department of Conservation and Forest & Bird

84 The Department of Conservation (*DOC*) were engaged on the Project at an early stage, prior to the discovery of kororā presence on the seawall. This prior engagement focussed on the providing information regarding effects on the Puhī Kai Iti/Cook Landing National Historic Reserve, Cone of Vision, and Heritage Boat Harbour. Based on this engagement, DOC was understood to be satisfied with the level of information provided and management measures proposed.

85 Kororā were discovered on the seawall as part of prior maintenance works on the seawall conducted in 2021. At that time, the Port engaged heavily with DOC to ensure kororā would be appropriately

protected, and public and stakeholder concerns were addressed.

The Port:

- 85.1 developed a Penguin Management Plan to protect and manage the kororā, which was approved by DOC;
 - 85.2 established a Kororā Enhancement Area on the seawall; and
 - 85.3 secured a Wildlife Act Authority from DOC.
- 86 The local Forest & Bird branch was invited to port to discuss their submission and for a site visit of the Kororā Enhancement Area. They conveyed to me that they were satisfied the Port had implemented appropriate management to protect the Kororā and would follow the lead of DOC on the matter.
- 87 Eastland staff and experts have recently engaged with DOC in relation to this Project's proposed Avian Management and Monitoring Plan (the *AMMP*) to manage the Project's potential effects on kororā and seabirds from the Project. That engagement has been positive and collaborative and is also addressed in the evidence of Ms Georgina McPherson and Mr Poynter.
- Waka Kotahi and GDC Operations***
- 88 Eastland has had extensive engagement with Waka Kotahi and GDC Operations about the need to address the State Highway 35/Hirini St intersection since at least 2016. This lengthy engagement process has involved the identification of preferred solutions which have been agreed to at various times but no final determination on changes has been identified.
- 89 In June 2017, Waka Kotahi and GDC Operations (then Tairāwhiti Roads) committed to undertake a wider network plan, and consider alternatives routes to improve access to Eastland Port to ensure an upgrade was the correct decision. Unfortunately, a wider network plan has not yet been completed by GDC, but the need to address the State Highway 35/Hirini St intersection was recognised in the Regional Land Transport Plan though, where it is currently the fourth priority project identified.
- 90 More recently, in the context of the Project, Eastland has engaged with Waka Kotahi after receiving its submission. Eastland's expert advisory team has worked closely with Waka Kotahi and GDC Operations to produce a Joint Witness Statement with an agreed approach to drafting of consent conditions.
- 91 Ultimately the timing and nature of any upgrades to the intersection are not within Eastland's control. That said, Eastland remains open to working with Waka Kotahi and GDC outside of the current

consent process to determine how the intersection should be upgraded to meet the needs of the region.

Coastline/Surf workshop

- 92 Members from the Gisborne Boardriders Club, waka ama clubs, kayak clubs, surf lifesaving clubs, yacht club and Sport Gisborne Tairāwhiti were invited to join a Zoom workshop on 16 March 2020 to discuss the TBP. The workshop covered the effects of the Port developments on the coastline and surf breaks within Tūranganui-a-Kiwa/Poverty Bay, as assets of importance to the community.
- 93 Specifically, the workshop covered the effects of dredging the navigation channel, disposal of dredged material in the disposal ground, and the new reclamation and repair of the breakwater on the coastal morphology and protected surf breaks within Tūranganui-a-Kiwa/Poverty Bay.
- 94 Participants were impressed with the depth of knowledge that the Eastland experts had on the coastal dynamics within Tūranganui-a-Kiwa/Poverty Bay and appreciated the extent of research and analysis that had been undertaken and the sharing of this.
- 95 Requests were made from some of the technical reports to be shared which were supplied. Offers were made to attend respective committee meetings but ultimately these offers were not taken up. No concerns from any of these stakeholders have been raised since.

Engagement with iwi

- 96 Eastland has regularly engaged with local iwi and hapū to build enduring relationships and to provide mutually beneficial outcomes.
- 97 Eastland acknowledges that the establishment of the Port in the late 19th Century did not always respect the wishes or interests of local iwi and hapū. In delivering the Project, Eastland has committed to working more collaboratively and openly with hapū and iwi, to ensure cultural values and relationships are considered and recognised throughout our developments.
- 98 As part of supporting the local community, and in acknowledgement of the above, Eastland together with mana whenua groups conceived of and established a unique tikanga-based forum, Te Tai Uru, in late 2020. The forum ensures projects and operations are approached in an environmentally responsible, sustainable and culturally appropriate way.
- 99 Te Tai Uru was established in December 2020 pursuant to an Environment Court consent order approving Stage 1 of the Twin Berths Project. The purpose of Te Tai Uru is to recognise and provide for the kaitiakitanga responsibilities of the hapū members, and also to provide a forum for input into the development of

management plans and monitoring reports required under the consents for Stage 1 of the TBP, and the development of this application.

- 100 Te Tai Uru includes representatives of GDC, Ngai Tawhiri, Rongowhakaata Iwi Trust, Whanau-a-Iwi, Ngati Maru, Ngati Kahutia and Ngati Te Rangitauwhiwhia. Some eleven Te Tai Uru hui have been held between December 2020 and the date of this evidence. Those hui have provided updates on Stage 1 and this Project's development, and has sought feedback on matters of significance to iwi and hapū.
- 101 The key areas of interest voiced during hui with Te Tai Uru related to the Project's (potential) impacts on the surrounding environment, ecology and cultural sites, as well as the effects of dredging.
- 102 Ngati Oneone is the remaining hapū of Tūranganui-a-Kiwa who have not yet elected to join Te Tai Uru. However, Eastland has extended a standing invitation to Ngati Oneone to join Te Tai Uru when/if they are comfortable doing so. In the meantime, Eastland continues to separately meet with Ngati Oneone, covering the same matters as are addressed at the Te Tai Uru hui, to ensure consistency and that Ngati Oneone is kept up to date with the Port's current and future projects.
- 103 More specifically in relation to engagement with Ngati Oneone, I note:
- 103.1 Since September 2019, Eastland Port has engaged with Ngati Oneone regularly to discuss their relationship and matters related to TBP as well as other matters in and around the harbour.
- 103.2 The key areas of interest in relation to the Project concerned (potential) impacts on water quality, the surrounding environment, ecology and cultural sites.
- 104 Eastland considers the engagement via Te Tai Uru and with Ngati Oneone to have been invaluable to understand outcomes of importance to hapu and iwi and to ensure these outcomes can be achieved through the designation and consent conditions. Eastland will continue to engage with these groups as the Project progresses.
- 105 The ongoing commitment to engagement has resulted in significant cultural involvement and input into earlier consent processes, with the Port resolving these concerns through changes to applications and appropriate consent conditions. I believe these earlier processes have established an improved relationship of openness and trust among the community and that Eastland has proven it can be relied on to operate responsibly and with sensitivity to cultural concerns.

- 106 As noted in Ms McPherson's evidence, many of the draft conditions that Eastland proposes for this Application are closely based on conditions approved for similar activities, where there has been significant cultural input into the consenting processes. These conditions have mostly been implemented since and are largely now tried and tested.

Issues raised in submissions

- 107 I have read all the submissions lodged on the Project that raise issues in relation to Eastland, its engagement with the community and stakeholders, and alternatives to the Project.
- 108 The submissions received were overwhelmingly supportive of the Project. I consider this high level of support recognises the clear and substantial benefits that the Project will bring to the community and wider region, the trust the Port has gained within the community through undertaking previous developments appropriately, but also reflects the strength of Eastland's community engagement on the Project. Eastland welcomes this support.
- 109 In particular, I note the support of forestry organisations, local business groups and leading export companies, such as Ngati Porou Forests Ltd, Gisborne Holdings and the New Zealand Forest Owners Association, who submitted in full support of the application.
- 110 I further note the lack of significant environmental concerns raised by submitters including the Department of Conservation and the Gisborne branch of Royal Forest and Bird, which, again, I consider reflects Eastland's proactive approach to engagement and management of environmental issues.
- 111 In relation to specific submissions that did not support the Project, I make the following comments:

Teina Moetara – Rongowhakaata

- 112 In their submission, Rongowhakaata states that the Project does not recognise and provide for matters contained in sections 6, 7 and 8 of the RMA. In particular they submit that the relationship of Māori and their culture and traditions, kaitiakitanga and principles of Te Tiriti o Waitangi have not been adequately addressed through the consultation and application process.
- 113 A submission supporting Rongowhakaata was lodged by Mr Manawa Waipara and appended to the Rongowhakaata submission. Through consultation it is apparent this was meant to be its own submission but unfortunately did not come with contact details. These were sought from Rongowhakaata but never supplied. Unfortunately, since lodging his submission, Mr Waipara has passed away.

114 Mr Waipara's submission states that Eastland did not notify or consult with the hapū of Ngai Tawhiri, Hauiti and Ngai Tāmanuhiri, none of which form part of either Te Tai Uru or Ngati Oneone. They further submit that Te Tai Uru did not participate in preparation of the Project proposal. In light of the information set out above regarding the content and coverage of Te Tai Uru meetings, I respectfully disagree but note that I have since made repeated and recent personal efforts to engage with Rongowhakaata individually, which are noted below.

115 The Port has actively sought to engage with Rongowhakaata on these matters and their submission(s) numerous times but unfortunately has had little feedback until very recently (19th and 29th September 2023). Through these recent hui, four areas of concern were highlighted:

115.1 Access and mahinga kia,

115.2 Heritage concerns,

115.3 Concerns with the logging industry and upgrade requirements, and

115.4 Water quality within Turanganui-a-Kiwa.

116 The Port has 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.

117 The Port now awaits a response and any further concerns from Rongowhakaata. The Port has offered time for another hui prior to the hearing to discuss these. The Port will reply to the Reporting Officer and Panel with any updates or outcomes agreed prior to the hearing.

118 The late Mr Waipara is said to now be represented by his wife and sisters. The Port has asked to be put in touch with this group by Rongowhakaata to discuss Mr Waipara's submission but has not received any such details.

The Rail Action Group (and Geraldine Oliver and Winston Moreton)

119 These submitters are of the opinion that proper consideration was not given to the use of rail as a means of managing the large and increasing log production in the region, and any upgrade of Port assets should first consider the wider local and regional transport infrastructure context.

120 The Project seeks to authorise the restoration and upgrade of Port infrastructure in the face of a clear and present need. Eastland does

not consider that upgrading its infrastructure will prejudice other transport measures and solutions. However, at present Eastland does not consider that rail provides a reasonable alternative, because:

120.1 The Wairoa to Gisborne line has not been operating since 2012 and KiwiRail does not support reinstating the line;

120.2 The Napier to Wairoa train line is currently not operating following damage from Cyclone Gabrielle with no timeframe to complete repairs; and

120.3 The Port is not currently connected to any rail network, with the rail bridge over the Tūrangānui River unsafe for use.

DOC (Tom Christie) and Forest & Bird (Grant Vincent) regarding kororā

121 DOC and Forest & Bird in their submissions raised issues relating to kororā, including that there is insufficient information to identify and address adverse effects on kororā, and sought that Eastland put in place a kororā management plan. DOC's submission sought that the consent conditions address the measures to be included in a management plan, and that the management plan be prepared by an appropriately qualified person.

122 This requested management plan has been prepared and supplied to DOC. It has been agreed in principle via peer review. A second Wildlife Authority Act permit from DOC has been sought for this additional area and activity.

123 Mr Poynter and Ms McPherson's evidence responds to these submissions, and how these issues are addressed in conditions, but I note here that I personally met with DOC and local Forest & Bird representatives. I understood that the local Forest & Bird representatives were reassured their concerns would be addressed by the management plan process and that was underway and DOC's involvement in the preparation of that plan.

Remaining neutral/opposing submitters

124 Attempts were made to contact all remaining submitters who did not support the project to discuss their submissions between receiving the submissions and the end of February 2023. Discussions with all submitters who took up the offer are discussed above.

Climate change

125 I note some submitters raise concerns about the Project's contribution to climate change.

126 Eastland expects the Project will result in transport efficiencies (through the increased provision of maritime transport as opposed

to extended road transport reliance). Given maritime transport emissions are substantially lower than land transport emissions,²⁸ I consider that it is likely that the Project can be expected to have beneficial effects on carbon emissions by comparison to the counterfactual of export demand being met by road transport to other export ports.

Response to the Officer's Report

- 127 I have read the Council Officer's Report prepared by Mr Todd Whittaker on behalf of GDC dated 25 September 2023. The report is supportive of the Project, and Eastland's approach, but invited Eastland to provide further discussion or address various matters. My response to these matters is set out below.

Forestry sector review

- 128 The Report concludes there are no outstanding matters in terms of the review of the forestry sector.²⁹
- 129 I have provided further information about the need for the Project in light of the conclusions of the Ministerial Land Use Inquiry above in the discussion of the need for the Project. In short, the forecast volume of wood fibre in the region will need to be processed and delivered to markets in some form, or else years of investment in many forests will have been wasted. The Port must service the current forecast need, while also ensuring it is ready for industry transitions, as per the key objectives of the Project.

Noise

- 130 The Report notes that noise issues were not raised by submitters in relation to this Project, whereas noise was formerly a substantive concern for nearby residents in relation to previous Port consent applications.
- 131 There are likely to be a combination of reasons submitters did not raise noise concerns, but I note Eastland's:
- 131.1 ongoing commitment to the Port Liaison Community Group as a forum for raising concerns about issues such as noise; and
- 131.2 continuing work to manage and control both construction and operational noise, including through management plans and measures required by previous resource consent conditions.

²⁸ Including as indicated by University of Canterbury research : Evaluating the opportunity to engineer transition to a low carbon freight transport system in New Zealand Phase 1: Baseline of direct tank-to-wheel transport greenhouse gas emission for key commodities and modes, November 2022. [www.https://www.canterbury.ac.nz/epecentre/research-and-innovation/tools--services/transport-dashboard/data_interaction_report_24_03_2023_FINAL.pdf](https://www.canterbury.ac.nz/epecentre/research-and-innovation/tools--services/transport-dashboard/data_interaction_report_24_03_2023_FINAL.pdf)

²⁹ S42A report, at [103].

Transportation

- 132 The Report notes the need for the SH35/Hirini street intersection to be upgraded. As noted above in the discussion on engagement with Waka Kotahi and GDC, Eastland agrees there is an enduring need for improvements at that intersection. That has been the situation for some time. As set out in the evidence of Ms Judith Makinson and the joint witness statement of transportation experts, the operation of the intersection will not be significantly impacted by the Project.
- 133 That said, Eastland remains committed to working together with Waka Kotahi and GDC to find a long-term solution to issues with the SH35/Hirini Street intersection.

Rail Connection

- 134 The Report concludes that the lack of any viable inter-regional rail option is not a reason to undermine granting consent,³⁰ but invites Eastland to address the option of rail connections.
- 135 I support the Report's conclusion and have outlined above in my discussion of Alternatives why a rail connection is not a viable alternative to the Project. I further emphasise that Eastland Port has no legal, financial or operational ability to restore the rail line.

Cultural values and sites

- 136 The Report notes that Eastland has sought to engage with iwi and hapū in a meaningful way. It notes that unfortunately, little progress has been made in terms of the prescribed outcome to document Cultural Values and Relationships Framework (CVRF), as part of the Te Tai Uru forum, to inform the Project.
- 137 I acknowledge these points. As discussed above, Eastland, and me personally, have invested significant time and energy in engaging with iwi and hapū both as part of, and alongside, the Te Tai Uru forum. Although this has not resulted in the finalisation of documented CVRF, Eastland (and I) consider that this effort has been valuable in itself, as part of building relationships and understanding with iwi and hapū, as well as knowledge of cultural values & relationships with iwi and hapū. This understanding and knowledge is reflected in the additional state of environment monitoring in Tūranganui-a-Kiwa, and offers made in respect of the Rongowhakaata submission under consideration currently.
- 138 Eastland remains committed to continuing to invest Te Tai Uru, and other relationships, and is grateful for the continued effort and contribution of iwi and hapū on the other side.

³⁰ S42A report, at [158].

- 139 Respectfully, the value of Te Tai Uru should not be judged by whether or not resource management assessments are able to be delivered on schedule, but on the understanding and knowledge that has been shared and acted upon. Eastland remains of the view that Te Tai Uru is a valuable forum for iwi, hapū and Eastland to engage on issues of concern to all parties. Eastland believes the success of the forum is highlighted by the relatively few submissions from iwi and hapū highlighting concerns with the Project.
- 140 I confirm that Eastland considers the conditions from the Wharf 6 and 7, and Slipway (Twin Berth Stage 1) consent that established the Te Tai Uru conditions should be continued in this Project, to provide for the ongoing existence, relevance, funding and support for this forum.

Avian Habitats

- 141 The Report notes that Eastland and DOC have been working on progressing a Wildlife Act authority that will enable handling of kororā if required. I can confirm that Eastland staff and experts have been engaging with DOC on this matter, and that any required Wildlife Act authority will be obtained before any handling or relocation of kororā takes place.

Comments on the draft conditions

- 142 As noted above, I was responsible for obtaining resource consents and undertaking the subsequent projects for Eastland since 2012, including for the redevelopment of Eastland's storage yards, dredging & disposal operations, and the Twin Berth Stage 1 consents. I have implemented these as the project manager or director for the seven storage yard developments, as well as the recent Wharf 7 Rebuild and various other projects at Eastland.
- 143 The Project's draft conditions have been prepared drawing on Eastland's experience, and many conditions closely replicate conditions from existing consents that have proven to be effective and workable. I support this approach as providing for an efficient approach to management of effects of an integrated and complex site.
- 144 I consider that the draft conditions will be effective in ensuring environmental and community values are appropriately protected, while allowing Eastland to carry out much needed upgrade works.
- 145 In particular, as noted above Eastland remains committed to the continued operation of the Port Community Liaison Group and the Te Tai Uru forum and considers the proposed management plan regime provides an appropriate balance of certainty and flexibility that is necessary to allow this complex project to be delivered.

Conclusions

- 146 The Project will enable Eastland to export the forecast growth in forestry wood fibre volumes, while also enabling other export/import trade, and providing increased resilience for the Port and its crucial civil defence function.
- 147 The Project will deliver significant benefits and improved reliability and resilience for crucial infrastructure. Overall, the Project is supported by the overwhelming majority of submitters and the community who will benefit from the improvements.
- 148 Eastland acknowledges the concerns raised through submissions and by Council experts and where appropriate, has been guided by technical experts in proposing conditions to respond to these concerns.
- 149 Eastland considers the significant benefits of the Project substantially outweigh any adverse effects and considers the package of conditions and other mitigation tools to be proportionate and appropriate to the Project.

Martin Bayley
3 October 2023