



<b>Eastland Port Limited – Stage 2 Twin Berth Project</b>	
<b>Hearing Commissioners:</b> <b>Brent Cowie (Chair), Bianca Sullivan and Rauru Kirikiri</b>	<b>Hearing Date:</b> <b>17 – 19 October 2023</b>
<b>Report: s.42A Planning Report on publicly notified resource consent applications by Eastland Port Limited.</b>	

## EXECUTIVE SUMMARY

1. Eastland Port Limited (Eastland Port) has applied for a series of consents to enable an upgrade to, and extension of Gisborne Port (the port) as well as discharge, dredging and occupation consents. The project forms the Stage 2 Twin Berth project.
2. Stage 1 of the Twin Berth project included the Wharf 6 & 7/slipway upgrade. Eastland Port also holds separate consents for other capital projects and ongoing discharge and maintenance dredging applications.
3. The Stage 2 Twin Berth project includes the following works and activities;
  - Extension of Wharf 8 to accommodate concurrent berthing of 200m and 185m shipping vessels,
  - Reclamation of the Coastal Marine Area next to the southern log yard,
  - Rebuilding the outer breakwater,
  - Upgrading stormwater treatment infrastructure in the southern log yard, and
  - Capital and maintenance dredging with disposal of dredged material to the Offshore Disposal Ground (OSDG).
4. The suite of consent applications was lodged in August 2022 and publicly notified at the request of Eastland Port. Fifty-six submissions were received with the majority of these (47) supporting the applications based on economic benefits and the need for additional operational capacity at the port. In addition, some submitters identified the port as providing necessary resilience as a transport linkage given the degraded or compromised state of the roading network.

5. The opposing and neutral submissions raise a number of distinct issues with key concerns relating to;
  - Need to develop rail transport as an alternative to road transport and to mitigate adverse effects of heavy port traffic,
  - Cultural values and sites associated with the port including the surrounding moana, and
  - Potential issues with the protection of Kororā (Blue Penguin) habitat,
6. Eastland Port has presented a comprehensive set of technical reports and assessments to support the application and has also carried out consultation and engagement with mana whenua, stakeholders and with submitters. The application material from Eastland Port also includes reporting and monitoring from existing consents and studies on the ecological and environmental values associated with the port area and OSDG.
7. An Independent Review Panel (IRP) was established by GDC to assist with the assessment, processing and recommendations on the applications. The IRP includes ecological, noise, traffic, stormwater/water quality, avian, coastal processes and planning specialists. The work completed by the IRP includes a review of the initial application bundle, peer review assessment and requests for additional information, review of submissions, review and engagement with technical specialists, provision of technical memos and input into conditions.
8. Given the nature and scale of the upgrade works and taking into account the sensitive ecological, community and cultural values of the wider port location including the coastal margin and the OSDG, there are actual and potential effects which need to be carefully examined and assessed.
9. The IRP has presented a series of technical review memos which generally endorse and recommend the granting of consent subject to appropriate conditions. The matters where there is some residual difference of opinion or where further clarification is required include;
  - How the maximum potential for dredging is managed through consent conditions while recognising that projected average volumes of dredging are significantly less than the maximum cap,
  - Clarification of whether the remodelled underwater noise levels have any impact on the marine mammal assessment and mitigation recommendations,
  - The appropriate noise levels to be imposed for the management and mitigation of noise effects, including specifically night-time dredging activity, and methods to manage noise for the Inner City Residential Zone given existing deficiencies in the noise provisions of the Tairāwhiti Plan,
  - Clarification on any methods that may be required from Waka Kotahi to assist with the future funding and completion of upgrades works to the SH35/Hairini St intersection,
  - Updates from Eastland Port and Rongowhakaata on how the matters raised in the opposing submission and cultural values can be resolved,
  - The need for Eastland Port to progress and obtain a Wildlife Act Authority for works affecting an existing Little Penguin/kororā habitat,

- The need to finalise consent conditions to address all the findings and recommendations outlined in the technical reports from Eastland Port and from the IRP.

10. Rongowhakaata Iwi is an opposing submitter. Eastland Port has advised that it is continuing to work and engage with mana whenua to understand how port projects and operations can best recognise and protect cultural values and sites. This includes supporting and giving effect to the Te Tai Uru conditions which were part of an Environment Court consent order for the Wharf 6 & 7 consents. Unfortunately, there has been a lack of progress with the preparation of a Cultural Values Framework and impact reporting to help inform the Stage 2 Twin Berth project.
11. Taking into account the work and recommendations of the IRP, no outstanding matters have been identified which would prevent the applications from being granted. Further clarification and resolution of the matters identified above will be necessary. The hearings process will enable further submissions and technical evidence to come forward including further work and refinement on consent conditions.
12. The Tairāwhiti Resource Management Plan (Tairāwhiti Plan) is the key planning document which sets the planning framework and community aspirations for managing the effects of activities on natural and physical resources. This contains a myriad of plan mechanisms and objectives and policies which are relevant to the Stage 2 Twin Berth project including policies to protect ecological, cultural and coastal values. The Tairāwhiti Plan also recognises the port as a major regional transport facility and that its continuing operation is significant for the region.
13. The New Zealand Coastal Policy Statement (NZCPS) sets national direction for the management, use and protection of coastal environments and is directly relevant to the assessment and determination of the consent applications.
14. In my opinion, the actual and potential effects are capable of being managed and mitigated through conditions of consent. Granting consent to the Stage 2 the Twin Berth project will also deliver positive benefits for the Gisborne community and provide important resilience as part of the regional transportation network.
15. I consider that the project will be aligned and consistent with the national, regional and district policy directives subject to appropriate conditions being refined and confirmed through the hearings process.
16. I therefore recommend the granting of consents in principle with the opportunity to further address the Commissioners on any further evidence from Eastland Port and submitters, and on consent conditions.

## **PART 1 INTRODUCTION**

### **1.1 REPORT STATUS**

17. This report is a s.42A Planning Report prepared under the Resource Management Act 1991 (RMA). It provides an independent assessment and recommendations on the notified application by Eastland Port Limited (Eastland Port) for the Stage 2 Twin Berth project at the Port of Gisborne (the Port).
18. This report does not represent any decision on the application. It provides the professional assessment and opinion of the report author as an expert witness. This report will be considered by the Commissioners in conjunction with all other technical evidence and submissions which have been received to the application. The weighting given to this report and all other technical evidence and submissions will be considered and determined by the Commissioners through the hearings process.

### **1.2 REPORTING AUTHOR**

19. This report has been prepared by Todd Whittaker. I am an independent planning consultant and Director of Planning Works Limited. I have a Bachelor of Resource and Environmental Planning from Massey University, 1994 and I am a full member of New Zealand Planning Institute (NZPI). I have 30 years of professional experience in the resource management field and have served two terms as a board member of the NZPI. I have had substantial experience in the assessment and determination of consent applications and have presented expert planning evidence to a multitude of commissioner hearings as well as statements of evidence for the Environment Court, High Court and Boards of Enquiry.
20. I have read and complied with the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2014 in preparing this report. I agree to comply with it in presenting this report and any evidence at the hearing. The opinions and assessment within this report are within my area of expertise, except where I have stated my reliance on other identified evidence. I have considered all material facts that are known to me which might alter or detract from the opinions I express in this evidence.

### **1.3 INDEPENDENT REVIEW PANEL (IRP)**

21. An Independent Review Panel (IRP) of independent technical experts have been engaged by GDC to assist with the assessment of the applications. The experts who form the IRP and their respective fields of expertise are:

- Shane Kelly – Ecology
- Jon Styles – Noise and Vibration
- Chris Rossiter – Transportation
- Hamish Jones – Stormwater discharge and water quality
- Gary Bramley – Avian habitats
- Terry Hume – Coastal processes

22. Additional advice and input into the assessment of the application and conditions has also been provided by GDC staff including transportation, biosecurity, and planning matters.

## 1.4 FORMAT OF REPORT

23. This planning report is presented in eight parts. In providing this report I have referred to and taken into account the assessment and findings of the IRP.

24. The eight parts of this report are as follows;

- Part 1** Introduction
- Part 2** Summary of Application
- Part 3** Notification and Submissions
- Part 4** Statutory Provisions
- Part 5** Assessment of Effects
- Part 6** Planning Instruments
- Part 7** Part 2 of the Resource Management Act 1991
- Part 8** Conclusion and Recommendation

25. The series of appendices complete this report and are as follows;

- Appendix 1** Key Plans and Drawings
- Appendix 2** Technical Review Memo – Ecology (Dr Shane Kelly)
- Appendix 3** Technical Review Memo – Noise and Vibration (Mr Jon Styles)
- Appendix 4** Technical Review Memo – Transportation (Mr Chris Rossiter) and Transportation Joint Witness Statement
- Appendix 5** Wharf 6/7 Consent Order - Te Tai Uru Forum Conditions
- Appendix 6** Heritage NZ Correspondence
- Appendix 7** Technical Review Memo – SW Discharge and Water Quality (Mr Hamish Jones)
- Appendix 8** Technical Review Memo – Avian Habitats (Dr Gary Bramwell)
- Appendix 9** Technical Review Memo – Coastal Processes (Dr Terry Hume)

## PART 2

### SUMMARY OF APPLICATION

#### 2.1 APPLICATION DETAILS

26. The administrative details for the applications are:

Applicant:	Eastland Port Limited (Eastland Port)
Location:	Wharf side at Gisborne Port and Coastal Marine Area, Offshore Disposal Ground defined by NZTM co-ordinates Northings Eastings 5703102 2032605 5704450 2034095 5702065 2034417 5702583 2034951

---

Zone/Land Status:	Land Based Zones Port Management B
Overlays and Features :	Coastal Environment Overlay Heritage Alert

Coastal Marine Area : Water Classification:	Port Management Area (SC) Port Basin, (SB) Port Navigation Channel and reclamation area and (SA) Disposal Ground
--	--

---

Subject File:	CP-2022-111365-00 / CD-2022-111366-00 / CC-2022- 111367-00 / CR-2022-111368-00 / CO-2022-111369-00 / NC- 2022-111370-00 / LU-2022-111371-00
---------------	---

Activity Status:	Multiple activity status apply with and overall Discretionary Activity status based on a bundling approach.
------------------	--

Consent Rules:	Refer Section 2.6 of this report.
----------------	-----------------------------------

## 2.2 OVERVIEW OF PROPOSAL

27. Eastland Port is seeking consent for multiple applications for the upgrade and extension of Gisborne Port (the port). The proposed works include;
- Extension of Wharf 8 to accommodate concurrent berthing of 200m and 185m shipping vessels,
  - Reclamation of the Coastal Marine Area next to the southern log yard,
  - Rebuilding the outer breakwater,
  - Upgrading stormwater treatment infrastructure in the southern log yard, and
  - Capital and maintenance dredging with disposal of dredged material to the Offshore Disposal Ground.
28. The proposed upgrade is the second and final stage of the Twin Berth Project which will enable two ships to berth at the port simultaneously. The existing and future port activity is largely based on log exports although the infrastructure and upgraded facilities capacity can also serve a broader range of commodity export and transport logistics.
29. The land-based works involve upgrading of the outer breakwater, extension of Wharf 8 over part of the inner breakwater, a reclamation adjacent to the Wharf 8 extension and southern log yard, and an upgraded stormwater collection and treatment system. The proposed works are directed at ensuring that two logging vessels can readily be berthed and loaded at the port at the same time.
30. The coastal marine area works involve capital dredging (deepening) of the outer port to better accommodate future logging and other vessels, along with continued port-wide maintenance dredging. This part of the Project also involves disposal of the capital and maintenance dredge material at the existing Offshore Spoil Disposal Ground (OSDG) located approximately 4km offshore in Tūranganui-a-Kiwa Poverty Bay. In addition, a coastal permit is being sought for a new port occupation area related to the redeveloped port. It is proposed that this will replace the existing port coastal occupation permit that expires in 2026.

## 2.3 PORT ENVIRONMENT

31. The port is located towards the north-eastern end of Tūranganui-a-Kiwa Poverty Bay adjacent to the Turanganui River and city centre. It contains a large wharf area, a breakwater, river/seawalls, some reclaimed land, and land-based port facilities. The existing layout of the port and associated land-based facilities is shown in **Figure 1 and Figure 2** overpage.



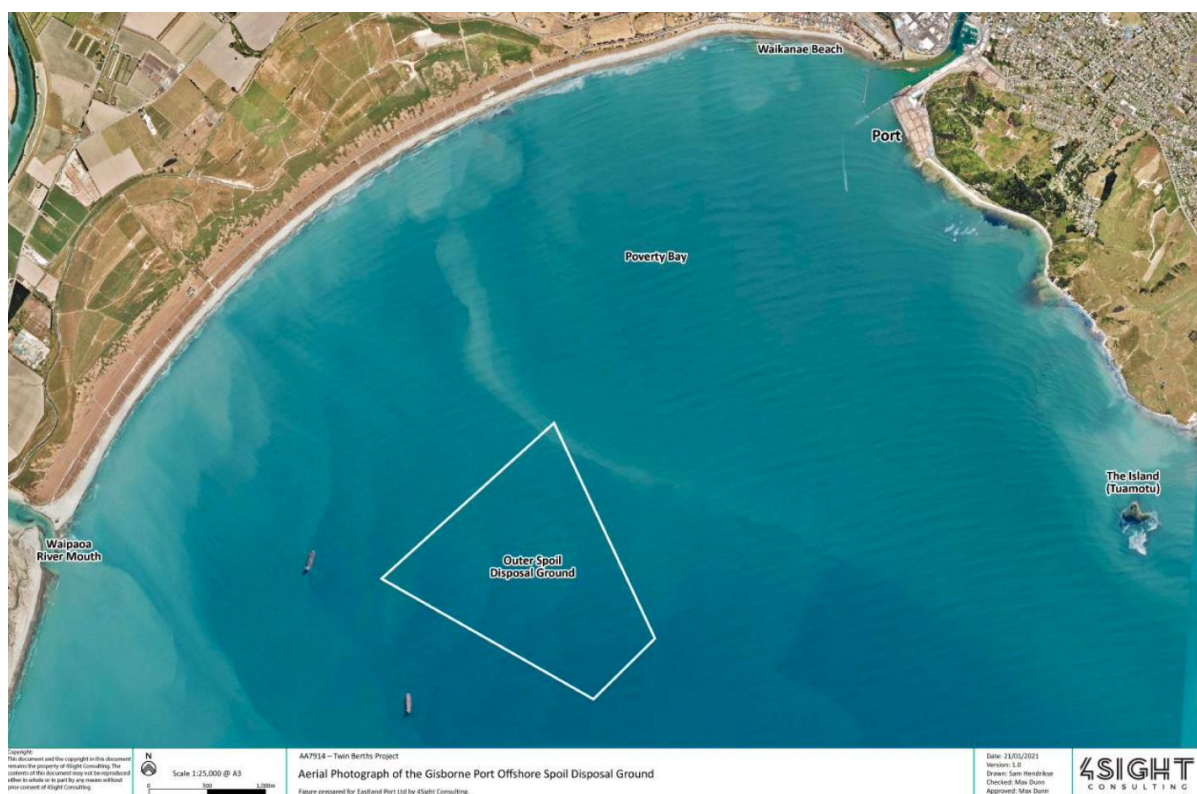
Figure1: General Port Layout (existing)



Figure2: Oblique Aerial of Wharf 8 – also showing Cook Landing Reserve, southern log yard and existing breakwater (Source: Eastland Port AEE)



32. This Stage 2 Twin Berth project directly affects three properties. They are Lot 3 DP 327614 that contains Wharf 8, Lot 43 DP 7819 that contains the southern log yard seawall and adjacent land affected by the Outer Port reclamation and log yard stormwater upgrade, and Lot 22 DP 7819 that contains the breakwater.
33. The seabed and coastal waters in and adjacent to the port that form the CMA are part of the 'common marine and coastal area' as defined in the Marine and Coastal Area (Takutai Moana) Act 2011 (*Marine and Coastal Area Act*). The Marine and Coastal Area Act provides for any existing references in instruments to the foreshore and seabed to instead be taken to be references to the common marine and coastal area. The 'special status' of the common marine and coastal area does not prevent regional plans managing the use of those areas (Section 124 and 11 Marine and Coastal Area Act).
34. The Port Navigation Channel and Vessel Turning Bay, wharf berth pockets and other areas that are regularly maintenance dredged and periodically capital dredged are all in the CMA and common marine and coastal area. The OSDG used for the disposal of capital and maintenance dredging spoil is also part of the common marine and coastal area. The OSDG is shown in **Figure 3**.



**Figure 3: Offshore Disposal Ground (Source: Eastland Port AEE)**

## 2.4 PROPOSED WORKS AND OPERATIONAL DETAILS

35. The application and AEE material include comprehensive details of the proposed works including engineering design and operational procedures which are proposed as part of the construction works. The full details are included in Parts 3, and 5 – 11 of the Resource Consent Application<sup>1</sup> and the supporting 26 technical appendices.
36. To provide a summary of the proposal, I have elected to include Section 3.3 of the AEE in this planning report as an introduction to the works with further discussion on specific components of the project discussed in Part 5 of this report.
37. Section 3.3 of the AEE provides the following details of the project:
- **Wharf 8 Extension.** *This wharf is to be extended approximately 130m into the area of the inner breakwater involving some associated reclamation on both sides of the breakwater. The wharf extensions on each side will in total be approximately 900m<sup>2</sup> and coupled with the existing breakwater area being built over/refurbished will almost double the effective wharf space.*
  - **Outer Port Reclamation.** *A reclamation of approximately 7,000m<sup>2</sup> is proposed adjacent to the extended Wharf 8 to enable logging trucks and other vehicles to access the new wharf facility. The lower revetment wall and other parts of the reclamation will affect another approximately 1,900m<sup>2</sup>, bringing the total affected seabed area to approximately 8,900m<sup>2</sup>.*
  - **Outer Breakwater Upgrading.** *This involves placing purpose built 24-30 tonne concrete armour units along each side of the approximately 200m long outer breakwater, along with a concrete capping layer. The seabed 'footprint' of the outer breakwater structure will be increased from approximately 8,000m<sup>2</sup> to 10,700m<sup>2</sup>.*
  - **Southern Logyard Stormwater Upgrade.** *Changes are proposed to the stormwater drainage network in the southern logyard to improve the quality of existing discharges and accommodate stormwater from the extended Wharf 8 and Outer Port reclamation. A secondary treatment system is to be installed in each of the two existing sub-catchments, comprising underground detention chambers, water clarifiers, and a chemical coagulation/flocculation system. This will bring the treatment system in-line with those in place at the Upper and Wharf side log yards. The additional volume of stormwater is to be discharged through the existing logyard outfalls into the Kaiti reef and Outer Port areas.*
  - **Outer Port Capital Dredging (Deepening).** *This work affects the PNC, VTB, Wharves 8, 7 and associated vessel manoeuvring areas. The port deepening is required to accommodate the larger Handymax log vessels expected to use the port in the near future. It also involves disposal of the capital dredge material at the existing OSDG. Approximately 140,600m<sup>3</sup> of material is to be capital dredged from an area of approximately 18.46ha extending from the inland (eastern) end of Wharf 7 to the seaward (western) end of the PNC.*

---

<sup>1</sup> 4 sight Report – Gisborne Port Twin Berths Project dated August 2022.

- Outer Port Maintenance Dredging (Removal of Natural Sediment).** This involves the future maintenance dredging of the deepened outer port (Wharves 7, 8, VTB and PNC), along with disposal of the maintenance dredged material at the OSDG. Consent is being sought to dredge up to 140,000m<sup>3</sup> of material a year from the deepened outer port and other areas that are not being capital dredged but have been maintenance dredged in the past. The proposed maintenance dredging area is approximately 25ha. The proposed annual maximum includes an allowance for increased sedimentation in future during El Niño weather conditions.
- Ongoing Use of a New Port Occupation Area.** The proposed occupation area is similar to the current one in the coastal permit that expires in September 2026. The proposed area is based around the development plans for the outer port (breakwater, Wharf 8 and proposed reclamation) outlined in this AEE being approved and in turn constructed.

38. The key elements of the port upgrade works are shown in **Figure 4**.

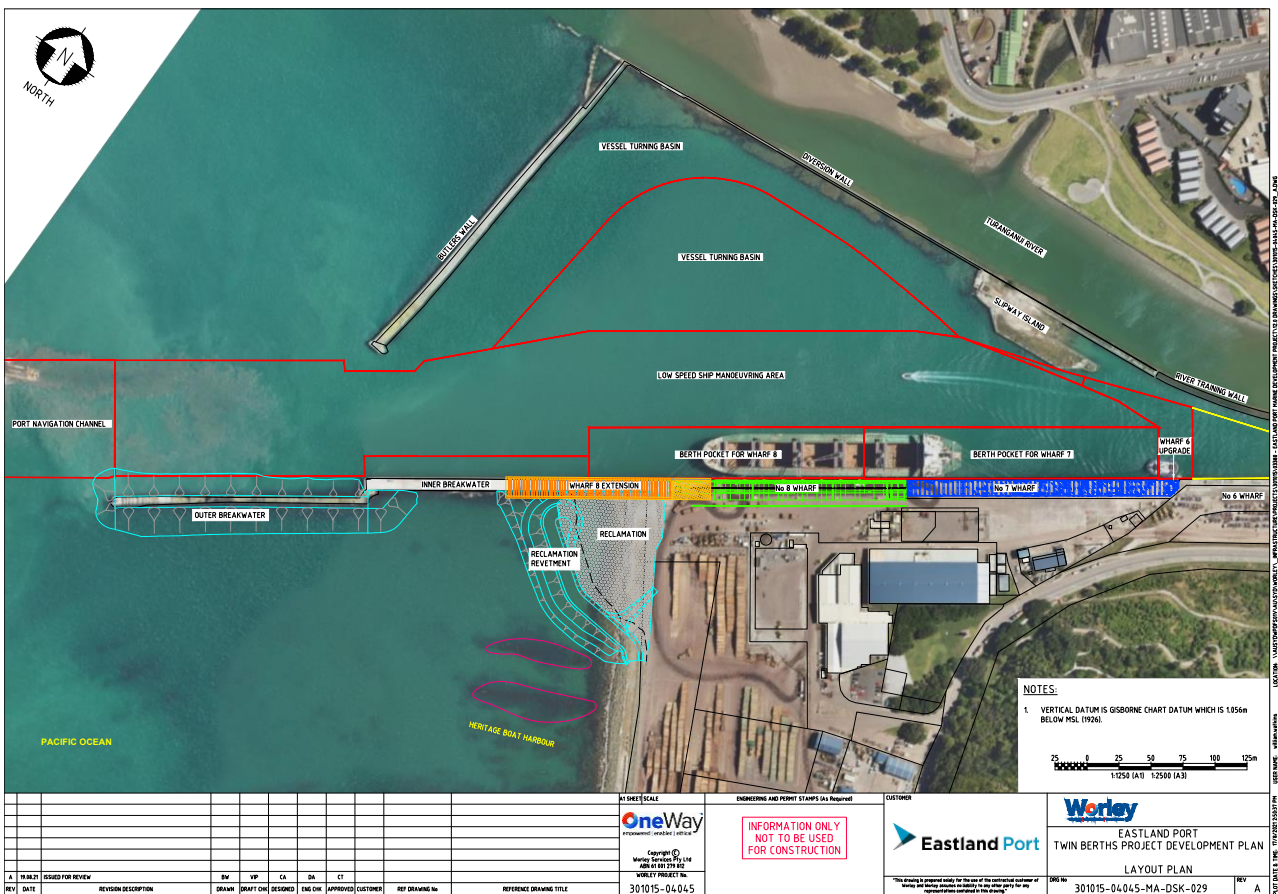


Figure 4: Overall Stage 2 Twin Berth Layout (refer also Appendix 1)

39. The AEE and appendices include a multitude of plans showing the existing site features and port operation, areas of sensitive sites, concept design plans of the wharf side upgrades and upgrading of the breakwaters, areas of reclamation and dredging details.
40. I have included a Plan Supplement (**Appendix 1**) of key application drawings. It should be noted that these only represent a small proportion of the plans presented in the full application and have been presented for ease of reference and to support the reading and presentation of this s.42A planning report.
41. The plans in **Appendix 1** are:
- Overall Lay Out Plan – Worley 029 Rev A.
  - Wharf 8 Extension – Worley 034 Rev B
  - Reclamation Revetment Plan (Cut/Fill) – Worley 035 Rev B
  - Reclamation Revetment Plan (Sections) – Worley 019 Rev B
  - Outer Breakwater Repair – Worley 020 Rev B
  - Outer Breakwater Repair (Section/General Arrangement) – Worley 015 Rev B
  - Final Maintenance Dredging Levels – Outer Harbour - Worley 028 Rev A
  - Southern Log Yard – SW Plan Cheal LU100 Rev B
  - Landscape Site Context Plan
  - Visual Simulation Viewpoint 3 - Waikanae Beach

## 2.5 APPLICATION MATERIAL AND FURTHER INFORMATION

42. The full set of application material includes the following:
- Original AEE and Technical Appendices as lodged in August 2022,
  - Technical Responses to the review and queries raised by the IRP – (received over May 2023), and
  - Additional Correspondence received following further engagement between Eastland Port and the IRP.
43. The above material is available for downloading from the GDC website and may be accessed using the following link; <https://www.gdc.govt.nz/consents-and-licenses/notified-consents/notified-consents/Eastland-port-limited>

## 2.6 CONSENTING REQUIREMENTS AND PROVISIONS OF THE TAIRĀWHITI PLAN

44. Eastland Port has set out a comprehensive assessment of the provisions of the Tairāwhiti Plan and other statutory provisions relevant to the proposed works and port upgrade (Refer Section 13 of AEE). An overall Discretionary Activity applies adopting a 'bundling approach'.
45. A summary of the rule provisions and activity status is presented as follows;

Tairāwhiti Plan Rules	Rule/Section	Activity Status
Area Based Rules		
Port Management B Zone – Permitted activities not complying with region wide noise standards or region wide stormwater infrastructure standards	Rule DP2.6.1B(5)	Restricted Discretionary
Port CMA – Construction and alteration of structures, excepting minor alterations and reclamations	Rule DP1.6.1(8)(C)	Controlled
Port CMA –Temporary working platform structure (reclamation) impounding or containing the CMA	Rule DP1.6.1(14)	Discretionary
Port CMA – Structures more or less parallel to MHWS with an incremental length of more than 300m but less than 1,000m.	Rule DP1.6.1(15)	Discretionary
Port CMA – Seabed disturbance associated with reclamation, outer breakwater upgrade and ground stabilisation works	Section 12 RMA with no relevant TRMP rule so innominate under Section 87B RMA	Discretionary
Port CMA – Reclamation for the operational needs of the port	Rule DP1.6.4(5)	Discretionary
Port CMA – Reclamation construction sediment discharge infringement of water classification standards	Rule DP1.6.2(4)	Discretionary
Port CMA – Capital dredging	Rule DP1.6.4(6)	Discretionary
Port CMA – Maintenance dredging	Rule DP1.6.4(3)	Controlled
Port CMA – Disposal of capital dredged material at the OSDG	Rule DP1.6.4(2)	Discretionary
Port CMA – Disposal of maintenance dredged material at the OSDG	Rule DP1.6.4(2)	Discretionary
RMR-MP – Dumping of dredge material in the CMA	Section 4(2) RMR-MP	Discretionary
Port CMA – Discharge of seawater from capital and maintenance dredging including disposal of	Rule DP1.6.2(4)	Discretionary

dredge spoils		
Port CMA – Temporary discharges of sediment to the CMA from various construction activities	Rule DP1.6.2(4)	Discretionary
Port CMA – Discharge of stormwater to the CMA from the Southern log yard, Outer Port reclamation, Wharf 8 extension and other areas (Northern catchment) not in accordance with permitted activity standards	Rule DP1.6.1(3)	Discretionary
Port CMA – Occupation of space	Rule DP1.6.3(5)	Discretionary
General CMA – Reclamation	Rule DC2.6.4(17)	Discretionary
General CMA – Reclamation revetment and temporary working platform structures, that will result in the temporary impoundment of the CMA	Rule DC2.6.1(20)	Discretionary
General CMA – Foreshore and seabed disturbance work associated with construction of the Outer Port reclamation and reclamation ground stabilisation works	Rule DC2.6.4(12)	Discretionary
General CMA – Reclamation construction sediment discharge infringement of water classification standards	Rule DC2.6.2(4)	Discretionary
General CMA – Discharge of stormwater to the CMA from the Southern log yard (Southern catchment) not in accordance with permitted activity standards and discharge of construction phase stormwater	Rule DC2.6.2(1)	Discretionary
Region Wide Rules		
Construction noise -Port Management B zone	Rule C11.2.15.2 & DP2.6.1B(5)	Restricted Discretionary
Construction noise -Port Coastal & General Coastal Management Areas	Rule C11.2.16(5)	Discretionary
Port operations noise - Port Management B zone	Rule C11.2.15.1(C) & DP2.6.1B(5)	Restricted Discretionary
Port operational noise - Port Coastal & General Coastal Management Areas	Rule C11.2.16 (B) & Table	Discretionary
NES Contaminated Soil		
NES-CS – Disturbance of soil on a 'piece of land'	Regulation 9	Controlled

46. Eastland Port has also provided a summary of the resource consents applied for in Section 1.4 of the AEE and this is replicated here:

#### **Wharf 8 Extension**

Coastal Permit Application (CP 1). This application seeks consent for the CMA-based construction and use of an extended wharf structure of approximately 900m<sup>2</sup>, involving the installation of piles and deposition of imported cleanfill material on the seabed immediately adjacent to the Inner breakwater to form reclamations of approximately 250m<sup>2</sup> and 650m<sup>2</sup>, and the incidental discharge of contaminants (primarily sediments) to the CMA during construction, noise emissions from construction activities, along with noise emissions from vessel loading and other port operational activities at the extended Wharf 8 and adjacent areas, all being activities which require consent under the rules for the Port Coastal Management Area (in DP1.6) and for Noise (in C11.2.15) in the Tairāwhiti Plan.

Land Use Consent Application (LUC 1). This application seeks consent for alterations to the land-based part of the Inner Breakwater and Wharf 8 involving the addition of concrete and other materials affecting an area of approximately 1,760m<sup>2</sup>, noise emissions from construction activities, along with noise emissions from vessel loading and other port operational activities at the extended Wharf 8 and adjacent areas, all being activities which require consent under rules for the Port Management B zone (DP2.6) and for Noise (C11.2.15) in the Tairāwhiti Plan.

#### **Outer Port Reclamation**

Coastal Permit Application (CP 2). This application seeks consent for the construction and use of the Outer Port Reclamation adjacent to the Southern Logyard and the Inner Breakwater of approximately 7,000m<sup>2</sup>, involving the progressive formation of a crushed rock based working platform and installation of concrete armour, impounding of an approximately 3,350m<sup>2</sup> area of seawater, disturbance of the seabed from ground stabilisation works, deposition of imported cleanfill material on the seabed, the incidental discharge of contaminants (primarily sediments) to the CMA during construction affecting an area of approximately 8,900m<sup>2</sup>, noise emissions from Outer Port reclamation construction activities, all being activities which require consent under rules for the Port Coastal Management Area (DP1.6), General Coastal Management Area (DC2.6) and on Noise (C11.2.15), in the Tairāwhiti Plan.

Land Use Consent Application (LUC 2). This application seeks consent for earthworks associated with partial demolition of the Southern logyard revetment wall and other land based activities involving soil that is likely to contain historical contaminants and requires consent under Regulation 9 of the NES-CS, along with noise emissions from the Outer Port reclamation construction and operational activities which require consent under the rules for the Port Management B zone (DP2.6) and on Noise (C11.2.15) in the Tairāwhiti Plan.

#### **Outer Breakwater Upgrade**

Coastal Permit Application (CP 3). This application seeks consent for the construction and use of the upgraded Outer Breakwater, involving disturbance of the seabed from ground stabilisation works, placement of concrete armour units and rock fill on the seabed to form a reclamation of approximately 2,400m<sup>2</sup>, reshaping of the facility and the incidental discharge of contaminants (primarily sediments) to the CMA during construction affecting an area of approximately 10,700m<sup>2</sup> in total, along with noise emissions from construction, all being activities which require consent under the Port Coastal Management Area (DP1.6) and Noise (C11.2.15) rules in the Tairāwhiti Plan.

Land Use Consent Application (LUC 3). This application seeks consent for upgrading of the land based (above Mean High Water Springs MHWS) part of the outer breakwater involving the addition of concrete armour units and other materials affecting an area of approximately 1,350m<sup>2</sup>, along with noise emissions from construction activities, all being activities which require consent under rules for the Port Management B zone (DP2.6) and on Noise (C11.2.15) in the Tairāwhiti Plan.

### **Southern Logyard Stormwater Upgrading**

Coastal permit application (CP 4). This application seeks consent for the discharge of treated stormwater from the Southern logyard Southern catchment area (approximately 3.42ha) through an existing outfall to the CMA, along with the discharge of treated stormwater from the Southern Logyard Northern catchment area (including the Wharf 8 extension and Outer Port reclamation), plus some adjacent Council road and reserve land, totalling approximately 10.04ha, through an existing outfall in the Wharf 8 area to the CMA, all being activities which require consent under rules for the Port Coastal Management Area (DP1.6) and General Coastal Management Area (DC2.6) in the Tairāwhiti Plan.

Land Use Consent Application (LUC 4). This application seeks consent to carry out cut and fill earthworks affecting land in the Southern logyard, which is likely to contain historical contaminants and requires consent under Regulation 9 of the NES-CS, along with the use of pumps to convey stormwater within the site and which requires consent under the rules for the Built Environment – Provision of Infrastructure and Development (in C2.1.7) of the Tairāwhiti Plan.

### **Port Capital Dredging**

Coastal Permit Application (CP 5). This application seeks consent for the capital dredging of approximately 140,600m<sup>3</sup> from a port seabed area of approximately 18.46ha to provide for improved shipping vessel access, manoeuvring and berthing, along with discharges of decant water from the capital dredging operations, all being activities which require consent under rules for the Port Coastal Management Area (DP1.6) in the Tairāwhiti Plan.

### **Disposal of Port Capital Dredgings**

Coastal Permit Application (CP 6). This application seeks consent to dispose of approximately 140,600m<sup>3</sup> of capital dredged material at the OSDG, along with discharges of decant water from the disposal operations, all being activities which require consent under rules for the Port Coastal Management Area (DP1.6) in the Tairāwhiti Plan.

### **Port Maintenance Dredging**

Coastal Permit Application (CP 7). This application seeks consent for maintenance dredging of up to 140,000m<sup>3</sup> per year from an outer port seabed area of approximately 25ha to maintain shipping vessel access, manoeuvring and berthing depths in and adjacent to the port, along with discharges of decant water from the maintenance dredging operations, all being activities which require consent under rules for the Port Coastal Management Area (DP1.6) in the Tairāwhiti Plan.

### **Disposal of Port Maintenance Dredgings**

Coastal Permit Application (CP 8). This application seeks consent to annually dispose of up to 140,000m<sup>3</sup> of maintenance dredged material at the OSDG, along with discharges of decant water from the disposal operations, all being activities which require consent under rules for the Port Coastal Management Area (DP1.6) in the Tairāwhiti Plan.

### **Port Occupation**



Coastal Permit Application (CP 9). This application seeks consent for exclusive occupation of a CMA area of approximately 20ha for port related operations based on the reconfigured port layout resulting from the Twin Berths Project and which requires consent under the rules for the Port Coastal Management Area (DP1.6) and General Coastal Management Area (DC2.6) in the Tairāwhiti Plan. Under s124 of the RMA the existing port occupation permit will remain in place at least until the outcome of this current application is determined.

47. There are several plan overlays and plan provisions which set the framework for the planning assessment of the application. These are further addressed in the Part 5 of this report and the technical review memo's. In summary, the key plan provisions and overlays include;

#### **District Plan Zones**

- Port Coastal Management Area- most of the CMA based part of the site.
- General Coastal Management Area – the CMA part of the site affected by part of the Outer Port reclamation and altered southern logyard stormwater discharge and part of the new port occupation area.
- Port Management B zone- all of the land-based site
- Cook Landing and Titirangi Reserve are adjacent to the port and are zoned as Heritage reserve.

#### **District Plan Overlays**

- Cone of Vision (from Cook Landing Reserve).
- Built Environment, Energy and Infrastructure: Airport Height Control Surfaces Overlay, Reticulated Services Boundary Overlay, Port Inner Control Boundary and Port Noise 55Ldn Boundary.
- Coastal Management: Coastal Environment Overlay.
- Historic and Cultural Heritage: Heritage Alert Overlay.

#### **Regional Plan Overlays**

- Cone of Vision (from Cook Landing Reserve).
- Port Coastal Management Area – includes the port basin, navigation channel and OSDG,
- General Coastal Management Area – Covers the wider Tūranganui-a-kiwa/Poverty Bay area including the part of the proposed reclamation area and stormwater discharge.

#### **Port Area water Classifications**

- The coastal water classification provisions in the Tairāwhiti Plan are linked to Schedule 3 of the RMA. There are four classes- SA, SB, SC and SD.

The port area waters (inside Butlers Wall), including those in the Wharf 8 area, have an SC classification. The waters around the port navigation channel and part of the wider bay have a SB Classification. The waters to the south of the breakwater, including those affected by the Outer Port and Wharf 8 reclamations, along with those in and around the OSDG, have a SA Classification. The water classification standards relevant to each of these areas have been tabulated by Eastland Port as follows:

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

**Table 1: Tabulated Water Classification standards**

## 2.7 RELATIONSHIP TO OTHER CONSENTS

48. As discussed above, Eastland Port holds a suite of district and regional consents associated with both capital/upgrade projects and ongoing operational activities. Sections 2.5 to 2.7 of the AEE sets out details of these existing consents including the *live* consents that were being processed with GDC at time of lodgement of the Stage 2 Twin Berth applications.
49. There are three applications which are referenced in the application material and in this S.42 planning report. It is helpful to provide some details on these consents and their relationship with the current Stage 2 Twin Berth project.

### 2.7.1 Stage 1 Twin Berth - Wharf 6 & 7 Redevelopment and Slipway

50. The resource consents for redevelopment of Wharves 6 & 7 and the former slipway were publicly notified with the Commissioner's decision to grant the consent issued in August 2018. This decision was subject to appeals from mana whenua which were settled through a consent order issued by the Environment Court in December 2020. The consent for Stage 1 provided for the upgrading of the Wharf 6 & 7 quay wall and deck including capital works dredging to enable the berthing of larger tugs along Wharf 6 and to improve the operational capacity for Wharf 7.

51. The Stage 1 Twin Berth consents provided the opportunity to assess and understand several important environmental and cultural issues associated with the port area and operation including a juvenile crayfish habitat under Wharf 7. The court order was also significant in that it established conditions for the *Te Tai Uru* forum, a consultative group of local iwi, hapū and whanau, as well as a range of conditions relating to disposal of dredging materials, noise limits and operational development controls.

### **2.7.2 2020 Maintenance Dredging Application**

52. Eastland Port lodged an application for maintenance dredging in 2020. This application sought to replace an existing dredging consent which was due to expire in July 2020.
53. The application was publicly notified, with only one submission received from the Rongowhakaata Iwi Trust (Rongowhakaata). After the close of the submission period, Eastland Port sought a deferral of the hearing to allow further engagement with Rongowhakaata. This engagement was progressing towards an agreed outcome with Council notified earlier this year that draft conditions had been agreed and that the final written agreement would be provided to Council<sup>2</sup>. This would then have enabled a decision to be made on the application without a hearing subject to GDC advisors being satisfied with the scope and nature of consent conditions.
54. Ultimately no formal agreement was achieved, and Eastland Port subsequently sought confirmation from GDC that the 2020 Maintenance Dredging Application could be deferred pending a hearing and decision on the Stage 2 Twin Berth application. This was on the basis that the Stage 2 Twin Berth application includes all relevant maintenance dredging as set out in the 2020 maintenance dredging application. In addition, retention of this application would provide for the continued authorisation of a necessary activity pursuant to section 124 until the more comprehensive consents are determined.
55. Council agreed to this request and notified both Eastland Port and Rongowhakaata by way of letter issued on 27 July 2023.

### **2.7.3 Wharf 1 Dredging and Mooring Platform**

56. GDC has recently issued a consent for additional maintenance dredging within the port basin to service Wharf 1 and for disposal of dredge spoil to the OSDG. In addition, a new mooring platform was granted alongside Wharf 1 to accommodate the berthing of two tugs. This application was subject to a limited notification process with no submissions received. The application material was subject to technical reviews and a detailed examination of consent conditions with the final decision granted under delegated authority on 21 August 2023.
57. The work completed on consent conditions by both Eastland Port and the GDC technical team has helped inform the scope and nature of conditions proposed for the Stage 2 Twin Berth application.

---

<sup>2</sup> Email from Rongowhakaata Iwi Trust dated 31 January 2023.

58. If the Commissioners for the current hearing require copies of any the application material or decisions from these applications, then these can be made available.

## **PART 3**

### **NOTIFICATION AND SUBMISSIONS**

#### **3.1 PUBLIC NOTIFICATION OF APPLICATION**

59. The Twin Berth application was publicly notified in September 2022 at the request of Eastland Port and in accordance with Section 95A(3)(a) of the Resource Management Act 1991 (RMA). The submission period was extended from the normal period of 20 working days to 30 working days in acknowledgment of the substantive nature of the reports and assessments forming the application.
60. In addition to the public notice, the application was served on a wide catchment of private properties extending out from the site, and also mana whenua and statutory bodies.

#### **3.2 SUBMISSIONS**

61. A total of 56 submissions were received to the notification process.
62. The majority of submissions support the application with 47 submissions seeking that the application be granted. These submissions were received by businesses and stakeholders associated with port activities including transport operators, forestry companies and owners, civil contracting companies, agricultural support and supply businesses.
63. Several common themes are expressed across the supporting submissions. These are summarised as follows:
- Specific support for the continued operation and upgrading of port infrastructure to service the forestry and export log sector, including forecast growth in export logs,
  - Existing logistical constraints and operational capacity have a negative effect on supply chains and harvesting schedules,
  - Support for port expansion and coastal shipping as a transport and supply alternative and contingency to degraded roading networks,
  - Additional port infrastructure will provide additional resilience for the region,
  - The ability to export logs from the Port of Gisborne will help reduce heavy vehicle log trucks on roading networks out of the region, and
  - Additional port infrastructure and operational capacity supports the Gisborne community and economy.

64. Others matters which have been addressed in the submissions in support include;
- Ability to provide expansion of port activities and reclamation in an environmentally sustainable manner;
  - Ability to respect cultural values and heritage;
  - The reclamation and breakwater rebuild may enhance rock lobster habitat (Tairāwhiti Rock Lobster Industry Association)
65. Waka Kotahi has also lodged a submission which supports the expansion of the port for economic growth but also states that it is unable to *fully support* the application given issues with the state highway network and the impacts of additional truck movements. A key issue is the SH35/Hairini Street intersection which is already at capacity and needs to be upgraded.
66. The nine opposing and neutral submissions canvass discrete issues or groups of issues from each submitter. Given the relatively limited number of these submissions, I have elected to provide a short summary of each individual submission. There is no intention to give any more weight to each of these submissions than the supporting submissions and summary is only provided to identify discrete submission issues by individual submitter.
67. Geraldine Oliver (oppose)
- Alternate options to utilise existing railway infrastructure must be considered.
  - Logging trucks will have impacts on the local roading network and community.
  - *Decision sought: Reinstatement of rail freight to Port of Gisborne.*
68. Director-General of Conservation (neutral)
- The proposal has significant risk to environments and native species.
  - Any works will need to give effect to the policy directions (including the New Zealand Coastal Policy Statement - NZCPS) associated with protection of ecosystems and avoiding adverse effects on threatened species.
  - Insufficient information has been presented in terms of Kororā (Blue Penguin) habitat and the avoidance and mitigation of adverse effects.
  - *Decision sought: That the consent authority considers shortcomings in information and if consent is granted, that robust and appropriate conditions are imposed to protect and manage the Kororā habitat and population.*
69. Gillian Ward (Gisborne Rail Action Group) (oppose)
- Any upgrade of the port should first address local and regional transport infrastructure.
  - Truck movements impact the local community, including the safety of other road users.
  - Rail needs to be reinstated and connected to serve the port and this is supported in the GDC Regional Land Transport Plan.

- The application is deficient in not providing an assessment of rail as an alternate transport option.
- Rail should be implemented within the development planning for the port and to utilise the rail corridor from the Harbourview Apartments into the port,
- Residents and business adjoining the road corridors have been excluded from the process.
- *Decision sought: Application should only be consented if the rail connection to the port is restored.*

70. Winston Moreton (oppose)

- The notification process and opportunity to review the application material was inadequate.
- Some adjacent residents have agreements in place not to object to port activities and 'buying off' objections is not appropriate.
- Eastland Port has gained several consents over recent years and a plan change process should be undertaken as a more appropriate process.
- Traffic impacts will be significant and viable rail connections need to be utilised and reinstated.
- Logging trucks have impacts on the local roading network and community.
- There are a number of inadequacies with the applicant's transport assessments and data.
- GDC has failed to manage the effects of heavy trucks through Gisborne.
- Funding and upgrading of the state highway network by Waka Kotahi cannot be relied upon.
- The log yard at Matawhero should be utilised with a rail connection to the port.
- Impacts of port activities on the 'Cone of Vision'.
- Capital dredging is opposed.
- *Decision sought: Decline the application and revisit existing consents and a plan change for the port. Progress restoration of the rail link.*

71. Teina Moetara and Manawa Waipara – Rongowhakaata (oppose)

- The proposal will not recognise and protect the relationship of Māori with their culture and traditions, including ancestral lands, water, sites waahi tapu and other taonga. Tangata whenua previously used the area for recreation and mahinga kai.
- The application does not have regard for the principles under S.7 of the RMA, in particular Kaitiakitanga.
- The proposal does not take into account Te Tiriti.
- Alternate options to utilise existing railway infrastructure must be considered.
- Logging trucks will have impacts on the local roading network and community.
- Previous port development has ignored or bypassed the rights of tangata whenua.

- There are still inadequate policies and procedures for active and meaningful engagement with tangata whenua.
- The business case and operational activities of the port are based on 'flawed logic'.
- Land has been dispossessed from Ngai Tawhiri and the proposal 'tramples' on the mana of all whanau and hapū with Turanganui-a-Kiwa connections.
- Historical land grievances, confiscations and illegitimate land takeover lend are further reasons for opposition to the application.
- *Decision sought: Decline application and provide an opportunity to discuss matters raised in submission with iwi.*

72. I have been advised that Manawa Waipara passed away on 13 July 2023. Manawa's whanau and hapū may wish to address the Commissioners on how Manawa's submission and korero may be respected and received by the Commissioners.

73. Vincent Grant - Forest and Bird - Tairāwhiti Branch (oppose)

- Support parts of proposal to protect kororā habitat.
- Recommendations in the application need to be adopted and implemented as part of consent conditions.
- Do not fully support application given lack of any serious consideration of carbon emissions and utilisation of Matawhero log marshalling yard.
- *Decision sought: Application can only be granted if habitat protection measures are 'guaranteed' and there is more input into reduction of carbon emissions.*

74. Sherry Roberts Director Northern Region - Heritage NZ (conditionally oppose)

- Opposition to the application is based on loss of cultural and archaeological values.
- Subject to appropriate conditions, consultation and conditions, Heritage NZ is not opposed to the application.
- Specific concerns on potential effects on the *boat harbour* heritage site and connection to the Cook Landing reserve.
- Concern over lack of progress with Cultural Values and Relationships Framework.
- *Decision sought: Deferral of application pending additional assessment of cultural and archaeological values.*

75. Carrie Taoho (oppose)

- Opposition given effects on Tangaroa and habitat loss of many taonga species.
- The Māori world view sees that everything is connected, and the proposed activities will impact physically and spiritually upon Tangaroa and Māori.
- The surrounding area including the Cook landing has nationwide significance.
- The reef holds Waahi Tapu status and the moana is a traditional kai source.
- Effects on kororā.



- *Decision sought: Oppose application so everybody can enjoy the area and restore the natural and cultural values of the moana.*

76. Bree Skinner (oppose)

- The area is an extremely valued significant historical site.
- The Tūranga River mouth has ancestral values fundamental to 'indigenous peoples'.
- The natural reef formation along Kaiti Beach of significance to 'indigenous peoples'.
- Effects on kororā.
- Proposal does not support climate change reduction.
- *Decision sought: Decline application.*

77. Eastland Port has engaged with several submitters to further understand and attempt to address the concerns raised. This includes engagement with Heritage NZ, Department of Conservation, Waka Kotahi, and Rongowhakaata. This work and outcomes are further discussed in Section 5 of this report.

## PART 4 STATUTORY PROVISIONS

### 4.1 RESOURCE MANAGEMENT ACT 1991

78. The Resource Management Act 1991 (RMA) sets out the statutory provisions for the assessment and determination of all such applications with Sections 104 and 104B providing the primary assessment and decision-making framework.

**Section 104 Consideration of applications**

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—
- (a) any actual and potential effects on the environment of allowing the activity; and
  - (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
  - (b) any relevant provisions of—
    - (i) a national environmental standard;
    - (ii) other regulations;
    - (iii) a national policy statement;
    - (iv) a New Zealand coastal policy statement;
    - (v) a regional policy statement or proposed regional policy statement;
    - (vi) a plan or proposed plan; and
  - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

**Section 104B Determination of applications for discretionary or non-complying activities**

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under section 108.

79. Sections 105 and 107 also prescribe specific assessment criteria for discharges.

**Section 105 Matters relevant to certain applications**

- (1) If an application is for a discharge permit or coastal permit to do something that would contravene section 15 or section 15B, the consent authority must, in addition to the matters in section 104(1), have regard to—
- (a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
  - (b) the applicant's reasons for the proposed choice; and
  - (c) any possible alternative methods of discharge, including discharge into any other receiving environment.

- (2) *If an application is for a resource consent for a reclamation, the consent authority must, in addition to the matters in section 104(1), consider whether an esplanade reserve or esplanade strip is appropriate and, if so, impose a condition under section 108(2)(g) on the resource consent.*

**Section 107 Restriction on grant of certain discharge permits**

- (1) *Except as provided in subsection (2), a consent authority shall not grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or section 15A allowing—*
- (a) *the discharge of a contaminant or water into water; or*
  - (b) *a discharge of a contaminant onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of natural processes from that contaminant) entering water; or*
  - (ba) *the dumping in the coastal marine area from any ship, aircraft, or offshore installation of any waste or other matter that is a contaminant,—*  
*if, after reasonable mixing, the contaminant or water discharged (either by itself or in combination with the same, similar, or other contaminants or water), is likely to give rise to all or any of the following effects in the receiving waters:*
    - (c) *the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;*
    - (d) *any conspicuous change in the colour or visual clarity;*
    - (e) *any emission of objectionable odour;*
    - (f) *the rendering of fresh water unsuitable for consumption by farm animals;*
    - (g) *any significant adverse effects on aquatic life.*
- (2) *A consent authority may grant a discharge permit or a coastal permit to do something that would otherwise contravene section 15 or section 15A that may allow any of the effects described in subsection (1) if it is satisfied—*
- (a) *that exceptional circumstances justify the granting of the permit; or*
  - (b) *that the discharge is of a temporary nature; or*
  - (c) *that the discharge is associated with necessary maintenance work—*  
*and that it is consistent with the purpose of this Act to do so.*
- (3) *In addition to any other conditions imposed under this Act, a discharge permit or coastal permit may include conditions requiring the holder of the permit to undertake such works in such stages throughout the term of the permit as will ensure that upon the expiry of the permit the holder can meet the requirements of subsection (1) and of any relevant regional rules.*

80. All sections of the RMA are subject to Part 2 which includes the purpose and principles of the legislation. This has allowed for a final and broad assessment of the merits of an application in accordance with the purpose and principles of the RMA before determining whether consent should be granted or refused. This approach is now subject to case law which places a restriction on when and how any referral to Part 2 may be considered.<sup>3</sup> I discuss this further in Section 11 of this report. For completeness, I include Section 5 and the purpose and principles of the Act as follows;

---

<sup>3</sup> R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316.

**Section 5 Purpose**

- (1) *The purpose of this Act is to promote the sustainable management of natural and physical resources.*
- (2) *In this Act, sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—*
  - (a) *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
  - (b) *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
  - (c) *avoiding, remedying, or mitigating any adverse effects of activities on the environment*

81. Of key significance to the proposal is also Section 6 which identifies matters of national importance;

**Section 6 Matters of national importance**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:*

- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development;*
- (b) *the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development;*
- (c) *the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna;*
- (d) *the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers;*
- (e) *the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga;*
- (f) *the protection of historic heritage from inappropriate subdivision, use, and development;*
- (g) *the protection of protected customary rights;*
- (h) *the management of significant risks from natural hazards.*

82. Section 7 identifies 'Other matters' which may also be relevant to the assessment of resource consent applications. which identifies matters of national importance;

**Section 7 Other Matters**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—*

- (a) *kaitiakitanga:*
  - (aa) *the ethic of stewardship;*
  - (b) *the efficient use and development of natural and physical resources;*
  - (ba) *the efficiency of the end use of energy;*
  - (c) *the maintenance and enhancement of amenity values;*
  - (d) *intrinsic values of ecosystems;*
  - (e) *[Repealed]*

- (f) maintenance and enhancement of the quality of the environment:
- (g) any finite characteristics of natural and physical resources:
- (h) the protection of the habitat of trout and salmon:
- (i) the effects of climate change:
- (j) the benefits to be derived from the use and development of renewable energy.

83. Section 8 provides guidance on decision in accordance with the Treaty of Waitangi.

**Section 8 Treaty of Waitangi**

*In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi).*

## **4.2 MARINE AND COASTAL AREA (TAKUTI MOANA) ACT 2011**

84. Although not directly part of the statutory framework for the assessment of the applications, the Marine and Coastal Area (Takuti Moana) Act 2011 does apply specific consultation obligations on applicants for resource consent in areas that are subject to claims for customary title by iwi and hapū groups.
85. Eastland Port has provided documentation on the consultation process that they have undertaken to discharge their obligations under the Marine and Coastal Area (Takuti Moana) Act. This consultation process is ongoing.

## **4.3 NGĀ ROHE MOANA O NGĀ HAPŪ O NGATI POROU ACT**

86. The Ngā Rohe Moana o Ngā Hapū o Ngati Porou Act 2019 (Ngati Porou Act) came into force on 29 May 2019. The Ngati Porou Act gives effect to a legal agreement between the Crown and Ngati Porou and is intended to contribute to the legal expression, protection and recognition of the continued mana of Ngati Porou Hapū in relation to their rohe.
87. Section 16 contains specific provisions relating to the processing and notification of resource consent applications by the Council under the RMA. These provisions are in turn linked to Schedules 2 and 3 that describe and illustrate the rohe of Ngati Porou Hapū.

## **PART 5**

### **ASSESSMENT OF EFFECTS**

#### **5.1 OVERVIEW**

88. To begin with, I provide some context to the application and review process which has helped inform this S.42A planning report.
89. Given the scope and nature of the Stage 2 Twin Berth project, Eastland Port has presented a substantive amount of technical work and assessment to identify the environmental qualities and values of the site and coastal area and the degree of actual and potential effects across a wide range of environmental, social and cultural areas.
90. Eastland Port engaged with GDC as consent authority prior to the formal lodgement of the application to enable initial and constructive discussions around the issues that would need to be addressed through the application process and to enable the Independent Review Panel (IRP) to be formed.
91. Detailed assessment and independent analysis are necessary given the actual and potential effects associated with the project including reclamation of, and discharges to, the CMA and capital works within sensitive cultural, heritage, ecological and coastal locations. The IRP issued a series of information requests following a review of the original application material. These were responded to with additional material, assessment and reporting from the Eastland Port technical experts.
92. The independent review process has been both positive and constructive resulting in an overall level of consensus and alignment between the Eastland Port technical experts and the members of the IRP. The following sections discuss the actual and potential effects of the Stage 2 Twin Berth project and includes reference to the technical review reports and memos.
93. For the purpose of this report, the assessment of effects is presented under 17 topics being:
- Marine Ecology
  - Noise and Vibration
  - Transportation
  - Rail Network Alternatives and Effects of Logging Trucks
  - Cultural Values and Sites
  - Heritage and Archaeological Sites
  - Stormwater Discharge
  - Landscape Effects
  - Avian Habitats
  - Coastal Processes
  - Public Access and Reserves
  - Site Contamination
  - Positive Effects
  - Assessment of Alternatives

- Assessment Criteria and Performance Standards
- Conditions and Mitigation Measures
- Other matters

94. For each effects-based topic, I provide a short statement of outstanding issues as I have assessed them. I acknowledge that other parties to the hearing may have, and present different views on what they seen as outstanding matters.
95. Prior to working through the effects-based topics, I wish to provide some discussion on the recent and devastating effects of cyclone events on the Gisborne community and the relationship between the forestry sector and the port, and the matters raised in various submissions.

## 5.2 FORESTRY SECTOR AND MINISTERIAL REVIEW

96. As a non-resident of Tairāwhiti, I personally have not been affected by the devastating consequences of the cyclone events and the significant impacts on the Tairāwhiti community. I express my empathy and sentiments of *kia kaha* to the local community.
97. There is a direct association with the forestry sector and the port. The port primarily operates as a log export port and increasing operational capacity is a primary driver for the Stage 2 Twin Berth project. This is discussed in two sections of the AEE along as follows:

*The 2021 Annual Report highlights the need to maintain the Port of Gisborne's efficiency as a major log exporter, and also one that fully supports other primary industries and tourism. It notes that in March 2021 a new export record of 337,000 tonnes of logs in a single month was achieved and coincided with a new cart-in volume (logs arriving at port) record where 341,673 tonnes arrived over the same month.*

*Eastland Port has invested over \$50 million in developing and optimising the on-port storage yards for log storage and efficient operations over the past decade. Through this period log exports have grown significantly. In 2008 0.7m tonnes were exported, this has then reached 3.0m tonnes in 2020.*

*With the landside assets largely optimised now, the future log export focus of the port is expected to be based around the progressive upgrading of the marine assets and expansion of off-port satellite storage facilities nearby at Matawhero (and another at Tolaga Bay on State Highway 35). Storage yards have been designed for use as multi-purpose storage areas. In the future some of these may be used for container operations, which would be shipped via coastal vessels to Napier, Tauranga and other regional ports. Eastland Port's objective is to give companies more options for transporting their products to market and help boost employment and regional economic development.<sup>4</sup>*

---

<sup>4</sup> Eastland Port AEE, Section 2.3, pg. 10.

*The Eastland Port Twin Berth Project Alternatives Assessment Report in Appendix D explains the background to the TBP. The report notes that Eastland Port, and its predecessors, have invested considerably in upgrading the port infrastructure and associated capital and maintenance dredging to maintain an effective port over the past 100 years. Since the purchase of Eastland Port in 2003 by the then Eastland Community Trust, now Trust Tairāwhiti, over \$90 million has been invested into the port infrastructure. This capital expenditure has to date mostly been focussed on increasing the capacity of the logyards and other cargo storage assets, but also some significant plant and machinery purchases.*

*The report notes that the company is planning to invest over \$170 million into the port assets through completing the TBP to increase the capacity of its wharf assets to be able to berth two large log carrying vessels at once and also facilitate trade in shipping containers and other bulk products. It notes that while logs are currently the port's primary export, there is a need to create a coastal container terminal to expand the options for exporters, enabling more types of goods to be exported and imported.*

*The report also notes the increasing importance of cruise-based tourism to the region and the need to improve facilities. In late 2019-early 2020 (prior to the COVID-19 pandemic) Eastland Port recorded its best ever year for cruise ships. In total, 19 cruise ships visited the region with 14 anchoring in the bay, and 1 berthing at a port wharf. Four of the ships could not come into the bay due to bad weather.<sup>5</sup>*

98. In addition, many of the submissions in support of the application discuss the additional capacity and benefits of the Stage 2 Twin Berth project to serve the forestry sector.
99. The Ministerial Inquiry<sup>6</sup> on the effects of woody debris (including forestry slash) and sediment will have far reaching consequences on the forestry sector and how communities and regions can be protected from future cyclone events. At the same time, recognition of the significance of the forestry sector to the Tairāwhiti and Wairoa economies and communities cannot be overlooked. The inquiry findings and response of central government clearly signal that current practices and the risk of ongoing and future events cannot be tolerated. Several recommendations are included within the Ministerial Inquiry to reset central and local regulation to control land use, and for significant transformation of forestry practices and harvesting.<sup>7</sup>
100. A question may therefore arise during the hearings process as to whether the existing consent process is affected by the review of the forestry sector. This is associated with a general question on the *social licence* for forestry activities with the Ministerial Inquiry finding:

*The Panel found that the forest industry has lost its social licence in Tairāwhiti due to a culture of poor practices – facilitated by the GDC's capitulation to the permissiveness of the regulatory regime – and it's under-resourced monitoring and compliance.<sup>8</sup>*

---

<sup>5</sup> Eastland Port AEE, Section 3.1, pg. 16.

<sup>6</sup> *Outrage to Optimism – Report of the Ministerial Inquiry into land uses associated with the mobilization of woody debris (including forestry slash) and sediment in Tairāwhiti/Gisborne District and Wairoa District)* dated May 2023.

<sup>7</sup> *Ibid*, Land Use Recommendations R13 – R18, and Forestry Recommendations R21 to R30.

<sup>8</sup> *Ibid*, para 27, pg. 22.



101. While there are broad and substantive challenges ahead for the Gisborne community and the forestry sector, it is my view that these do not have a direct bearing on the application and the matters which the Commissioners will need to consider. The Stage 2 Twin Berth project is primarily driven by forecast growth in logging exports and the need to provide additional operational capacity and efficiency. However, the project also serves other business, social and economic objectives including the opportunity for container shipping and cruise ships. The port also provides contingency for regional transport connections if for any reason the roading network is compromised.
102. Eastland Port will need to consider any changes and review of the forestry sector in terms of the funding and timing of the Stage 2 Twin Berth project. In my opinion, these matters lie with Eastland Port as the applicant/consent holder and in my opinion are not directly relevant to the matters to be determined by the Commissioners.

### **5.2.1 Outstanding Issues – Forest Sector Review**

103. In my opinion there are no outstanding matters in terms of the review of the forestry sector. Eastland Port and other submitters may wish to provide further discussion on this matter as part of the hearings process.

## **5.3 MARINE ECOLOGY**

104. The Stage 2 Twin Berth applications propose capital upgrades, reclamation, dredging activities and disposal of dredge spoil which all have actual and potential effects on marine ecology.
105. As Eastland Port has been involved with a series of consenting processes associated with other capital and operational consents, there has been a substantive amount of work completed previously to investigate the ecological values and environmental qualities of the port basin and to offshore disposal ground (OSDG) with ongoing monitoring and reporting conditions forming part of these earlier consent decisions. A key issue that was addressed in the earlier Wharf 6 & 7 hearing was a juvenile crayfish habitat located along the revetment wall and under the Wharf 7 deck.
106. Eastland Port has presented several technical assessments and reporting on the proposed works which also refers to existing monitoring reports. The primary report on ecological effects is the 4sight – Assessment of Ecological and Water Quality Effects.<sup>9</sup> Additional assessment and responses to queries from the IRP have also been presented including a substantive S.92 response report.<sup>10</sup>
107. GDC has engaged the services of Dr Shane Kelly to review the Eastland Port assessment and reporting on ecological and water quality effects . Dr Kelly has prepared a technical memo which is provided as **Appendix 2**.

---

<sup>9</sup> Refer Appendix M of Eastland Port AEE and Application Documentation.

<sup>10</sup> 4sight/SLR S.92 Response report dated May 2023, 4sight/SLR letter dated 7 September 2023.

108. The key issues associated with marine ecology, and which have been assessed through the Eastland Port AEE and technical reports and the IRP review process may be summarised as follows;
- The monitoring, field work and reporting on the existing environmental qualities and habitats including the port basin, surrounding CMA and the OSDG,
  - Ongoing recognition and protection of the juvenile crayfish habitat,
  - Biosecurity risks including the presence and management of Mediterranean fan worm,
  - The interrelationship between ecological effects and habitats and values of significance to mana whenua including commercial and recreational fisheries,
  - The potential benefits from upgraded and improved stormwater collection, management and treatment processes,
  - Specialist assessment of noise effects on marine mammals including noise modelling of capital works and dredging activities ,
109. Overall, there is a general alignment between the expert ecologists on the body of information and assessment which has been undertaken to inform the understanding of the existing environmental qualities of the port basin, breakwater and reclamation areas, and the OSDG. Dr Kelly has expressed some reservations regarding some of the commentary and reporting from Eastland Port in relation to the juvenile crayfish habitat, the framing of the projected volumes of dredging in relation to potential ecological impacts and monitoring and how the biosecurity risks are categorised. However, Dr Kelly also accepts that these can be addressed through consent conditions and appropriate monitoring and reporting conditions.
110. Dr Kelly is not a specialist in noise effects and potential effects on marine mammals however he has also reviewed and generally endorsed the report on marine mammals. This topic is further discussed in Section 5.4 below.
111. Based on technical reporting and assessment presented by Eastland Port and Dr Kelly's assessment and independent peer, it is my opinion that there is sufficient confidence to reach a conclusion that the potential and actual effects on ecological habits and water have been properly evaluated and that these effects can be appropriately managed and mitigated through consent conditions. Dr Kelly has identified matters to be addressed in the consent conditions in his technical memo.

### **5.3.1 Outstanding Issues – Ecological Values and Effects**

112. Overall, there is substantive ecological assessment and reporting to inform the assessment of ecological values and effects. Dr Shane Kelly has expressed some reservations on discrete matters associated with the definition and quantification of ecological effects. This does not extend to concerns regarding the overall validity of the assessment and reporting from Eastland Port or concerns that there are unresolved issues which would undermine the opportunity for consents to be granted.

113. Conditions are still to be finalised and further work on the conditions will be undertaken prior to the hearing.

## **5.4 NOISE AND VIBRATION**

114. As with any major port facility which is located close to residential communities, there will often be tensions and issues raised with the operational requirements and logistics of port activities and the amenity values and noise levels of the surrounding and receiving environments, including underwater noise effects on marine mammals.
115. With large infrastructure projects, there can also be issues with construction noise, particularly where longer construction periods are required to complete the works and where there are overlapping issues with existing operational noise. Vibration issues can also be raised with construction and piling activities however this is less common.
116. Eastland Port has provided expert noise assessment of the operational noise and construction noise and vibration effects which may arise from the proposed Stage 2 Twin Berth project.<sup>11</sup>
117. An independent noise expert, Jon Styles, has been engaged by GDC as part of the IRP to help with the assessment of noise effects. Mr Styles has prepared a technical review memo which is provided as **Appendix 3**.
118. Before discussing the technical reviews, I present a discussion on the context of the noise issues associated with port noise.

### **5.4.1 Context to assessment of noise effects.**

#### Wharf 6 & 7 Noise Issues

119. I was the reporting planner for the Wharf 6 & 7 application, and it was notable that noise issues were prevalent for that application with opposing submissions from some nearby residents raising concerns with port noise and increased activity and potential effects, particularly with night-time port activities.

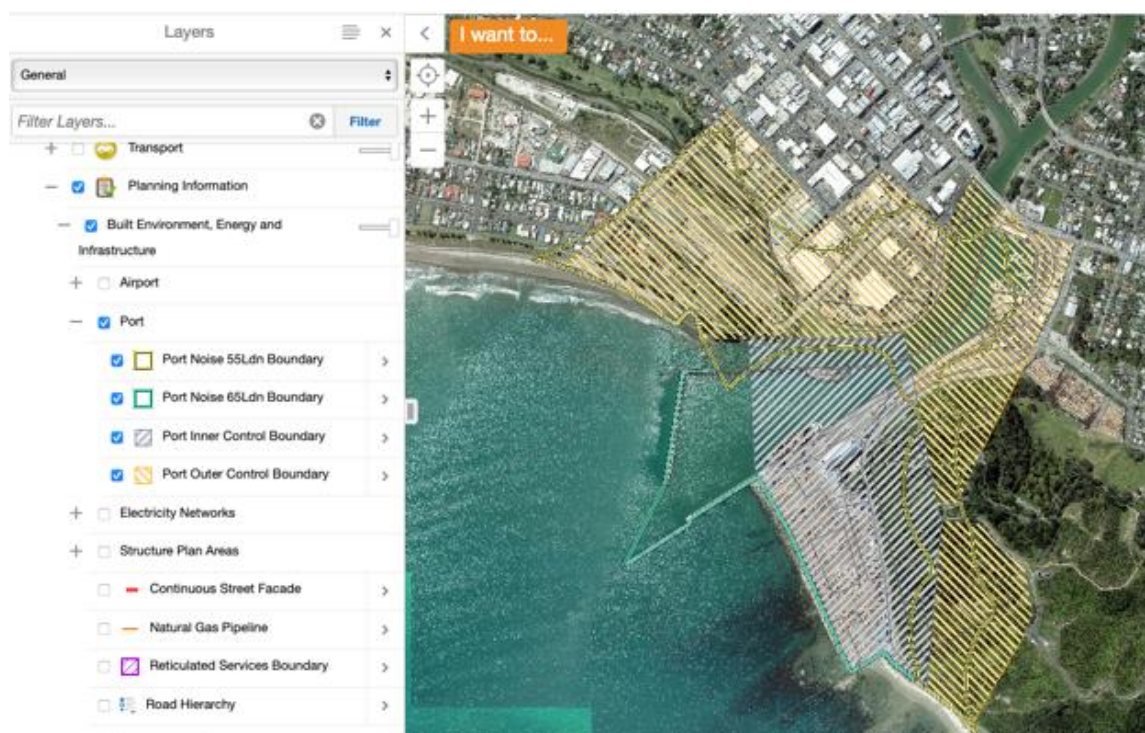
---

<sup>11</sup> Refer Appendix P of Eastland Port AEE and Application Documentation with additional assessment provided in the Marshall Day letter dated 17 April 2023 and Marshall Day memos dated 15 and 21 September 2023.

120. The Stage 2 Twin Berth submissions process has not raised issues from surrounding property owners with the only noise issues associated with logging trucks on the roading network. It is difficult to speculate on why noise concerns for surrounding properties appear to have dissipated. Eastland Port has advised that they are continuing to engage with the local community through the Port Liaison Group and that they have invested in managing noise effects through their operational and construction management plans. This includes real time noise monitoring. Eastland Port is also working with the immediate neighbours to the northern log yard and the off-site noise effects generated by activity at this yard.
121. Notwithstanding the lack of submissions, it will be important to ensure that any noise levels from the increase in port operational activity, as well as through any construction and maintenance activities, are appropriately managed and controlled.

Noise provisions within the Tairāwhiti Plan

122. It is widely accepted by the noise experts and through the Wharf 6 & 7 decision that the existing noise provisions within the Tairāwhiti Plan (RC11.2.15D) are out of date and do not represent the existing noise levels and contours associated with current port activities. The current noise boundaries in the Tairāwhiti Plan are shown in **Figure 5**.



**Figure 5: Existing Noise contours in Tairāwhiti Plan.**

123. The actual noise contours from existing and future port activities are detailed in the Eastland Port AEE and are further discussed in the technical memo prepared by Jon Styles.

124. The issues arising from the outdated noise provisions are threefold. Firstly, the opportunity for Eastland Port to carry out activities reliant on the permitted activity provisions within the Tairāwhiti Plan is compromised. Secondly, noise sensitive activities between the 55dBa and 65dBa contour to require acoustic insulation cannot be relied upon as effective and efficient noise management rules. Thirdly, the rule framework does not align well with the provisions of *NZS 6801: 2008 Acoustics – Measurement of environmental sound* and *NZS 6809 - Acoustics Port Noise Management and Land Use Planning*.
125. It is understood that this issue will be addressed through the review of the Tairāwhiti Plan which is currently underway.

'Whole of port' noise conditions

126. Through the Wharf 6 & 7 application and hearings process, it was agreed between the respective noise experts for Eastland Port and GDC that a 'whole of port' noise approach should be adopted to manage all noise from port activities. This recognised that port activities at any one time may involve daily operations and loading ships, capital works and construction noise as well as maintenance activities such as dredging. Each activity will have its own noise characteristics and there is potential for noise issues to arise through the compound or cumulative effects of noise generating activities.
127. It is noted that the noise experts involved with the Wharf 6 & 7 application are no longer available and both Eastland Port and GDC have appointed new noise experts for the Stage 2 Twin Berth project.
128. The whole of port approach is supported by both new noise experts and is further discussed in the technical review memo.

**5.4.2 Technical Review and Noise/Vibration Issues.**

129. The technical review memo includes a detailed review of the noise and vibration issues to be assessed with the key findings summarised as follows:
- The outdated nature of the existing provisions for noise in the Tairāwhiti Plan require a plan change,
  - The exceedance of noise limits from dredging activities at night and the potential effects on nearby noise sensitive activities including the Waikanae Holiday Park needs to be addressed by a Construction Noise and Vibration Management Plan (CNVMP) and with compliance of a night-time noise limit of 45dB LAeq,
  - Underwater noise levels have been clarified by additional modelling and agreement by the noise experts. The measures to mitigate noise effects and the residual effects on marine mammals will need to be reassessed by the Eastland Port specialist. Specific conditions of consent will need to be included to mitigate any actual and potential effects on marine mammal in accordance with the assessment and advice from the marine mammal specialist,
  - Existing planning measures to require acoustic insulation of buildings and to manage and mitigate port noise, including assessment of,

- The predicted port noise level of 67dB LDN at the closest receivers across the Turanganui River in the Amenity Commercial Zone (mainly the Portside Hotel and 100 Customhouse Road);
  - The potential effects on the Inner City Residential zone to the west of the Amenity Commercial Zone and directly north of the Twin Berth area; and
  - The increase in noise level and potential effects on the Waikanae Holiday Park.
- The noise review has identified potential issues with the Inner City Residential Zone and that conditions will need to be considered for future noise sensitive activities on sites within this area.

130. The noise modelling and assessment of effects is largely agreed between the noise experts. There are some residual issues associated with the implementation of conditions to manage port noise which are in part due to deficiencies in the existing noise provisions of the Tairāwhiti Plan. These are quite narrow issues although they will need to be considered further and determined as part of the hearings and decision-making process.

131. In my opinion, the above assessment provides confidence that the noise and vibration effects associated with the Stage 2 Twin Berth project can be appropriately mitigated and managed. Specific conditions will need to be imposed regarding the management of noise effects and these will be presented in further evidence to the Commissioners.

#### **5.4.3 Underwater Noise Effects**

132. The potential issues associated with noise effects on marine mammals has been a growing area of assessment associated with port and other development projects located within a coastal environment.

133. The nature of the modelling of underwater noise and the potential effects on marine mammals has been raised through the IRP review process and specifically through the noise review.

134. Eastland Port has provided additional assessment and information on the noise generating activities and the potential underwater noise contours and has also provided a specific marine mammal reporting on the potential effects arising from both construction and dredging activities.<sup>12</sup> This report sets out the species which are likely to be present within the coastal environment including identified threatened species such as killer whales and humpback whales and Hector's dolphins. The report then refers to the noise modelling provided by Marshall day acoustics to predict onset distance for permanent threshold shifts (PTS) and temporary threshold shifts (TTS). The report sets out recommendations and conditions which must be adopted to provide an assurance that any temporary or permanent effects can be mitigated or avoided. These recommendations include;

---

<sup>12</sup> SLR S.92 Response Report on Marine Mammals dated 10 May 2023.

- *Bubble curtains should be used to reduce the propagation of underwater noise from pile driving;*
- *Shutdown zones should be established in accordance with the results of underwater acoustic modelling to protect marine mammals from potential auditory injury associated with pile driving;*
- *These shutdown zones should be monitored by dedicated, trained MMOs and stop-work procedures and delayed starts should be implemented when marine mammals enter relevant shutdown zones. Noting that remote monitoring technologies may be an option during active piling subject to a suitable methodology being developed;*
- *Piling activities should only commence by way of soft start;*
- *The results of underwater noise modelling should be validated by in-situ measurements at the outset*  
*of piling operations and the appropriateness of shutdown zones should be confirmed at this time;*
- *A draft marine mammal management plan should be developed to establish all operational details associated with the control measures that are required to protect marine mammals from adverse effects. A provision should be included to ensure that this plan can be revised once the project is underway based on the findings of the in-situ noise monitoring with respect to the actual noise measurements; and*
- *Dredge equipment shall be regularly maintained to reduce underwater noise levels associated with capital and maintenance dredging.*<sup>13</sup>

135. The approach and scope of assessment has been reviewed by Dr Kelly. Given the change in the noise contours and extent of underwater noise emissions agreed by the noise experts, it will be necessary for the assessment of effects on marine mammals to be updated and addressed by the Eastland Port experts in evidence for the hearing. This will need to specifically address whether the above recommendation remain valid and whether any additional measures need to be included.

#### **5.4.3 Outstanding Issues – Noise (including underwater noise effects on marine mammals)**

136. There are no significant issues outstanding in terms of the modelling and assessment of potential noise sources and the extent and scope of potential noise effects.
137. Mr Styles has outlined discrete matters associated with the provisions of the Tairāwhiti Plan and the methods to manage noise effects where full agreement has not reached agreement with the Eastland Port experts. Eastland Port will also need to confirm whether the revised underwater noise modelling affects the conditions proposed to protect marine mammals.
138. Conditions are still to be finalised and further work on the conditions will be undertaken in the lead up to the hearing.

---

<sup>13</sup> Ibid, Section 5 Summary of Recommendations, pg16.

## 5.5 TRANSPORTATION

139. The Stage 2 Twin Berth project is designed to enable greater operational capacity and efficiency at the port and will enable two logging ships to be berthed and loaded at the port at the same time.
140. The nature of port operations and traffic generation on the local roading network has been subject to detailed assessment by East Cape Consulting Limited<sup>14</sup> on behalf of Eastland Port with the subsequent work and responses to requests made by the IRP provided by East Cape Consulting Limited and CKL Consulting .
141. Waka Kotahi has made a submission raising several issues associated with the state highway network and in particular the SH35/Hairini Street intersection. Given this submission and the matters raised by Waka Kotahi, there has been a series of meetings between Eastland Port, Waka Kotahi and GDC to better define the issues arising from the project and how any effects can be addressed and mitigated. This work has also led to a Joint Witness Statement (JWS) which has been prepared by the respective traffic experts.
142. GDC has engaged the services of Mr Chris Rossiter to review the Eastland Port assessment and reporting on transportation effects. Mr Rossiter has prepared a technical memo which is provided as **Appendix 4** and this also includes the JWS.
143. As the JWS and memo from Mr Rossiter set out a comprehensive assessment of transportation matters, there is little need for this to be replicated within this S.42A planning report. I therefore only provide a summary of the key issues that are addressed in the attached evidence. The key issues addressed include;
- How the Stage 2 Twin Berth project will affect operational capacity and the projected increase in traffic movements,
  - Whether the increase in traffic movements can be fully attributed to the Stage 2 Twin Berth project or whether there is latent capacity available within the existing footprint and port infrastructure,
  - Assessment of existing deficiencies in the network and whether additional frequency of peak traffic loading will exacerbate existing deficiencies,
  - The process GDC and Waka Kotahi to determine the road hierarchy, function and funding priority,
  - Given any project for upgrading of the state highway network including the SH35/Hairini St intersection will need to be led and funded by Waka Kotahi, how can Eastland Port contribute to, and/or take responsibility for mitigation of additional traffic generation,
  - Recognition that the funding and prioritisation of Waka Kotahi projects is inherently difficult to confirm, and

---

<sup>14</sup> Refer Appendix O of Eastland Port AEE and Application Documentation



- While recognising the need and value of Traffic Management Plans, there are limitations to the scope and extent of traffic measures that can be adopted through these plans.

144. The JWS sets out a broad level of agreement with the traffic experts in terms of the capacity of the local and state highway network, the scope of additional traffic generation and potential effects and the options for mitigation.
145. All traffic experts agree that there are existing deficiencies with the existing roading network. The Stage 2 Twin Berth project will exacerbate these issues in terms of the frequency of the peak heavy vehicle traffic occurring more often. The existing deficiencies will remain until such time as funding has been committed and upgrade works have been completed.
146. The JWS and technical review memo from Mr Rossiter identify mitigation measures that can be readily adopted into any consent including provision for Operational and Construction Traffic Management plans. Waka Kotahi will also need to discuss whether they see any merit in a Developer Agreement mechanism which may provide additional measures including financial contributions to any future works on the State Highway network .
147. Various submitters have also raised issues with the impacts of additional logging trucks on the roading network and the need to assess rail as an alternate means of transporting logs and other cargo to the port. These issues are discussed in Section 5.6 below.

### **5.5.1 Outstanding Issues**

148. The JWS has provided an opportunity for the traffic experts to set out the matters which are agreed.
149. The outstanding matters relate to consent conditions and the interim measures which can be achieved prior to works to upgrade the SH35/Hairini Street intersection. Waka Kotahi will also need to confirm whether they wish to promote any additional methods or conditions regarding a Developer Agreement or other measures to support the future in future upgrade works.

## **5.6 RAIL NETWORK ALTERNATIVES AND EFFECTS OF LOGGING TRUCKS**

150. Several submitters have raised objection to the Twin Berth project on the basis that rail should be promoted as an alternative to the roading network. The rationale for promoting rail is primarily to reduce truck movement on the local roading network thereby reducing existing congestion, and improving safety and amenity. Submitters also refer to the resilience that alternate rail infrastructure offers and to climate change and reduction of emissions.

151. There appears to be two rail options presented as alternatives to existing reliance on truck movements and the roading network. One is the potential for an inter-regional rail network to the Hawkes Bay region and the second is a railway connection from the Matawhero log yard to the port.
152. The issue of alternate rail options for transporting logs and other cargo to the port is not a new issue and has been a matter raised in submissions to previous Eastland Port hearings including the Wharf 6 & 7 application.
153. I anticipate that both Eastland Port and the submitters will wish to address the option of rail connections further taking into account the damage to the railway networks and corridors which have resulted from severe weather events since the application and submissions were received.

#### **5.5.1 Rail Connection - Napier to Gisborne**

154. For the purpose of preparing this planning report, I have undertaken some internet research to provide the following information and context regarding any inter-regional rail option.
- (i) The Napier to Gisborne line was mothballed by KiwiRail in 2012 after a storm caused slips and washouts. The railway line was partially restored as far as Wairoa and re-opened in June after a \$6.2m grant from the Provincial Growth Fund<sup>15</sup>.
  - (ii) A report commissioned by the development agency Tairāwhiti Trust estimated in 2019 that it would cost between \$30m and \$36m over 10 years to restore the line<sup>16</sup>.
  - (iii) Subsequent reports and media articles refer to support from GDC to reinstate the rail connection however the external costs were projected to be \$80m<sup>17</sup>.
  - (iv) The Gisborne Herald reported on June 1, 2023, an update from Kiwirail on significant damage to the Napier to Wairoa line;  
*'We have now completed initial assessments, which have identified more than 300 damage sites. While many of these are minor, some are major — including more than 7km of rail and track foundations washed away in Eskdale and the Esk Valley. There are also some significant slips'*.
  - (v) A KiwiRail press release reported on 18 May 2023 refers to a \$569m investment budget from central govt with \$200m to rebuild North Island lines damaged by storm events<sup>18</sup>

---

<sup>15</sup> Radio NZ online article 17 December 2019 - <https://www.rnz.co.nz/news/national/405652/millions-for-gisborne-rail-link-restoration-is-justified-report>.

<sup>16</sup> Ibid.

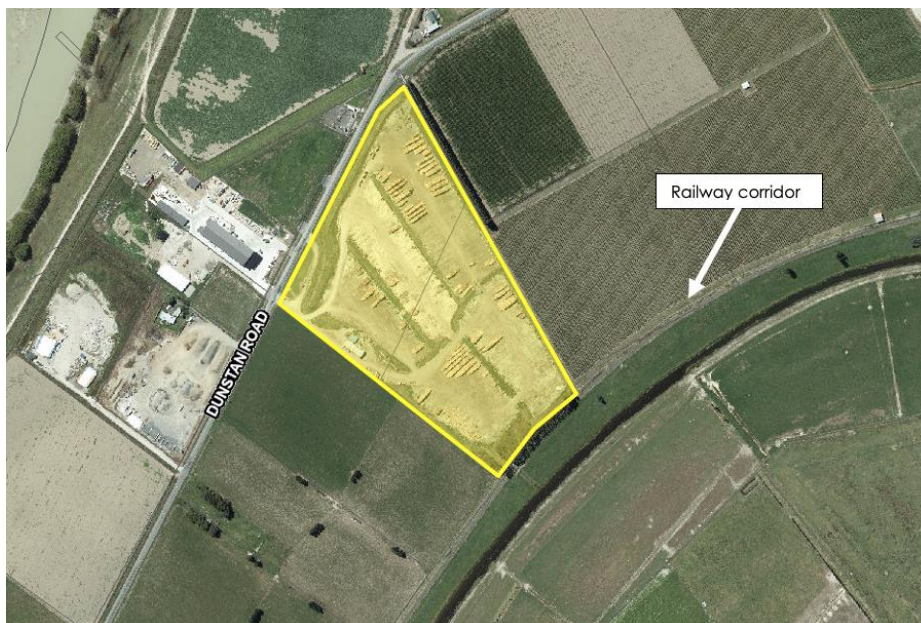
<sup>17</sup> Radio NZ online article 8 June 2022 - <https://www.rnz.co.nz/news/national/468746/gisborne-councillors-back-plan-to-restore-abandoned-rail-line>

<sup>18</sup> Scoop politics – Kiwi Rail press release - <https://www.scoop.co.nz/stories/PO2305/S00118/budget-2023-continues-rail-rebuild-and-looks-to-the-future.htm>

155. The above information is not exhaustive and only presents the information I have sourced from on-line material. Clearly, the railway line has been damaged and compromised from cyclone events and it is unclear how or when any rail connection from Napier will be reinstated, or whether there will only be funding to reconnect the railway line as far as Wairoa.
156. The submissions were received prior to the cyclone events and the submitters may wish to discuss whether the damage to the inter-regional railway line affects their position.
157. From the material I have reviewed, there is significant uncertainty around any rail connections to Napier. That said, I also recognise that a rail line connection will provide additional transport connection and resilience and removal of truck movements within an urban area can deliver positive outcomes.
158. In my opinion, the lack of any viable inter-regional rail option cannot be held as a reason to decline or undermine the granting of consent for the Stage 2 Twin Berth project.

### 5.5.2 Matawhero Log Yard and Rail Connection to the Port

159. Eastland Port operates a log yard at Matawhero which is used to manage the supply of logs into the port. It provides approximately 9.1 ha of log storage and approximately 22 per cent of the port's overall stocks are typically held at Matawhero<sup>19</sup>.
160. The Matawhero log yard shares a boundary with the existing rail corridor which runs along the south-eastern boundary of the site as shown in **Figure 6**.



**Figure 6: Matawhero Log Yard**

<sup>19</sup> Eastland Port – Transportation Assessment Report dated, Section 4.1, pg. 16.

161. I am not able to comment further on the issues directly associated with the capital and maintenance works that would be required to reinstate the railway line to the port. Presumably this would require an upgrade on the railway line infrastructure and new rail infrastructure and loading/unloading heads at both Matawhero and the port. It is not clear to me where or how a railway head could be developed at the port end given the spatial limitations at the port site.
162. Both Eastland Port and the submitters may well have more information on any railway connection and this can be presented to the Commissioners through the evidence and hearings process.

### **5.5.3 Logging Trucks**

163. Through various submissions, the effects of logging trucks have been raised with the concerns expressed that additional port activity and capacity will exacerbate existing problems with traffic noise, safety and amenity.
164. Eastland Port has previously addressed these issues through the Wharf 6 & 7 hearing and have referred to the lack of rule mechanisms within the Tairāwhiti Plan that control traffic noise and that other agencies are responsible for roading infrastructure including maintenance and safety standards and compliance of vehicle standards.
165. There is a direct connection between the function of the port as an export log port and the number of logging trucks using the roading network, and particularly through urban areas that service the port.
166. In principle, I consider that the issues of noise, safety and amenity with additional trucks on the roading network is a matter which is within the scope of environmental effects which need to be considered as part of this application process. I do however accept that there are clear limitations to the extent that Eastland Port can be held accountable for the management or mitigation of these effects.
167. I am also mindful that if the logging trucks were not transporting logs to the port, and presuming that harvesting will continue, then logging trucks will continue to have a presence on the roading network. Any logs not exported through the Gisborne Port would still need to be transported to other export ports or to other processing sites.
168. I also note that road safety, logging trucks and road users are regulated through;
- Identification of road hierarchy and function through the regional and national planning documents,
  - Commitment of funding and prioritisation of upgrades based on road function including identified safety requirements,
  - Provision of noise mitigation through acoustic insulation standards for noise sensitive activities adjoining the arterial roads (Rule C11.2.15.5)
  - Police monitoring and enforcement of roading laws and driver behaviour, and
  - Compliance checks on vehicles from the WOF process.

169. Eastland Port will be required to provide a Traffic management plan, and this can also set out management procedures for transport operators serving the port including reporting of incidents and traffic related concerns.
170. In my opinion, concerns over truck movements and the effects associated with large numbers of trucks within an urban area are valid and understandable issues for a community. However, there is a clear limit to how Eastland Port can be held to account for the effects of truck movements and the lack of viable alternatives must also be recognised.

#### **5.6.1 Outstanding Issues**

171. Eastland Port and submitters may provide additional information on these issues to help further inform the Commissioners. Otherwise, there are no outstanding issues that I have identified noting that conditions of consent will need to be finalised.

### **5.7 CULTURAL VALUES AND SITES**

172. The cultural values of the port area including the moana have been widely recognised through previous Eastland Port applications, consent decisions and notably by the Environment Court with the issue of a consent order in relation the Wharf 6 & 7 redevelopment<sup>20</sup> (Wharf 6/7 Consent Order).
173. Rongowhakaata has made a submission in opposition to the Twin Berth application which sets out a wide range of issues including a lack of recognition of cultural values and sites, historical issues of land confiscation and the failure of statutory processes to protect the interests and mana whenua, including recognition of their role as kaitiaki.
174. It is noted that Ngati Oneone has not made a submission to the Twin Berth application.
175. I was involved with the hearing for the Wharf 6 & 7 application and formulation of conditions for a *Kaitiaki Partnership Group* which evolved into the Te Tai Uru Forum conditions agreed as part of the Wharf 6/7 Consent Order. In addition, the Wharf 6/7 Consent Order also set out a number of other agreed conditions associated with the juvenile crayfish habitat and dredging conditions.

---

<sup>20</sup> ENV-2018-000118 & 000119, Consent Order dated 2 December 2020.

176. In my view, the agreed conditions and in particular the formulation of the Te Tai Uru group established the opportunity for a closer relationship between Eastland Port and mana whenua. They also outlined a programme and direction to achieve a Cultural Values Framework that would then help inform future consent applications and works proposed by Eastland Port. The Te Tai Uru conditions are comprehensive, and I have attached these as **Appendix 5** for reference. The conditions set out the protocols for the establishment and membership of the group, the purpose of the group including a key outcome of establishing a *Cultural Values and Relationships Framework* (CVRF). Specific reference is made to the Twin Berth project in relation to the CVRF and the preparation of a Cultural Impact Assessment (CIA) for the Twin Berth project.

177. From the material set out in the Eastland Port application, and other correspondence and minutes which I have received associated with the Te Tai Uru group, it is evident that little progress has been made in terms of outcomes for a CVRF or a CIA for the Stage 2 Twin Berth Project. This has been discussed by Eastland Port as follows:

*Parallel to this submission process, EPL has had communication with RIT up to 9th March 2023 regarding our 2020 Maintenance Dredging & Disposal Renewal consent applications (Appendix 2). This has been a prolonged process of over 31 months as outlined. After lodgement and subsequent notification, the consent application was suspended for a Cultural Impact Assessment (CIA) to be undertaken. With the CIA received draft conditions and additional outcomes were mediated and agreed with RIT. Unfortunately after agreement to these was reached they were reneged upon, and mediation resumed until agreement was reached again. Disappointingly these were reneged upon for a second time in March 2023.*

*With the time that had passed, the 2020 Maintenance Dredging & Disposal Renewal application has essentially been superseded by the Twin Berth Stage 2 application process. Given the progress that had been made on the Twin Berth Stage 2 application, it was explained to RIT and requested that these discussions to resolve the concerns highlighted on the 9th March 2023 continue and begin to incorporate the discussions of the Twin Berth Stage 2 application. There has been no engagement from RIT since then unfortunately.*

*EPL is somewhat at a loss as to what to do next as it is difficult to resolve unknown matters without guidance and/or guiding CVRFs. EPL will continue to reach out to RIT, host the collective Te Tai Uru forum and table this concern going forward here. EPL has real concern similar circumstances will prolong the Twin Berth Stage 2 application processing in the timeframes needed to support Te Tairāwhiti.<sup>21</sup>*

178. I note that there some work on a Cultural Values Framework<sup>22</sup> has been completed however this appears limited to proposing a methodology for further work to be completed. It is not clear to me why further progress has not been made or whether there has been a move away from the agreed Te Tai Uru conditions by mana whenua. Eastland Port and submitters will have an opportunity to discuss this further as part of the hearings process.

179. I am satisfied that Eastland Port has sought to engage with mana whenua in a meaningful manner, both through the formal structure of the Te Tai Uru forum as well as through other

---

<sup>21</sup> Eastland Port memo prepared by Marty Bayley dated 16/05/2023 in response to S.92 request.

<sup>22</sup> Refer Section 13.8 of AEE and Appendix K of Eastland Port AEE and Application Documentation.

meetings and engagement processes. It is therefore difficult to understand the concerns raised in the Rongowhakaata submission that express concerns about the lack of 'meaningful consultation and communication'.

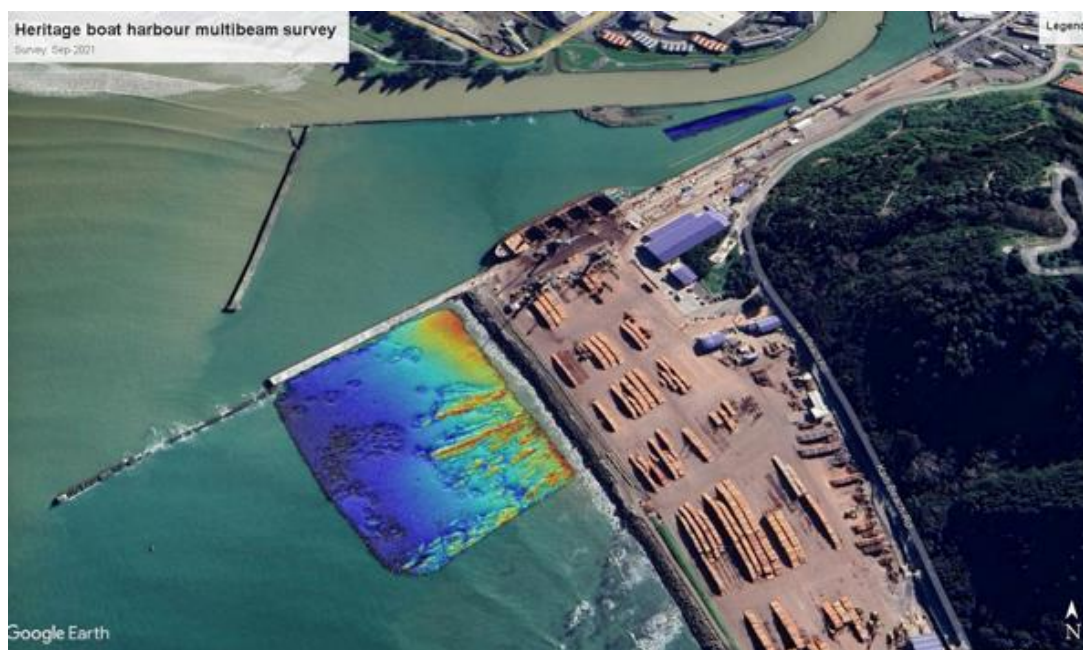
180. It is also appropriate to acknowledge that Eastland Port is in a difficult position as they attempt to engage, understand and provide for the protection of cultural values and sites as part of their operational, consenting and construction activities. Eastland Port is unable to prepare or assess the values or sites of cultural significance without the support of mana whenua.
181. At the same time, the challenges facing mana whenua engaged with resource management processes must also be recognised. These include resourcing projects and reporting through statutory processes which they are party to, the prioritisation of task and projects of significance and benefit to mana whenua and the often complex and technical processes that form part of a consenting process. In addition, the impacts of weather and flooding events and also the earlier impacts from the COVID lockdowns.
182. The submission from Rongowhakaata raises broad and deep-seated matters associated with land confiscation and Te Tiriti. In my opinion, these matters need to be shared, recognised and understood in the context of resource management processes however, there are limited remedies that Eastland Port can offer or be held to account in terms of any redress.
183. Eastland Port has proposed to adopt the same Te Tai Uru conditions into any consents granted for the Stage 2 Twin Berth project. Given that these formed part of a consent order agreed by the parties to the earlier Environment Court appeal, I support this approach. However, if this forum or approach is not working or producing the desired outcomes, then alternate conditions and approaches should also be considered. The current application and hearings process will provide an opportunity for Eastland Port and Rongowhakaata to revisit these matters.

#### **5.7.1 Outstanding Issues**

184. In my opinion, the current hearings process will enable the purpose, outcomes and methods to recognise and protect cultural values and sites which were agreed through the Wharf 6/7 Consent Order to be discussed and revisited.
185. Without any alternate and more effective methods to recognise and protect cultural values and sites, I recommend the adoption of the Te Tai Uru conditions into any consent for the Stage 2 Twin Berth project.

## 5.8 HERITAGE AND ARCHAEOLOGICAL SITES

186. The Heritage Alert overlay affects part of the Wharf 8 site, and a heritage site is identified adjacent to the southern log yard being the *Boat Harbour*.
187. The Heritage Alert provisions are explained in Section C4 - Cultural and Historic Heritage, of the plan. The planning maps are informed by archaeological sites on the NZ Archaeological Association (NZAA) and Heritage NZ databases. Based on these data bases the Heritage Alert Overlay is intended to identify much broader areas where early settlement was likely to have occurred and there to be the potential for unrecorded archaeological sites or sites of cultural or heritage significance to be discovered.
188. The Tairāwhiti Plan map also records 'Post European Contact Sites' and 'Archaeological Sites' in some adjacent port and reserve areas. Details on the recorded sites are recorded in appendices to the plan.
189. Heritage NZ originally lodged a submission which raised issues in opposition to the project but with acknowledgement that additional information and mitigation may address their concerns. The submission raised two key issues with the first being the potential effects on the historic site known as *Boat Harbour* and the second being general concerns about cultural values and sites.
190. Boat Harbour is a heritage site which is recorded as part of the journals of James Cook on his first visit and shore landing in New Zealand<sup>23</sup>. It is located immediately off the end of the southern log yard and south of the existing break water as shown in **Figure 7**.



**Figure 7: Boat Harbour (Image provided by Eastland Port with memo dated 15 May 2023)**

<sup>23</sup> Insitu 'Assessment of Heritage Values, the Boat Harbour dated 20 December 2017 - Refer Appendix N of Eastland Port AEE and Application Documentation



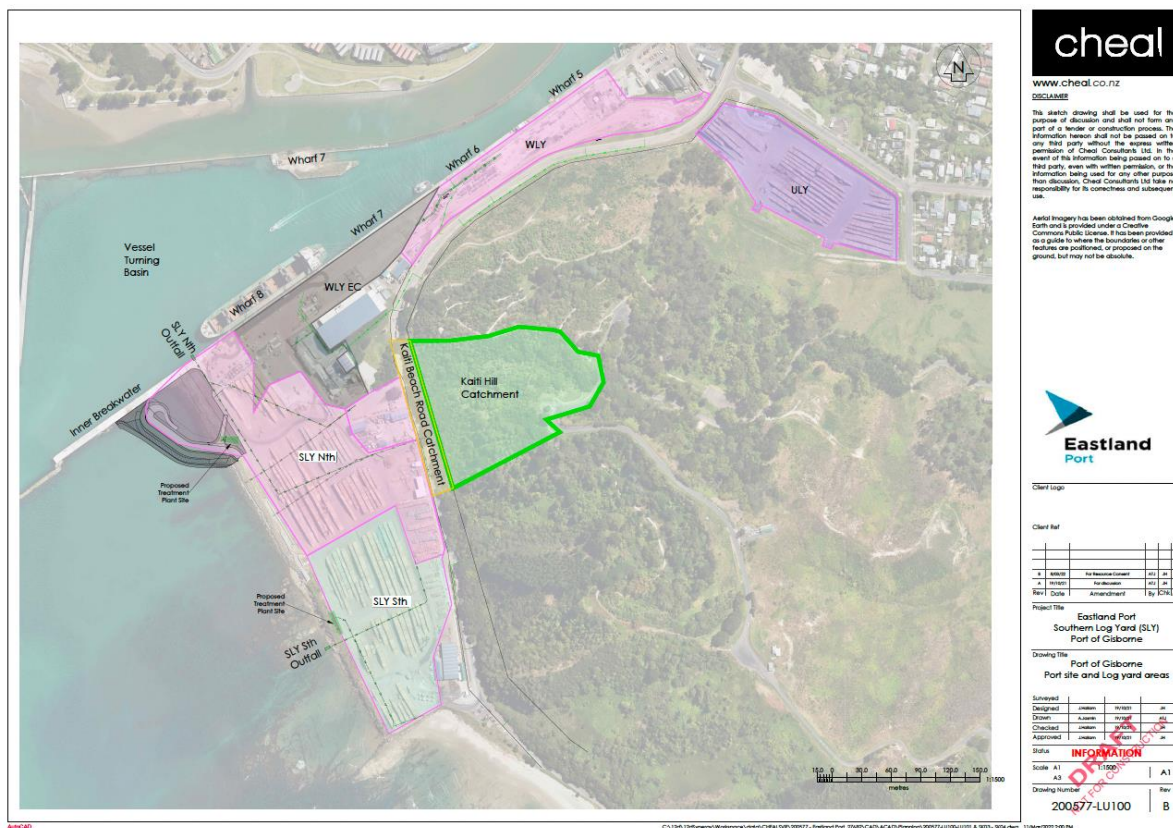
191. Heritage NZ raised concerns associated with the proposed works to upgrade the breakwater and the reclamation which could disturb, or deposit silt over Boat Harbour.
192. Heritage NZ has provided additional correspondence (refer **Appendix 6**) on these concerns and appropriate conditions following further engagement with Eastland Port. This correspondence advises that subject to appropriate conditions, Heritage NZ no longer wishes to be heard in support of its submission.
193. The Heritage NZ correspondence does not discuss further the other issues associated with the cultural values and sites around the port.
194. Eastland Port has proposed conditions for specific mitigation and construction management including pre-works and post-works monitoring to ensure that the Boat Harbour site is not affected by the proposed works.
195. Heritage NZ will also have an opportunity to address the conditions or any other matters arising from their original submission through the hearings process if they consider this necessary.
196. Based on the updated advice from Heritage NZ and the proposed mitigation measures, I am satisfied that any effects on Boat Harbour can be appropriately managed and/or avoided.

#### **5.8.1 Outstanding Issues**

197. Based on the advice from Heritage NZ, there are no outstanding issues apart from confirmation of the final consent conditions.

### **5.9 STORMWATER DISCHARGE**

198. All of the stormwater from the Wharf 8 extension and Outer Port reclamation is to be directed to the SLY North catchment – see **Figure 8** overpage.



**Figure 8: SW Concept Plan and Catchment – Source Cheal SW (see also Appendix 1).**

199. Additional stormwater from Kaiti Hill and Kaiti Beach Road will also be directed to the SLY North, resulting in an increase in the size of the catchment from 5.25ha currently to 10.04ha. No change is proposed to the size of the existing SLY South catchment which is 3.42ha.
200. Eastland Port's objective for the stormwater management upgrades is to provide treatment for the new reclaimed area and improve the quality of runoff discharges from the SLY to the same quality achieved elsewhere on port, by reducing suspended sediment concentrations. A key issue has been the treatment of total suspended solids (TSS).
201. In order to improve discharge quality, Eastland Port propose a secondary treatment system, consistent with those recently installed in the Wharves Logyard (WLY) and Upper Logyard (ULY), to supplement the existing stormwater systems.
202. Mr Hamish Jones has been engaged by GDC as part of the IRP and a technical review memo on these matters is provided as **Appendix 7**. In summary, Mr Jones has concluded that;
  - the reports reviewed are comprehensive with relevant supporting documentation provided in order to make a decision,
  - Eastland Port has provided appropriate responses to the technical queries raised as part of the initial application review, including addressing; -
    - *Is the design using the appropriate rain event. PDP suggested that multiple rain events should be assessed in order to determine the most pragmatic solution.*

- Detailed design (including particle size of sediments and particulates) should be completed, treatment system management and maintenance plans developed and submitted to GDC for approval prior to the treatment system being signed off and installed.
  - The bypassed discharge is the main concern. With the type of contaminants/material discharged from the site, a hydrodynamic Vortex Separator, may not treat much of the stormwater that bypasses the main treatment system. Therefore, it is important to review and determine the rain events and flow rates that should be pragmatically treated.
  - Further investigation into the design required into removing as much of the particles prior to detention and pumping chamber in order to reduce the maintenance period of the detention chamber due to build up of material as well as to reduce the load on the chemical dosing required.
  - It was agreed that trials should be carried out in order to optimise dosing concentrations as concern was raised over the effect of excess coagulant and flocculant on the receiving environment.
  - In general, implementing more monitoring to better understand the site would be appropriate. This will also allow the operator of the site to understand how the treatment system is operating in order to make informed decisions on any required changes (if necessary).
- The proposed design and treatment of stormwater discharge is appropriate subject to final review and detailed design sign off by Council, which should form part of any consent conditions.

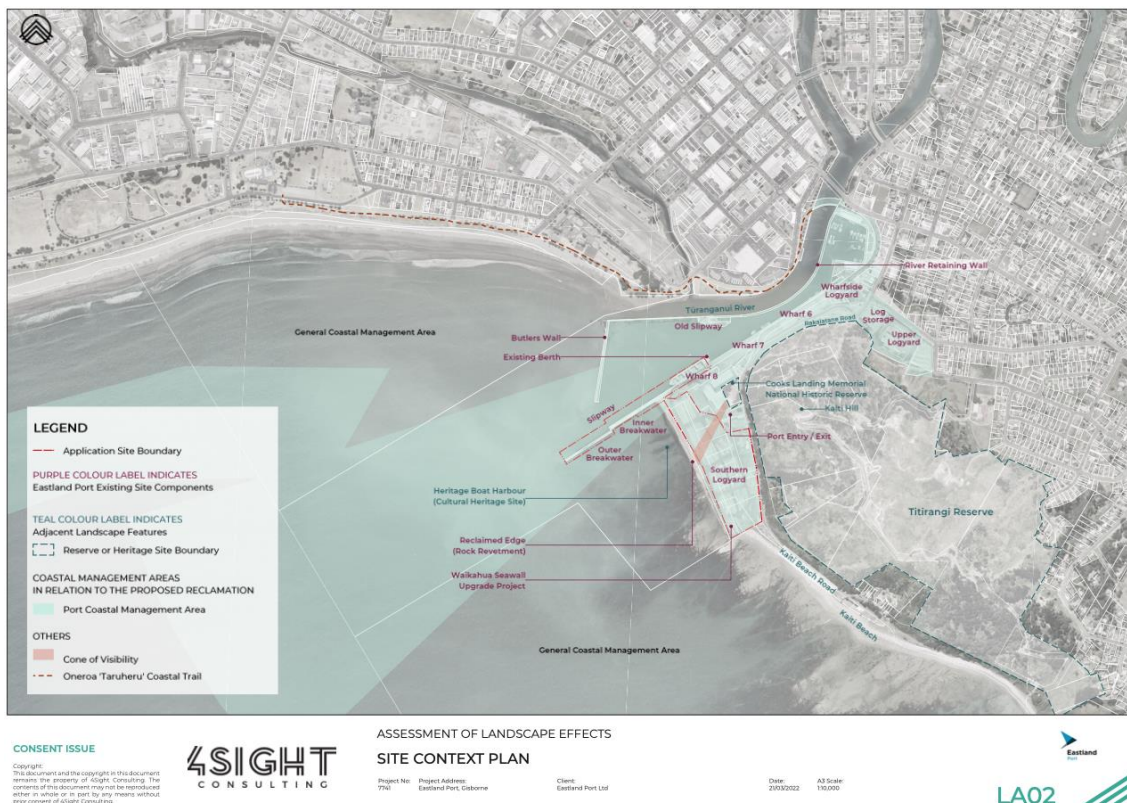
203. It is noted that Eastland Port has been progressively upgrading and improving the stormwater treatment and discharge quality with consents for the Wharfside Logyard and Upper Logyard. The monitoring of these discharges and implementation of additional treatment processes has helped inform the proposed treatment process improvements for the southern log yard and reclamation area.

#### **5.9.1 Outstanding Issues**

204. I adopt Mr Jones' review and assessment such that there are no outstanding issues apart from the finalisation of consent conditions. This will include a final review of the detailed design of the treatment process.

## 5.10 LANDSCAPE EFFECTS

205. The Stage 2 Twin Berth project proposes capital works and reclamation which will have extend the physical and spatial area of port infrastructure and operational area.
206. The actual and potential effects of the proposed works on landscape values have been assessed as part of comprehensive *Assessment of Landscape Effects* prepared by 4sight Consulting on behalf of Eastland Port (EP Landscape Report)<sup>24</sup>.
207. The EP Landscape Report provides the following information and analysis;
- a detailed description of the port environment and landscape quality,
  - summary of consultation with tangata whenua and local community,
  - a discussion on the location and extent of the capital works and reclamation,
  - overview of statutory provisions,
  - an assessment of landscape effects, and
  - a series of visual simulations to demonstrate the scale and nature of landscape effects.
208. The key elements of the physical works and their spatial relationship to the existing port areas and site context are shown in **Figure 9 (also refer Appendix 1)**.



**Figure 9: Site Context Plan (Source: EP landscape Report)**

<sup>24</sup> Refer Appendix N of Eastland Port AEE and Application Documentation.

209. I note that there are no submissions which challenge the assessment and conclusions of the landscape report apart from the Moreton submission which raises issues with the Cook's Cone of Vision. I also note that some submissions in opposition raise broader issues on the natural environment and the cultural landscape.
210. In relation to the cultural landscape, it appears that the lack of progress with the CVRF and CIA as envisaged through the Te Tai Uru conditions has meant that there is an absence of assessment on cultural values to inform the landscape assessment and evaluation of cultural effects.

### 5.10.1 Landscape Area/Policy Provisions

211. The port is not located within an area of identified Outstanding Natural Landscape, Outstanding Natural Feature, or Outstanding Natural Character under the Tairāwhiti Plan.
212. The port is a highly modified environment with the zone provisions enabling and support port infrastructure and activity. The port activities and proposed works includes area within a coastal environment and therefore landscape and natural character values remain an important consideration. The objectives and policies associated with the coastal environment provisions are assessed in Part 6 of this report.

### 5.10.2 Cooks Cone of Vision

There are specific provisions within the Tairāwhiti Plan relating to the Cook Landing Reserve and a *Cone of Vision*<sup>25</sup> as shown in **Figure 10**.



**Figure 10: Cone of Vision (Source: Eastland Port AEE)**

<sup>25</sup> There is a note in the Port Management Zone that a hearing is yet to be held for the Cone of Vision provisions and they are not Operative. I have made enquiries to GDC on the status of any hearing and I can update the Commissioners as part of the hearings process.

213. The purpose of the Cone of Vision is encapsulated by Policy DP2.4.1.4 of the port Management Zone which is as follows:

<p>4. To ensure that whilst enabling the continued operation of the Port:</p> <ul style="list-style-type: none"><li>a) the visual linkage between the landing place of Captain Cook, the waters of Poverty Bay and the outstanding landscape of Te Upoko o te Kuri a Paoa (Young Nick's Head) is preserved</li><li>b) the visual amenity of the Cook "cone of vision" is maintained and enhanced</li><li>c) the cultural symbolism of the Cook landing site is recognised and protected.</li></ul>
--

214. The EP Landscape Report discusses the Cone of Vision and has assessed that the proposed works will not have any effect on the Cone of Vision which are located outside the cone. However, EP Landscape Report also acknowledges the impact of log storage and that this obscures the view to towards Poverty Bay and Young Nick's Head.<sup>26</sup>
215. Mr Moreton (submitter) has raised specific concerns associated with the Cone of Vision and the obstruction of the viewshaft by port activities.
216. Certainly, the existing operation of the southern log yard and stockpiling of logs for loading onto shipping vessels obscures the viewshaft. The implementation of the rule standards and other alternatives<sup>27</sup> to enhance the amenity and heritage connections of the Cook Landing Reserve are matters for Eastland Port and GDC to work through.
217. In my view the current application does not directly affect the Cone of Vision and therefore it is not a matter for consideration by the Commissioners.

### 5.10.3 Landscape effects

218. Any infrastructure project which proposes new structures or a modified landform along or within the CMA will have landscape effects given that part of the natural and coastal edge is giving way to a modified environment. In this case, the extent of these effects is moderated by the location and nature of the works with the break water forming an upgrade of the existing structure and the reclamation located in the corner of the breakwater and existing log yard.
219. What is also clear from the visual simulations is that much of the visual and landscape effects arise during the times when two ships are berthed, and the extension of Wharf 8 has the second ship protruding out from the harbour basin. This will impact views and the sense of coastal character for visitors to Waikanae Beach and the coastal walkways as shown in **Figure 11** (overpage and **Appendix 1**).

<sup>26</sup> Ibid – pg. 29.

<sup>27</sup> GDC has identified a project (Wai Kahua Waka Bridge) for a pedestrian overpass over Kaiti Beach Road connecting to the Cook Landing reserve although I am unclear on the current status/funding of this project.



220. Having visited the land-based viewpoints of the port on many occasions and reviewing the EP Landscape Report assessment and conclusions, I am satisfied that while there will be some modification to the coastal margin and interface of port operations along the CMA, these effects will not give rise to an inappropriate or significant level of effects. I consider that the EP Landscape Report is comprehensive in its analysis of the landscape context and values of the port area and adopt the conclusion from that report as follows:

*The Proposal expands an existing land use / activity to a very small extent which does not change the overall impact or scale of the Port in the landscape. Visually the Proposal is consistent with the established landscape character and amenity of the existing visual environment. In terms of the natural character of the coastal environment and its landscape character and values, the proposed new Port components represent a proportionally very small additional area within an environment that is already highly modified and industrial in character.<sup>28</sup>*

**Figure 11: Visual Simulation from EP Landscape Report.**

221. The EP Landscape Report includes recommendations for the final design of works and future weed and rubbish management along the coastal edge and these will need to form part of any final consent.

<sup>28</sup> EP Landscape Report, Section 6, pg 33.

### 5.10.1 Outstanding Issues

222. Rongowhakaata may wish to provide input in terms of the assessment of the cultural landscape. Otherwise, I consider there are no outstanding matters and that conditions can be finalised to give effect to the recommendations from the EP Landscape Report.

## 5.11 AVIAN HABITATS

223. The Department of Conservation (DOC) and Forest and Bird has lodged submissions raising potential issues with existing Little Penguin/Kororā habitat which has been identified along the existing revetment wall along the southern coastal edge of the southern log yard.
224. Eastland Port has engaged further with DOC in terms of the necessary Wildlife Act authority which will be needed for the works alongside any approvals granted under the RMA. This has included the preparation of Draft Avian Monitoring and Management Plan<sup>29</sup> (AMMP) and engagement with DOC on feedback and amendments to the recommendations set out in the AMMP and with an undertaken to progress the formal application to DOC.
225. Mr Gary Bramwell has been engaged by GDC as part of the IRP and a technical review memo on these matters is provided as **Appendix 8**.
226. Mr Bramwell raises the following key points in terms of the proposed works and Avian Plan:
- Additional bird surveys are necessary to better inform the presence and location of threatened bird species,
  - It is likely that additional bird species will be identified through additional surveys/monitoring,
  - Additional protocols and tagging methods should be considered, and
  - Eastland Port should obtain the Wildlife Act Authority in advance including provision for relocation of any birds if required.
227. I understand<sup>30</sup> from DOC that there was an expectation that the application for the Wildlife Act authority would be lodged and granted prior to any RMA consent hearing which would effectively allow DOC to advise that its submission points were resolved. Eastland Port has advised that it will lodge the application as soon as possible however it will not be possible for any authority to be granted prior to the hearing.

### 5.11.1 Outstanding Issues

228. It is unfortunate that a decision on Wildlife Act Authority will not be available before the consent hearing. Based on the advice received from DOC, it is apparent that a Wildlife Act authority will be able to be granted subject to the final terms of the AMMP being approved.

---

<sup>29</sup> 4sight Report dated May 2023

<sup>30</sup> Phone Discussion with Jacqui White (local DOC Ranger) on 4 September 2023.



229. In accordance with the advice from Mr Bramley, I recommend that conditions are included on any resource consents for an authority to be obtained. This should be certified by GDC as a consent authority with the implementation of the plan falling back to DOC.

## 5.12 COASTAL PROCESSES

230. The Twin Berth proposal includes works around and within the CMA which have the potential to affect coastal processes, including the six surf breaks which have both regional and national significance and policy protection.

231. The works which have been reviewed and assessed in terms of potential impacts on coastal processes may be grouped as follows;

- capital and maintenance dredging of the port basin and navigation channel,
- construction of the reclamation, wharf 8 extension and outer breakwater, and
- disposal of dredge spoil to the OSDG.

232. Eastland Port has presented technical assessment and reporting on the proposed works including a model of coastal processes and specific assessment of the potential impacts on the surf breaks. The primary reports are the MetOcean Coastal Processes Report<sup>31</sup> and Surf Break Assessment Report prepared by Tonkin and Taylor<sup>32</sup>.

233. The six surf breaks of regional and national significance are shown in **Figure 12**.



**Figure 12: Regionally and Nationally Surf breaks (Source: Eastland Port Surf Break Report)**

<sup>31</sup> Refer Appendix L of Eastland Port AEE and Application Documentation.

<sup>32</sup> Refer Appendix U of Eastland Port AEE and Application Documentation

234. GDC has engaged the services of Dr Terry Hume to review the Eastland Port assessment and reporting on coastal processes. Dr Hume has prepared a technical memo which is provided as **Appendix 9**.
235. In summary, Dr Hume has provided the following assessment and recommendations;
- The extent of assessment and modelling completed to assess the actual and potential effects on coastal process is both comprehensive and appropriate and there are no gaps identified in the peer review process.
  - The proposed mitigation methods and recommendations for further monitoring as part of consent conditions is appropriate.
  - Specific mitigation and construction management conditions are required to minimise sediment disturbance and dispersion in relation to revetment and reclamation works.
  - The assessment of minor and 'unlikely likelihood' effects on surf breaks is supported by appropriate technical reporting and modelling.
  - Specific conditions will need to be included on any consents to ensure appropriate construction management and monitoring of the works is achieved.
236. I adopt the findings and recommendations of Dr Hume as part on my overall assessment and planning opinion. I also note that the existing consents held by Eastland Port and monitoring requirements have helped to inform the technical assessments and this provides further assurance and validity to the modelling and assessment of effects.
237. In my opinion, the Commissioners have sufficient information on coastal processes and technical assessments from Eastland Port and independent review to conclude that there will not be any material or inappropriate effects on coastal process, including the identified surf breaks.

#### **5.12.1 Outstanding Issues**

238. I consider there are no outstanding issues apart from the finalisation of conditions in terms of monitoring and reporting on the OSDG and the dredging activities.

### **5.13 PUBLIC ACCESS AND RESERVES**

239. The Tairāwhiti Plan includes policies promoting public access along coastal margins and Section 105(2) of the RMA requires an assessment of whether an esplanade reserve or strip should be required for any reclamation.
240. The area of reclamation is adjacent to an operational port area and there is no connection or linkage to other public walkways.
241. As such, there is little merit in requiring a esplanade reserve or strip on the reclamation area and it is not recommended that public access is promoted over the reclamation area.

### **5.13.1 Outstanding Issues**

242. No outstanding issues identified.

## **5.14 SITE CONTAMINATION**

243. The Stage 2 Twin Berth project includes the removal of part of the existing southern log yard revetment wall, where it is within the footprint of the proposed reclamation. To minimise waste, handling and transport effects, Eastland Port propose that any material suitable for reuse is proposed to be reused within the adjacent reclamation.
244. The existing revetment wall is known to contain a mix of material including concrete, brick, rubble, asbestos pipe and copper pipe, some of which may not be suitable for reuse in the reclamation area for reasons such as geotechnical stability. As such, material from the revetment will be sorted on site with any material that is unsuitable for reuse in the reclamation to be removed from the site and disposed of at an appropriately authorised facility.
245. Eastland Port has completed a Detailed Site Investigation<sup>33</sup> (DSI) which has identified elevated levels of contaminants including asbestos fragments, however the DSI concludes that no additional controls are applied to the disturbance of such soils under the Tairāwhiti Plan.
246. All soil disturbance works where the presence of asbestos is confirmed will, therefore, be undertaken in accordance with WorkSafe's Approved Code of Practice, the New Zealand Guidelines for Assessing and Managing Asbestos in Soils (NZGAMS) guidelines for Class B asbestos removal and be overseen by a licenced asbestos removalist.
247. Eastland Port has confirmed that these requirements will be incorporated in a broader Site Management Plan (SMP) to be prepared by a Suitably Qualified and Experienced Person (SQEP) in accordance with the Ministry for the Environment (MfE) Contaminated Land Management Guidelines No.5. Site Investigation and Analysis of Soils 2021. The SMP will detail the necessary procedures to mitigate risk to human health and the environment as a result of soil disturbance and procedures for managing unexpected discoveries of contamination

### **5.14.1 Outstanding Issues**

248. I consider that there are no outstanding conditions subject to appropriate conditions being finalised to require a SMP.

---

<sup>33</sup> Refer Appendix Q of Eastland Port AEE and Application Documentation.

## 5.15 POSITIVE EFFECTS

249. Eastland Port has prepared an Economic Report<sup>34</sup> on the significance and contribution of the port to the regional economy and this is further discussed in Section 13.2 of the AEE.
250. It is clear from the Economic report and AEE that the port contributes significantly to the regional economy and provides essentially infrastructure and transport connections for the forestry sector and other business. The port is a major employer of local people, and the capital upgrade project will also see investment and further jobs created over the construction phase.
251. The positive contribution of the port to service local businesses and the community is also a major factor across the submission in support of the application.
252. For the purpose of this S.42A planning report, I adopt the analysis and economic figures for economic investment and employment growth as set out in the Economic Report.
253. I also consider that the ongoing use and development of the port can assist with providing resilience in situations where the roading network is compromised.

### 5.15.1 Outstanding Issues

254. No outstanding issues identified.

## 5.16 ASSESSMENT OF ALTERNATIVES

255. Clause 6 in the Fourth Schedule of the RMA requires that an AEE report includes an assessment of 'alternative locations and methods' where a proposal 'is likely to have significant adverse effects on the environment'. Section 105 of the RMA requires consideration of possible alternative methods of discharge, including into any other receiving environment, where an application for a discharge permit is sought. Policy 10 of the NZ Coastal Policy statement also requires a consideration of alternatives to reclamation.
256. The Eastland Port AEE and the technical reports do not identify any particular or compound aspects of the Stage 2 Twin Berth project which will result in 'significant adverse effects' in terms of Clause 6 of the Fourth Schedule of the RMA. This overall assessment has also been confirmed by the IRP. There are however many aspects of the project which have the *potential* for significant effects given the sensitive nature or location of surrounding sites or values. This includes ecological habitat, cultural values and also community values associated with heritage sites.

---

<sup>34</sup> Refer Appendix V of Eastland Port AEE and Application Documentation.

257. Eastland Port has provided a comprehensive assessment of the potential effects and has also proposed mitigation methods and conditions to ensure that any adverse effects can be managed and mitigated. This also includes design assessment and operational procedures to be applied as part of the construction period.
258. Eastland Port has also provided an investigations into alternatives as referenced in Section 3.5 of the AEE;
- *Eastland Port Twin Berth Project Alternatives Assessment Report (Appendix D); which addresses alternative options to increase shipping capacity at the Port; alternatives to the proposed reclamation; and alternative options for the disposal of dredge material including onshore disposal and reuse of dredge material in the reclamation.*
  - *Worley Eastland Port Reclamation, Wharf 8 Extension and Outer Breakwater Engineering Report (Appendix F), which addresses alternative methods and designs for the various structures and works proposed.*
  - *Cheal Consultants Ltd Twin Berths Project Stormwater Engineering Report (Appendix H), which addresses alternative methods of discharging of stormwater from the Southern Logyard (SLY).*
259. I am satisfied that Eastland Port has carried out an appropriate level of assessment for alternatives noting that there are practical site and operational requirements that frame the extent of alternatives that can be considered.

## **5.17 ASSESSMENT CRITERIA AND PERFORMANCE STANDARDS**

260. The Tairāwhiti Plan prescribes a comprehensive suite of assessment criteria and performance standards for the activities included in the application. As the overall status of the application is Discretionary, there is no limit on the assessment of effects which may be considered, and all relevant effects must be assessed. There is also no restriction on the matters which can be covered by conditions.
261. I have reviewed the assessment criteria and performance standards and I am satisfied that all relevant effects have been assessed, including guidance from the assessment criteria, and that the relevant performance standards can be imposed and incorporated into conditions of consent should the Commissioners be mindful to grant consent.

## **5.18 CONDITIONS AND MITIGATION MEASURES**

262. The above assessment and the technical review work completed by the IRP refers to the need to finalise conditions to ensure that any adverse effects are appropriately managed and mitigated.
263. The IRP and I am currently working through a set of draft conditions with Eastland Port with the objective to agree conditions where possible and to highlight any areas of disagreement to the Commissioners.

264. Given the workload priorities which have focussed on the completion of this s.42A planning report and technical memos, we have not been able to prepare a final set of draft conditions. This work will be completed prior to the hearing.

## **5.19 OTHER MATTERS**

### **5.19.1 Plan Change versus Resource Consent Application**

265. The submission from Mr Moreton raises questions around the resource consent process and suggests that a plan change process is necessary such that development of the Port is not undertaken in an ad hoc manner. Concerns over the notification and application process are also expressed and reflect similar concerns that were raised in the Wharf 6 & 7 hearing.
266. In my opinion, there may well be merit in a review of the planning mechanisms for the Port. From the evidence put forward as part of this hearing it is clear that the existing noise rules are deficient and require a review and the Tairāwhiti Plan has not been reviewed to give effect to the 2010 NZCPS.
267. GDC has commenced a full review of the Tairāwhiti Plan however this is in the early stages of the review process.
268. I do not support the view that the current resource consent applications should be overturned or declined in the absence of plan change process. In my opinion, Eastland Port has presented credible evidence and identified the environmental effects of the respective proposals and has also identified mitigation measures and conditions. The application can be assessed in accordance with the statutory provisions of the RMA and within the planning framework of the Tairāwhiti Plan and other planning instruments.
269. The Stage 2 Twin Berth application was also publicly notified which enabled full input and submissions from the local community.

## PART 6 PLANNING INSTRUMENTS

### 6.1 TAIRAWHITI RESOURCE MANAGEMENT PLAN (TAIRĀWHITI PLAN)

270. The Tairāwhiti Plan is the primary planning instrument for the Gisborne region which sets out planning objectives, policies and rule mechanisms to help guide the management and use of resources to achieve sustainable management outcomes.
271. The Tairāwhiti Plan has amalgamated the previous set of planning documents into one single plan (except for the Freshwater Water Management Plan) and therefore it includes the provisions for the regional policy statement, regional plans and the district plan. There are a range of planning provisions that are relevant to the proposal given the location and extent of the works which include both land based and coastal works.
272. I have identified the key objectives and policies which I consider are directly relevant to the assessment of the application and provided an assessment of these accordingly. The discussion is presented in the order that the Tairāwhiti Plan is structured.
273. GDC has recognised that the Tairāwhiti Plan is overdue for review including alignment of the plan with new national policy directions. An initial timeline has been developed for the issue of a proposed plan in 2024 however I understand that this will be delayed.

#### 6.1.1 Regional Policy Statement

274. The policies of key relevance to the application are listed in the following tables.

<b>Regional Policy Statement – Tangata Whenua</b>	
<b>Section B1.1</b>	<b>[Introduction]</b>
<p><b>B1.2.1 Objective</b></p> <p>1. To take into account the principles of the Treaty of Waitangi in the exercise of functions and powers under the Act.</p>	<p><b>B1.2.2 Policies</b></p> <p>1. <b>The Kawanatanga Principle</b> To recognise that the Gisborne District Council's (delegated) right to manage natural and physical resources (kawanatanga) is exercised subject to the protection of rangatiratanga.</p> <p>2. <b>The Rangatiratanga Principle</b> To endeavour to uphold, within the limits of the RMA, the rangatiratanga rights of iwi o Tairāwhiti. Policies and plans shall, as far as possible, be consistent with Māori values and preferences for management of their resources.</p> <p>3. <b>The Partnership Principle</b> To actively promote and develop greater partnership between Council and iwi o Tairāwhiti in the management of the district's natural and physical</p>

	<p>resources by exercising the utmost good faith, co-operation, reasonable compromise, flexibility and responsiveness.</p> <p>4. <b>The Active Protection Principle</b> To actively protect the manataiao and taonga of iwi o Tairāwhiti by identifying and protecting, in a manner appropriate to the values of iwi, those natural and physical resources of significance to iwi.</p> <p>5. To take account of the guarantee of rangitiratanga and its relationship with kawanatanga in resource management planning.</p>
<p><b>B1.3.1 Objective</b></p> <p>1. To have particular regard to the concept of kaitiakitanga when managing the use, development and protection of natural and physical resources, in a way which accommodates the views of individual iwi and hapu.</p>	<p><b>B1.3.2 Policies</b></p> <p>1. To consult with iwi and hapu on an individual basis to determine how kaitiakitanga can be recognised and integrated in the management of the use, development and protection of natural and physical resources in the Gisborne district.</p> <p>2. To recognise and provide for the role and mana of kaitiaki as resource managers or guardians of local resources.</p> <p>3. To encourage applicants for resource consents to consult with tangata whenua.</p> <p>4. To take account any relevant planning document/s recognised by the appropriate iwi, hapu or marae</p>
<p><b>B1.4.2 Objectives</b></p> <p>1. To promote, where practicable, the preservation and protection of sites of value to Māori.</p> <p>2. To recognise and provide for the relationship of Māori with their culture, traditions, ancestral lands, and other resources.</p>	<p><b>B1.4.3 Policies</b></p> <p>1. To recognise that each iwi, hapu and marae has its own priorities and preference for the management of resources and to respect those priorities and preferences within the limits of the Act.</p> <p>2. To give consideration to appointing to a hearing committee or a panel of independent commissioners considering a resource management issue involving values important to Māori, a commissioner or commissioners with expertise in Māoritanga, including kawa (protocol) and kaitiakitanga. Any commissioner so appointed should have sufficient expertise to address issues of sensitivity to tangata whenua.</p> <p>3. To ensure that the Māori language and Māori place names are recognised in the exercise of any of Council's functions, powers and duties under the Act.</p> <p>4. To establish with tangata whenua a consultation network with the constituent iwi, hapu and marae of the Gisborne district who have mana whenua in the district. This is for the purpose of establishing processes and protocols to enable full and effective participation in resource management processes.</p>

275. The above provisions set a strong direction for consultation with iwi and for the recognition and protection of cultural and heritage values. The principles of the Treaty of Waitangi are described and given meaning in terms of the resource management framework and implementation of the Tairāwhiti Plan.



276. Eastland Port has provided information on the consultation process which has been undertaken in association with the current consent process as well as other port projects and monitoring of port activities.
277. As discussed above, the consent order that settled appeals from mana whenua on the Wharf 6 & 7 consents provided for the formation of the Te Tai Uru forum. The Te Tai Uru group was established to provide an opportunity for a closer relationship between Eastland Port and mana whenua and a programme and direction to achieve a Cultural Values Framework (CVF) that could then help inform future consent applications and works proposed by Eastland Port.
278. It is unfortunate that the Te Tai Uru forum and conditions have not achieved the aspirations and outcomes that were agreed by Eastland Port and mana whenua through the Wharf 6 & 7 consenting and appeal process. The submission from Rongowhakaata and other parties raise a broad range of issues including how Te Tiriti has been implemented and historical grievances with the development of the port, consultation and cultural values and sites affected by the Twin Berth project.
279. I have discussed the cultural and heritage effects in Section 5.7 of this report. From the material I have reviewed, I consider that Eastland Port has made a genuine effort to progress the relationship with mana whenua and to support greater understanding of cultural values and site and how port activities and operations can respond to these values through the CVF and reporting on the Twin Berth project.
280. It would be helpful to hear from from mana whenua whether there are alternative methods or approaches to help improve the relationship and to provide a platform where constructive and meaningful progress can be made to inform the ongoing operations and projects initiated by Eastland Port. It would also be helpful to understand if there are specific measures in terms of cultural monitoring of the works or other conditions which may help ensure the appropriate recognition of cultural values and sites.
281. In my opinion, Eastland Port has provided sufficient technical evidence to demonstrate that the adverse effects of the proposed works can be managed in terms of western science and technical reporting. The submitters raising cultural values will need to confirm whether the mitigation measures proposed by Eastland Port will help to address the cultural concerns raised.
282. Through further evidence and/or submissions to the hearing it will be possible to have further clarification on the respective views of Eastland Port and the mana whenua submitters on the nature of cultural values and sites and how these can be recognised and protected.

<b>Regional Policy Statement – Built Environment, Energy and Infrastructure</b>	
<p><b>B3.5.1 Objective</b></p> <p>1. The provision by relevant organisations of safe, efficient, and convenient rail, air, port and road transport services in a way that avoids, remedies or mitigates adverse effects on the natural and physical environment.</p>	<p><b>B3.5.2 Policies</b></p> <p>1. To avoid, remedy or mitigate any adverse effects resulting from the construction and maintenance of transport facilities and network utilities</p> <p>2. To plan for the location of transport facilities and network utilities and their relationship with adjoining land uses so that they do not cause or sustain adverse effects from nearby land uses.</p> <p>3. To recognise and promote the environmental and economic advantages of efficient rail and sea [sic].</p> <p>4. To encourage efficient and sustainable transport and utility networks in the region.</p> <p>5. To be willing to consider new transport options – such as barging or new port facilities – which might reduce the region's dependence on roading.</p> <p>6. To encourage efficient and sustainable port developments.</p>

283. The issue of logging trucks and the function of the roading network and alternative options for the use of rail have been raised in submissions.
284. As discussed, the issues surrounding road transport alternatives and in particular a rail alternative to truck movements is a matter which will need government, stakeholder and community input and support. In my opinion, there is no viable or practical rail alternative to road transport at this stage.
285. Policy B3.5.2.5 refers to reducing the dependence on roading through the development of port facilities and Policy B3.5.2.6 encourages efficient and sustainable Port developments. In my opinion granting consent to the Stage 2 Twin Berth project is supported by these policies.

<b>Section 4 Coastal Environment</b>	
<b>Section B4.2</b>	<b>Coastal Management</b>
<p><b>B4.2.1 Objective</b></p> <p>1. Management of the coastal environment that is integrated across the boundaries of the coastal marine and inland areas and between agencies, organisations and the tangata whenua.</p>	<p><b>B4.2.2 Policies</b></p> <p>2 To consult closely with Māori when developing and implementing plans affecting the coast, and when considering resource consents which raise issues of concern to Māori who are recognised as kaitiaki of the area.</p> <p>6. To recognise and maintain, in as natural a condition as possible, the dynamic, complex and inter-dependent nature of natural and physical resources in the coastal environment.</p>
<b>Section B4.3</b>	<b>Natural Character</b>
<p><b>B4.3.1 Objectives</b></p> <p>1. The preservation of the natural character of the coastal environment – including by protecting outstanding natural features and landscapes, areas of significant indigenous vegetation and habitats of significant indigenous fauna in the coastal environment.</p> <p>3. Coastal water quality that is maintained or enhanced.</p> <p>4. Amenity values of the coastal environment arising from the preservation of natural character – including the quality of open space – are maintained and enhanced</p>	<p>3. To recognise and protect sites and taonga of value for Māori .</p> <p>4. To allow subdivision, use or development in the coastal environment, particularly in areas already degraded, which:</p> <p>a) Preserves natural character; and</p> <p>b) Avoids, remedies or mitigates adverse effects.</p>
<b>Section B4.4</b>	<b>Natural Processes and Features</b>
<p><b>B4.4.1 Objectives</b></p> <p>2. The protection of the integrity, functioning, resilience and quality of natural coastal processes, natural physical resources and biological communities in the coastal environment.</p> <p>3. Restoration and rehabilitation of areas of the coastal environment where the integrity, functioning, resilience and quality of natural coastal processes, natural physical resources and biological communities has been degraded and appropriate remedial action can be taken.</p>	<p>1. To avoid, remedy or mitigate the effects of activities which have an adverse effect on biological diversity and ecosystem integrity.</p> <p>2. To encourage activities which could rehabilitate or enhance degraded ecosystems, coastal processes and natural physical resources – including water.</p> <p>3. To encourage subdivision, use and development which takes into account the integrity and resilience of natural processes and recognises that natural features provide buffers against natural processes that might damage an activity.</p>
<b>Section B4.8</b>	<b>Point Source Discharges</b>

<p><b>B4.8.1 Objective</b></p> <p><i>To avoid, mitigate or remedy the adverse effects of point-source discharges on receiving waters.</i></p>	<ol style="list-style-type: none"> <li>1. To endeavour to ensure that the effects of any contaminants contained in point-source discharges are such that they:             <ol style="list-style-type: none"> <li>a) do not unduly impact on the receiving environment; and</li> <li>b) do not reduce, after reasonable mixing, the quality of the receiving water below any standards established in any plan for that water..</li> </ol> </li> <li>2. When considering proposals or applications to discharge contaminants directly to water, matters to be taken into account include:             <ol style="list-style-type: none"> <li>a) the total contaminant load of the effluent [composition/flow rate];</li> <li>b) the assimilative capacity [including available dilution and dispersal] of the water body and existing water quality;</li> <li>c) the need to safeguard the life-support capacity of the water body;</li> <li>d) actual or potential uses of the water body and the degree to which the needs of other water users are or may be compromised;</li> <li>e) scenic, aesthetic, amenity and recreational values including fisheries values and the habitat of trout and indigenous fish;</li> <li>f) allowance for a reasonable mixing zone;</li> <li>g) the potential for bio-accumulative or synergistic effects;</li> <li>h) the actual or potential risk to human and animal health from the discharge;</li> <li>i) measures to reduce the quantity of contaminants to be discharged;</li> <li>j) the cultural and spiritual values of tangata whenua, and</li> <li>k) the use of the best practicable option for the treatment and disposal of contaminants, which in the case of human sewage wastewater, may include the use of land disposal or wetland treatment.</li> </ol> </li> </ol>
---	---

286. There are multiple references in the above objectives and policies that require recognition and protection of cultural values and consultation with Maori as part of the assessment of resource consent applications. In my opinion, Eastland Port has demonstrated a genuine commitment to consultation and to supporting the Te Tai Uru forum and conditions as set out in the Wharf 6 and 7 decision.

287. Rongowhakaata has lodged an opposing submission to the Twin Berth application, and it will be necessary to hear from the submitters through the hearing process as to whether additional mitigation measures and information may help to resolve the outstanding cultural issues and concerns which have been presented in submission.

288. The existing port area is a highly modified environment with the areas of construction works largely part of existing infrastructure including the southern log yard and existing port breakwater. The reclamation area will extend the footprint of the southern log yard and the concurrent berthing of shipping vessels will extend the presence and scale of port activities further out towards the breakwater.
289. The operational and modified nature of the immediate port area does not exhibit high levels of natural character. It is however located in an area which has cultural values comprising landform, river courses, and coastal waters and habitat. In my opinion, the Twin Berth project will have effects on existing natural character values given the extension of port operations which are proposed. However, I do not consider that these effects are inappropriate or of a scale that would hinder the granting of consent.
290. It must also be acknowledged that the dredging activity and subsequent disposal of spoil areas are within and adjacent to the CMA and include sensitive and important habitats for juvenile crayfish and kororā. The ecological effects of the works, water quality and effects on coastal processes have been duly assessed as part of the IRP with assessments presented that the adverse effects can be managed by appropriate mitigation measures and conditions. Specifically in terms of the point source discharge, Eastland Port has progressively been upgrading and improving the collection and treatment of stormwater runoff and this is proposed to continue with the stormwater discharge proposed as part of the Stage 2 Twin Berth upgrade.

<b>Section 5 Environmental Risk Including Natural Hazards</b>	
<b>Section B5.</b>	<b>Coastal Management</b>
<b>B5.4.1 Objective</b> 1. <i>No adverse environmental effects caused by inappropriate disposal of residual solid wastes.</i>	<b>B5.4.2 Policies</b> 9. <i>To avoid the disposal of solid waste to the Coastal Marine Area.</i> 10. <i>To ensure that all collection and transportation of solid waste is carried out in a manner which avoids, remedies or mitigates adverse environmental effects and minimises any potential for nuisance conditions.</i>
<b>Section 5.6</b>	<b>Land Contamination</b>
<b>B5.6.1 Objectives</b> 1. <i>The risk to human and environmental health from contaminated land is lowered to an acceptable level.</i>	<b>B5.6.2 Policies</b> 2. <i>To apply the ANZECC guidelines, or such other guidelines as Council may consider to be applicable to a particular situation, to determine the most appropriate course of action for a particular contaminated piece of land.</i> 3. <i>To encourage owners of sites with contaminated land to take responsibility for remediation.</i>

291. Policy 5.4.2 states that disposal of solid waste to the CMA is to be avoided. While this could be interpreted as applying to the disposal of dredge material<sup>35</sup>, I note that the Tairāwhiti

<sup>35</sup> Based on the definition of *solid waste* and *contaminant* under the provisions of the TRMP and the RMA.

Plan specify provides for the OSDG as part of the Port Coastal Management Area and therefore the planning provisions specifically provide for the disposal of spoil to this area.

292. A Detailed Site Investigation (DSI) for contaminated land has been undertaken at the site to assess the potential risk of contaminated material and to identify any specific management and remedial works and process for the storage, handling and disposal of contaminated material. Eastland Port has assessed the site as not meeting the threshold to be deemed a 'contaminated site' given the low levels of contamination which have been identified.

293. Subject to appropriate conditions, it is considered that granting consent will be consistent with the above objectives and policies.

<b>B7 Cultural and Historic Heritage</b>	
<p><b>B7.1.1 Objective</b></p> <p><i>To recognise and protect heritage values including those of Māori whenever these are affected by the use or development of natural and physical resources.</i></p>	<p><b>B7.1.2 Policies</b></p> <p>1. <i>To ensure the effects of development proposals on significant heritage values in the region are avoided, remedied or mitigated. A heritage value should be considered significant if:</i></p> <ul style="list-style-type: none"> <li>a) <i>It is particularly old, rare or unique within the district.</i></li> <li>b) <i>It is found only within the district or contributes to the distinctive or unique character of the district.</i></li> <li>c) <i>It is used, valued or appreciated by the district community as well as the local community.</i></li> <li>d) <i>It is considered by Iwi to require a district approach.</i></li> <li>e) <i>It relates to land owned or managed by the Gisborne District Council.</i></li> <li>f) <i>It is of national significance.</i></li> </ul> <p>5. <i>Involve Māori in the recording and understanding of Māori heritage.</i></p>

294. As with the above regional policy provisions, there is an emphasis on positive engagement with mana whenua to understand and recognise cultural heritage and to ensure that adverse effects on significant heritage values are avoided, remedied or mitigated.

295. In my opinion, there are significant heritage values associated with the site, landform and water bodies comprising the port environs. Eastland Port has produced credible technical evidence and mitigation measures in terms of the actual and potential effects of the proposed works and ongoing Port activities. We do not have information on how or whether these mitigation measures provide any redress to the cultural values and opposition identified in the submission lodged by Rongowhakaata and it is anticipated that this will be subject to further submissions through the hearings process.

<b>B9 Natural Resources</b>	
<b>B9.1 Natural Values and effects of inappropriate subdivision, use and development</b>	
<b>B9.1.1 Objectives</b>	<b>B9.1.2 Policies</b>
1. <i>The preservation of the natural character of the coastal environment, lakes, rivers, wetlands and their margins, and the protection of outstanding natural features and landscapes from inappropriate subdivision, use and development.</i>	8. <i>To protect areas of significant native vegetation and areas of significant habitats of indigenous fauna within the region, including the coastal marine area. Where significant areas are degraded, to rehabilitate them, where appropriate, as a matter of priority. Recognise that any other areas of indigenous vegetation should be disturbed only to the extent reasonably necessary to carry out permitted or approved activities</i>  9. <i>To preserve the natural character of the coastal environment, wetlands and lakes and rivers and their margins in the region and protect them from inappropriate subdivision, use and development. To protect significant landscapes and outstanding natural features, such as those defined as being nationally, regionally or internationally significant, from inappropriate subdivision, use and development.</i>

296. The immediate Port environs that will be affected by the proposed works do not have significant natural character values in terms of landscape. The area is modified and forms part of a working port facility. That said, there are natural character values associated with the ecological values of the water body and in particular the habitat for the juvenile crayfish habitat, kororā and other biodiversity.

297. I note that the above objectives are framed with reference to *inappropriate development*. Eastland Port has functional and locational requirement to ensure that its infrastructure is fit for purpose and can meet the demands of existing and future export demand. 'Inappropriate' in my view could apply to port activity and upgrades which resulted in significant adverse effects on the environment and where little regard has been given to how adverse effects can be mitigated.

298. In my opinion, Eastland Port has presented a credible body of information and assessment of the potential and actual effects of the proposed works, and I am satisfied that the nature and scale of works can be mitigated by appropriate mitigation measures and consent conditions.

299. Eastland Port will need to advance and obtain a DOC authority for the works on the southern revetment wall which provides habitat for kororā. Eastland Port will need to provide an update on the status of this application and any coastal permits should impose conditions to recognise that these works cannot proceed without the necessary authority.

<b>B9 Natural Resources</b>	
<b>B9.2 Public Access</b>	
<b>B9.2.1 Objectives</b>	<b>B9.2.2 Policies</b>
<p>1. Maintenance or enhancement of public access to and along rivers, lakes and the coastal marine area</p>	<p>1. In order to recognise the national importance of maintaining and enhancing public access to and along the coastal marine area, lakes and rivers, management restricting access should only be imposed where such management is necessary:</p> <p>a) To preserve the natural character of the coastal environment, wetlands, lakes, rivers and their margins, such as keeping access to boardwalks over sensitive dunes or restricting motorised recreation in sites more appropriately used for passive recreation.</p> <p>b) To protect areas of significant indigenous vegetation and habitats of indigenous fauna such as sensitive vegetation or breeding and roosting sites.</p> <p>c) To protect Māori cultural values such as urupa.</p> <p>d) To protect public health and safety such as diversion away from areas of danger like land subsidence, river control construction sites, port operational areas and areas used for defence purposes.</p> <p>e) To ensure a level of security consistent with the purpose of a resource consent.</p> <p>f) In other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.</p> <p>2. To ensure, when planning for and making decisions on new subdivision, use, and development, that:</p> <p>a) There is no reduction in the quality of existing legal access to and along water bodies, unless that reduction is consistent with Policy 1, above</p> <p>b) Opportunities for access to and along water bodies, or parts of water bodies, not restricted by Policy 1 above, which are considered by Council to be of benefit to the local community for their conservation, recreational, cultural, scenic, spiritual or other amenity values are recognised and provided for.</p>

300. In my view there is very limited opportunity to provide public access as part of the upgrade works including across the proposed reclamation area. The site is part of an operational port log yard and ship loading area and does not have connections to other access connections.

**6.1.2 Region Wide Provisions**



301. The key regional wide provisions relevant to the application are listed in the following tables and are equivalent to the Regional Coastal Plan.

<b>C3 Coastal Management (Part Operative and Proposed)</b>	
<b>C3.2 Natural Character</b>	
<p><b>C3.2.2 Objectives</b></p> <p>1. The natural character of the Gisborne regions Coastal Environment and wetlands, rivers, lakes, and their margins within the Coastal Environment is preserved unless such preservation is inconsistent with the purpose of the RMA.</p>	<p><b>C3.2.3 Policies</b></p> <p>3. The adverse effects of activities on the integrity, functioning and resilience of natural processes and qualities should be avoided as far as practicable and, where complete avoidance is not practicable, the adverse effects shall be mitigated and provision made for remedying those effects to the extent practicable. Natural processes and qualities include:</p> <ul style="list-style-type: none"> <li>• Bio-diversity.</li> <li>• Freedom of movement of biota (living organisms).</li> <li>• Intrinsic values.</li> <li>• Natural substrate composition.</li> <li>• Natural air and water quality.</li> <li>• Water quantity.</li> <li>• Dynamic processes and features arising from the natural movement of sediments, water and air.</li> </ul>
<b>C3.6 Tangata Whenua</b>	
<p><b>C3.6.2 Objectives</b></p> <p>1. To protect the special value sites of tangata whenua.</p> <p>2. To rehabilitate, where practicable, sites of value to Māori degraded by human activities.</p> <p>3. To maintain the integrity of the relationship of Māori with their culture, traditions, ancestral lands, and other resources.</p>	<p><b>C3.6.3 Policies</b></p> <p>3. The Council will encourage applicants for resource consents in the Coastal Environment to demonstrate that the tangata whenua have been consulted in respect of applications.</p> <p>5. The Council and consent authorities shall have regard to the need to protect the mauri of coastal resources and, where necessary and appropriate, will encourage the restoration of the mauri of coastal resources.</p> <p>6. The Council will, in conjunction with tangata whenua, recognise and provide for the protection of waahi tapu, other taonga and other sites/areas of special value to tangata whenua in the Coastal Environment, where these are known, and consent authorities will have particular regard for the integrity of those waahi tapu and other sites of special value to tangata whenua, in respect of proposed developments and activities that would have an adverse effect on them.</p>
<b>C3.7 Structures</b>	
<p><b>C3.7.2 Objectives</b></p> <p>1. Provision is made for appropriate structures in the CMA provided that any adverse effects on the environment arising from the erection, reconstruction, placement, alteration, extension, removal or demolition of a structure are avoided</p>	<p><b>C3.7.3 Policies</b></p> <p>3. Maintenance or enhancement of the diversity of aquatic life adjacent to, or otherwise affected by, structures in the Gisborne Coastal Environment.</p>

<p>as far as practicable. Where complete avoidance is not practicable, the adverse effects are mitigated and provision made for remedying those effects, to the extent practicable.</p>	
<p><b>C3.9 Alteration of the Foreshore and Seabed</b></p>	
<p><b>C3.9.2 Objectives</b></p> <p>To provide for activities that alter the foreshore or bed of the CMA while avoiding, remedying or mitigating any adverse effects they have on ecosystems and habitat.</p>	<p><b>C3.9.3 Policies</b></p> <p>1. Council and consent authorities will give priority to avoiding the adverse effects of disturbance or alteration of the foreshore or seabed on:</p> <ul style="list-style-type: none"> <li>a) habitats important to the continued survival of indigenous species</li> <li>b) values associated with a Significant Values Management Area</li> <li>c) areas of strategic importance to aquatic species, including but not limited to whitebait spawning areas, marine mammal haul-out areas and fish spawning areas.</li> </ul> <p>Where complete avoidance is not practicable, the adverse effects on a), b) and c) above should be mitigated and provision made for remedying those effects, to the extent practicable.</p> <p>6. To ensure that the material used in any reclamation, or constituent of any dumping does not contain contaminants that, in the quantities dumped, having regard to cumulative and synergistic effects, will result in any of the following:</p> <ul style="list-style-type: none"> <li>• The death of organisms by toxic contamination</li> <li>• The bioaccumulation of heavy metals in organisms</li> <li>• The rendering of nursery areas and feeding grounds unsuitable for dependent species.</li> <li>• The localised depletion of dissolved oxygen as a result of increased biological activity.</li> </ul> <p>7. To ensure activities that alter or disturb the foreshore or bed of the CMA are not located in sites of cultural, conservation or historical significance unless it can be demonstrated that the adverse effects of locating there are minor.</p>
<p><b>C3.10 Discharges</b></p>	
<p><b>C3.10.2 Objectives</b></p> <ol style="list-style-type: none"> <li>1. To maintain or, where practicable enhance the physical and cultural quality of water (including that found in aquifers) and land in the Coastal Environment.</li> <li>2. The progressive upgrade of the quality of existing point and non-point discharges to water of the Coastal Environment.</li> <li>3. Avoidance, where practicable of the adverse effects of discharges to land or water on the natural character and amenity of the Coastal</li> </ol>	<p><b>C3.10.3 Policies</b></p> <p>1. The Consent authority shall not grant a permit for a discharge to water of the CMA which on its own, or in combination with other existing lawful discharges, will, after reasonable mixing, result in existing water classification standards being exceeded except where:</p> <ul style="list-style-type: none"> <li>a) Exceptional circumstances justify the granting of the consent.</li> <li>b) The discharge is of a temporary nature and will not result in adverse effects that are cumulative.</li> <li>c) The discharge is needed for maintenance work, the result of which will be an improvement in the quality of the discharge, and the discharge will not result in adverse effects that are cumulative.</li> <li>d) The existing water classification can be demonstrated to</li> </ul>

<p><i>Environment. Where avoidance is not practicable, adverse effects on amenity and natural character will be remedied or mitigated.</i></p>	<p><i>be inappropriate, and exceeding the standards is consistent with sustainable management having particular regard to the desirability of enhancing water quality, and public expectations for water quality.</i></p> <p>8. All discharges of contaminants to water, land of the Coastal Environment shall avoid creating adverse effects on habitats, feeding grounds or ecosystems by:</p> <p>a) Not locating where locally important habitats, feeding grounds, or ecosystems are likely to be adversely affected by the contaminant.</p> <p>b) Not having physical or chemical properties such as a temperature, toxicity, pH or turbidity suspended solids which alone, or in combination with other discharge properties, is likely to cause fish mortality, a failure of fish spawning or passage, significant changes in the abundance and composition of aquatic flora and fauna in the receiving environment.</p>
--	---

302. Section C3 provides a comprehensive set of objectives and policies affecting the coastal environment. To a large extent, the themes and policy direction identified above aligns with the regional policy statement including a strong direction to protect cultural values and sites and the need to ensure that adverse effects on the natural environment and ecosystems are avoided, remedied or mitigated. In some areas, the policy direction extends further than mitigation of effects and there is a direction to improve or upgrade areas or environments which are already degraded (C.3.6.2 – cultural sites).
303. The focus of the application material is on the management and mitigation of adverse effects from existing and proposed discharges. In my opinion, the modified nature of the port basin and ongoing operational activities that take place in this part of the CMA should be considered and taken into account when considering these policy directives. In addition, the ongoing upgrade works on the wharf structures are allowing for the upgrading of existing stormwater collection and treatment systems and this is providing the opportunity for improved discharge quality and monitoring of port infrastructure and discharges.
304. Based on the technical assessment provided in the application reports and the technical comments received by GDC staff, I consider that the adverse effects from any discharges will be minor and will be consistent with the policy directives outlined above.

<b>C4 Cultural and Historic Heritage (Operative)</b>	
<p><b>C4.1.3 Objectives</b></p> <p>1. <i>The recognition and protection of the cultural heritage resource.</i></p>	<p><b>C4.1.6 Policies</b></p> <p>1. <i>To manage subdivision, use and development to ensure that adverse effects on archaeological sites are avoided, remedied or mitigated.</i></p>

305. As discussed in Part 2 and Part 3 of this report, the site locality contains archaeological and heritage sites and has significant cultural value to Tangata Whenua.

306. Eastland Port has carried out an archaeological report and assessment of the heritage sites and has engaged with Heritage NZ to resolve the concerns raised in terms of the works around the Boat Harbour.

307. I have addressed my assessment of cultural values in the earlier sections of this report.

### 6.1.3 General Controls

308. The key regional wide provisions relevant to the application are listed in the following tables and are equivalent to the Regional Coastal Plan.

<b>C11.2 Noise and Vibration</b>	
<p><b>C11.2.4 Objectives for Noise and Vibrations</b></p> <p>1. <i>To enable noise and vibration at levels which do not have an adverse effect on human health.</i></p>	<p><b>C11.2.5 Policies for Noise including Vibrations</b></p> <p>1. <i>To ensure that noise emissions are contained at levels or in locations in a manner which provides for the health and safety of individuals and the community.</i></p> <p>2. <i>To maintain noise at limits that reflect the amenity values and character associated with the locality in which the noise is having an effect.</i></p>
<p><b>C11.2.8 Objectives for Transport Noise</b></p> <p>1. <i>Mitigation of the adverse effects on residential sites of traffic noise generated by vehicles using the roading network.</i></p>	<p><b>C11.2.9 Policies for Transport Noise</b></p> <p>1. <i>To require new residential development on front sites adjacent to arterial roads or within the Airport Noise Impact Overlay be constructed in a manner which mitigates the adverse effects of noise from the roading network or the airport operation.</i></p>
<p><b>C11.2.12 Objectives for Noise in Coastal Environment</b></p> <p>2. <i>The management of space within the CMA to accommodate activities which create significant noise as a consequence of their operational requirements.</i></p> <p>3. <i>The avoidance of the effects of noise on sensitive ecosystems.</i></p>	<p><b>C11.2.13 Policies for Noise in Coastal Environment</b></p> <p>2. <i>To recognise that some activities, especially those associated within the Port Management Area, create noise and to manage the effects of this noise with regard to the operational requirements of ports.</i></p>

309. The adverse effects of noise from operational, construction and traffic noise have been addressed in earlier sections of this report.

310. I note that the above provisions address noise effects in terms of adverse effects on human health and amenity values however there is also recognition that activities such as the port have specific operational requirements and involve activities that can give rise to noise effects as part of their necessary operational regime.
311. In my opinion, there has been more informed and proactive management and monitoring of noise effects by Eastland Port through its more recent work on capital and maintenance projects and through consent conditions for noise management plans including provision for permanent noise monitoring. In addition, Eastland Port has continued with its ongoing engagement and liaison with the community and stakeholders through the Port Liaison Group.
312. It is also appropriate to recognise that whereas noise effects a key concern raised in submission to earlier consenting projects, the Twin Berth application has attracted little opposition or submissions regarding operational noise.
313. GDC has engaged an independent noise expert as part of the IRP and agreement has largely been reached on the nature and scope of noise emissions. There will need to be further assessment on the mitigation methods which need to be adopted for the management and mitigation of noise effects in relation to the Inner Residential Zone. Overall, it is considered that appropriate limits can be set to manage noise effects on amenity and health while also recognising that there are necessary activities such as loading and unloading ships that generate off-site noise effects.
314. I note that Policy 11.2.9.1 in relation to traffic noise requires acoustic insulation on new residential development along arterial roads. This sets in place rule mechanisms to manage noise levels along the main road network.
315. Objective C11.2.12 relates to noise activities on ecosystems and this has been addressed in the reports from Eastland Port and has been specifically reviewed by the ecologist and noise specialist on the IRP. Based on the technical modelling and assessment of marine mammal which has been presented, I consider that it is unlikely that the construction works will have long-term adverse effects on the ecology of the port basin or further into the Poverty Bay CMA. The recommendations and mitigation methods to protect marine mammals will need to be revisited and confirmed in light of the revised underwater noise contours and modelling agreed by the noise experts.
316. I am satisfied that granting consent to the proposed applications is consistent with the objectives and policies relating to noise subject to appropriate conditions.

**6.1.4 Area based Provisions.**

317. The key regional wide provisions relevant to the application are listed in the following tables and are equivalent to the Regional Coastal Plan.

<b>D1.2 Coastal management Areas</b>	
<b>DP1 Port Coastal Management Area</b>	
<p><b>DP1.3 Objectives</b></p> <ol style="list-style-type: none"> <li>1. Provision made, in the Port Coastal Management Area, for activities related to the use of vessels, and the transport of goods by vessels or storage of cargo or fuel products prior to distribution, for which a permanent location in the coastal environment is an operational necessity.</li> <li>2. Port-related activities, including those which provide the port of Gisborne with the means to carry out all of its operations and services in appropriate areas within the Port Coastal Management Area.</li> <li>3. Adverse effects on the environment arising from the lawful operation of vessels and services within the Port Coastal Management Area are avoided, remedied or mitigated to the fullest extent practicable, recognising that the preservation of natural character is a matter of national importance while promoting the sustainable management of natural and physical resources.</li> </ol>	<p><b>DP1.4 Policies</b></p> <ol style="list-style-type: none"> <li>1. In the exercise of any function, power or duty under the Act, a consent authority will give particular regard to the need to provide for activities related to the use and service of vessels, the storage and distribution of cargo and petroleum products, and Port infrastructure for which a location in the coastal environment is an operational necessity, within Port Coastal Management Areas.</li> </ol>

318. The above objectives and policies provide important context to the assessment of adverse effects and the operational and logistical requirements of the port and vessels.

319. In my opinion, the adverse effects of the proposed works can be managed and mitigated through the design and nature of the works and through appropriate conditions of consent. There are some matters which will require some further review and refinement through the development of final conditions including provision of management plans.

<b>DP2 Port Management Zone</b>	
<p><b>DP2.3.1 Management of Port Objectives</b></p> <ol style="list-style-type: none"> <li>1. Enable continued operation and development of the Port Management zones, recognising the importance of the Port as a major regional transport facility.</li> <li>2. Recognise or provide for the operational needs of the Port while ensuring adverse effects of Port activities are avoided, remedied or mitigated.</li> </ol>	<p><b>DP2.4.1 Management of Port Policies</b></p> <ol style="list-style-type: none"> <li>1. Provide for Port and non Port-related activities within the Port zone provided that:                     <ul style="list-style-type: none"> <li>• non Port-related activities do not have an adverse effect on the operation of the Port</li> <li>• the effects of Port and non Port-related activities on the environment can be avoided, remedied or mitigated</li> <li>• non Port-related activities do not have any adverse effect on the sustainability of the city centre, particularly the area zoned Inner Commercial.</li> </ul> </li> <li>2. In respect of residential areas surrounding the Port Management zone ensure that:                     <ul style="list-style-type: none"> <li>• an adequate level of screening either by means of fencing or landscaping or a combination of both is provided to at least maintain the existing level of amenity</li> <li>• the effects of noise on residential properties are avoided, remedied or mitigated primarily through the acoustic treatment of new dwellings, alterations or additions to habitable rooms of existing dwellings where this is necessary and appropriate.</li> </ul> </li> </ol>
<p><b>DP2.3.3 Rail and Road Links Objective</b></p> <ol style="list-style-type: none"> <li>1. Rail and road access within the Port Management zones which avoids, remedies or mitigates adverse effects on the natural and physical environment.</li> </ol>	<p><b>DP2.4.3 Rail and Road Links Policies</b></p> <ol style="list-style-type: none"> <li>1. To locate, design and manage road and rail links to ensure safe and efficient flow of traffic while avoiding, remedying or mitigating adverse effects on the natural and physical environment particularly in respect of new roading and infrastructure.</li> <li>2. To provide a defined road network to assist in the management of traffic in the Port Management zones and its immediate roads.</li> </ol>

320. The above provisions clearly signal the importance of the port as a 'major regional transport facility'. Objective DP2.3.1 not only refers to the current operation of the port but also to the *development* of the port.

321. I have already provided my assessment of the actual and potential effects of the proposed works and activities. Subject to a final resolution of conditions, I am satisfied that the adverse effects of the Stage 2 Twin Berth project can be appropriately managed and mitigated. This is not to suggest that there will be no adverse effects, and neither is this the threshold which is set out in the policy direction. Given the nature of port activities, the location of the port within an environment which has sensitive values including ecological habitats, cultural values and residential receiving properties, there will be a degree of off-site effects which cannot be avoided. In my view, the appropriate outcome is to ensure that all off site effects are appropriately managed and mitigated taking into account the nature and values of the surrounding environment.

322. In my opinion, the design approach, presentation of comprehensive reporting and assessment and proposed operational procedures and mitigation methods presented by Eastland Port demonstrate both an appropriate and responsible approach to developing and managing port activities within a sensitive environment. The review and findings of the IRP generally support and endorse the extent of technical assessment and work undertaken by Eastland Port with relatively limited and defined matters not fully resolved.
323. I note the objective DP2.3.3 refers to rail and road access however this appears to be applicable to infrastructure within the Port area and not to areas outside the Port. The subordinate policies then discuss linkages across the network. In my view, there is limited opportunity to consider alternate railway links and even if these alternatives were to be pursued, then additional effects of noise along the rail corridor would be generated. It is not clear to me that a reduction in logging trucks would occur given that logs would still need to be delivered by truck to a log handling yard with a railway head.

## **6.2 NZ COASTAL POLICY STATEMENT (2010)**

324. The NZ Coastal Policy Statement (NZCPS) is a national policy statement and therefore has significance in terms of Section 104 of the RMA. As previously discussed, the Davidson decision from the High Court resets how the NZCPS and other national policy statements are to be applied including the limited circumstances where it may be appropriate or necessary to engage the provisions of Part 2 of the RMA in the assessment of resource consent applications.
325. It is notable that the coastal provisions of the Tairāwhiti Plan were amalgamated from the previous Proposed Regional Coastal Plan. This was first formulated in the mid 1990s and the document referred to the earlier version of the NZCPS from 1994. As such, it is important to assess the provisions of the more recent NZCPS and to recognise the coastal provisions of the Tairāwhiti Plan have not been updated to reflect the more recent NZCPS.
326. The following provisions of the NZCPS are relevant to the applications:

### **Objective 1**

*To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:*

- *Maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;*
- *Protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and*
- *Maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.*



327. Objective 1 is relevant with regard to existing habitats and water quality which may be affected by the proposed capital and upgrade works, reclamation and dredging activities. The extent of the proposed works and mitigation measures have been reviewed by the IRP and subject to appropriate conditions, it is considered that the adverse effects can be appropriately managed and mitigated. Specific work and technical review have been completed in relation to ecological values and water quality to ensure that the coastal environment and its values and ecosystems are safeguarded.

**Objective 3**

*To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:*

- *Recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;*
- *Promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;*
- *Incorporating mātauranga Māori into sustainable management practices; and*
- *Recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.*

328. In my opinion, Eastland Port has consulted and engaged with mana whenua in a genuine and meaningful manner. Eastland Port has also supported the formation of the Te Tai Uru forum and worked to progress their relationship with mana whenua and understanding of cultural values and sites as agreed through the conditions on the Wharf 6 & 7 consent order.

329. It is unfortunate that despite this engagement, there appears to be limited progress towards the outcomes anticipated by the Te Tai Uru conditions. It is proposed to adopt the Te Tai Uru conditions into any consents granted for the Twin Berth applications however it would be appropriate for both Eastland Port and mana whenua to discuss whether these conditions are able to provide constructive outcomes or whether any other alternative approach should be adopted.

**Objective 6**

*To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:*

- *the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*
- *some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- *functionally some uses and developments can only be located on the coast or in the coastal marine area;*
- *the coastal environment contains renewable energy resources of significant value;*
- *the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;*
- *the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;*
- *the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and*
- *historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.*

330. Objective 6 is framed with similar wording to Section 5 of the RMA albeit with the focus on the coastal environment. Importantly, there is recognition that some development within the coastal environment has a functional need to be located within the CMA. The existing port infrastructure is an obvious example of this. Objective 6 also refers to the need to recognise and protect ecological areas and cultural values which have been addressed in the above sections of this report. In my opinion, appropriate conditions can be imposed to ensure that the adverse effects of the capital works and ongoing dredging and occupation activities are managed and mitigated.

**Policy 2 The Treaty of Waitangi, tangata whenua and Māori heritage**

*In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:*

- (a) *recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations;*
- (b) *involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori;*
- (c) *with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes;*
- (d) *provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga, may have knowledge not otherwise available;*
- (e) *take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and*
  - (i) *where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and*
  - (ii) *consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans;*
- (f) *provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:*
  - (i) *bringing cultural understanding to monitoring of natural resources;*
  - (ii) *providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua;*
  - (iii) *having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaitai or other non commercial Māori customary fishing; and*
- (g) *in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance or special value:*
  - (i) *recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments; and*
  - (ii) *provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.*

331. Policy 2 provides a very strong directive to involve Tangata Whenua with the development of planning policies and the assessment of resource consent applications. Cultural sites and values are given a particular emphasis in terms of coastal environments and the kaitiaki role of mana whenua. Policy 2 also specifically discusses the process of engagement with mana whenua and that this process should recognise tikanga Maori.
332. As discussed above, the material presented by Eastland Port demonstrates that there has been an open and genuine approach to engagement with mana whenua and to the Te Tai Uru conditions. In my opinion the Te Tai Uru conditions are well framed and comprehensive. Eastland Port and submitters will have the opportunity to present further discussion on how the Te Tai Uru conditions can be applied and adopted through the current consenting process or whether any alternate conditions should be followed.

**Policy 3 Precautionary Approach**

*(1) Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse.*

333. In my opinion, Eastland Port has presented a significant body of technical work and assessment to support the Twin Berth application including monitoring data and reporting from other port consents. The Eastland Port material has also been subject to independent review and analysis by the IRP and there are very few areas where there is a difference of opinion between the technical experts.
334. In my opinion, there is little need to apply a precautionary approach in terms of the substantive decision on whether a consent can be granted or not. However, it is appropriate to ensure that there are robust and comprehensive conditions to ensure the effectiveness of consent conditions to recognise and protect sensitive values and habitats which should apply a pre-cautionary approach.

**Policy 9 Ports**

*Recognise that a sustainable national transport system requires an efficient national network of safe ports, servicing national and international shipping, with efficient connections with other transport modes, including by:*

- (a) ensuring that development in the coastal environment does not adversely affect the efficient and safe operation of these ports, or their connections with other transport modes; and*
- (b) considering where, how and when to provide in regional policy statements and in plans for the efficient and safe operation of these ports, the development of their capacity for shipping, and their connections with other transport modes.*

335. Policy 9 specifically recognises the strategic role of ports. Notably this policy refers to development in the coastal environment and potential effects on port linkages and operations, and to how ports should be accommodated within the policy review process. It does not specifically address consent applications for port related infrastructure. The provisions of the Tairāwhiti Plan recognise the strategic role of the Port and in my opinion, the proposed redevelopment and upgrade works are consistent with the Tairāwhiti Plan.

**Policy 17 Historic Heritage identification and protection**

Protect historic heritage in the coastal environment from inappropriate subdivision, use, and development by:

- (a) identification, assessment and recording of historic heritage, including archaeological sites;
- (b) providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki;
- (c) initiating assessment and management of historic heritage in the context of historic landscapes;
- (d) recognising that heritage to be protected may need conservation;
- (e) facilitating and integrating management of historic heritage that spans the line of mean high water springs;
- (f) including policies, rules and other methods relating to (a) to (e) above in regional policy statements, and plans;
- (g) imposing or reviewing conditions on resource consents and designations, including for the continuation of activities;
- (h) requiring, where practicable, conservation conditions; and considering provision for methods that would enhance owners' opportunities for conservation of listed heritage structures, such as relief grants or rates relief.

336. Heritage NZ has lodged a submission to the application which raised key concerns around the protection of the Boat Harbour heritage site. It appears that Heritage NZ is now comfortable with the construction methodology and management plans which have been proposed by Eastland Port and this will be able to be confirmed through the hearings process.

**Policy 23 Discharge of contaminants**

- (1) In managing discharges to water in the coastal environment, have particular regard to:
  - (a) the sensitivity of the receiving environment;
  - (b) the nature of the contaminants to be discharged, the particular concentration of contaminants needed to achieve the required water quality in the receiving environment, and the risks if that concentration of contaminants is exceeded; and
  - (c) the capacity of the receiving environment to assimilate the contaminants; and
  - (d) avoid significant adverse effects on ecosystems and habitats after reasonable mixing;
  - (e) use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and
  - (f) minimise adverse effects on the life-supporting capacity of water within a mixing zone.
- (2) In managing discharge of human sewage, do not allow:
  - (a) discharge of human sewage directly to water in the coastal environment without treatment; and
  - (b) the discharge of treated human sewage to water in the coastal environment, unless:
    - (i) there has been adequate consideration of alternative methods, sites and routes for undertaking the discharge; and
    - (ii) informed by an understanding of tangata whenua values and the effects on them.
- (3) Objectives, policies and rules in plans which provide for the discharge of treated human sewage into waters of the coastal environment must have been subject to early and meaningful consultation with tangata whenua.
- (4) In managing discharges of stormwater take steps to avoid adverse effects of stormwater discharge to water in the coastal environment, on a catchment by catchment basis, by:
  - (a) avoiding where practicable and otherwise remedying cross contamination of sewage and stormwater systems;
  - (b) reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment and by controls on land use activities;
  - (c) promoting integrated management of catchments and stormwater networks; and promoting design options that reduce flows to stormwater reticulation systems at source.
- (5) In managing discharges from ports and other marine facilities:
  - (a) require operators of ports and other marine facilities to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that is more than minor;
  - (b) require that the disturbance or relocation of contaminated seabed material, other than by the movement of vessels, and the dumping or storage of dredged material does not

*result in significant adverse effects on water quality or the seabed, substrate, ecosystems or habitats;*

- (c) require operators of ports, marinas and other relevant marine facilities to provide for the collection of sewage and waste from vessels, and for residues from vessel maintenance to be safely contained and disposed of; and*
- (d) consider the need for facilities for the collection of sewage and other wastes for recreational and commercial boating.*

337. Policy 23 sets out a comprehensive set of guiding principles for discharges into the coastal environment including specific provisions for ports and other marine facilities. The proposed redevelopment and upgrade works will have potential discharge effects in relation to the physical works and ongoing stormwater discharge and from the dredging component of the application. These effects have been assessed by the IRP with the conclusion which the stormwater treatment process and management plans are able to manage and mitigate actual and potential effects.

### **6.3 IWI MANAGEMENT PLANS AND STRATEGIES**

338. I have not been able to identify any iwi management plans which have been mandated by iwi and which are relevant to the assessment of the application. There is also no reference to an iwi management plan in the submission from Rongowhakaata.
339. I note that there is a Joint Action Plan (2019) which has been prepared between GDC and Rongowhakaata which '*.. forms part of our journey towards establishing a bilateral relationship agreement*'.
340. The Joint Action Plan sets out several priorities including partnership and engagement and recognising and supporting Te Ao Māori. The Joint Action Plan is more directed towards the relationship between GDC and Rongowhakaata rather than as a plan that provides a cultural lens and framework for resource consent applications. In my opinion, the outcomes and framework for further engagement with mana whenua as set out in the Te Tai Uru conditions is well aligned with the direction of the Joint Action Plan

## PART 7 PART 2 OF THE RMA

341. Part 2 consists of Sections 5-8 and establishes the purpose and principles of the Resource Management Act 1991. All assessments of consent applications are subject to Part 2 in accordance with Section 104. As discussed earlier, case law<sup>36</sup> has confirmed the legal framework and relationship between S.104 and Part 2. In summary, the legal position following the Court of Appeal's decision is that it is now permissible to have recourse to Part 2 in resource consent applications, however doing so is unlikely to advance matters where it is clear that the plan is "competently prepared" with a "coherent set of policies" such that there is no need to refer to Part 2.
342. While the Tairāwhiti Plan in my view presents a coherent set of policies, I note that the provisions are out of date including any review to give effect to the NZCPS.
343. In my opinion, it is therefore appropriate to provide commentary on Part 2.

### **Section 5 – Purpose**

344. Section 5 defines sustainable management as '*.... means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while - ...*'.
345. The proposed Stage 2 Twin Berth project forms part of a significant capital investment programme by Eastland Port to extend the operational capacity of the port. The port is recognised as significant regional infrastructure and has a direct role in supporting the local economy.
346. Section 5 is framed around three *well-beings* – social, economic and cultural. In my opinion this is noteworthy as it does not present a framework where any one of the *well-being* has precedence over the other and nor is it suggested that the *well-beings* are competing or mutually exclusive. Section 5 promotes the interdependence of the *well-beings* and coherent and collective outcomes across all three *well-beings*.
347. In my opinion, there is an opportunity for the Stage 2 Twin Berth project to achieve and promote the three *well-beings*. Eastland Port has provided comprehensive and appropriate levels of assessment and reporting to support the application, and this information has been independently reviewed by the IRP.

---

<sup>36</sup> R J Davidson Family Trust v Marlborough District Council [2018] NZCA 316

348. The location of the port within the CMA and the sensitive nature of sites in and around the port demands a careful and robust assessment of actual and potential effects. I am satisfied that a robust process has been completed with the review of the application and that the adverse effects of the project can be appropriately managed and mitigated.
349. Eastland Port and mana whenua have previously agreed on a process to foster and grow their relationship and to achieve key outcomes such as a cultural values framework to help inform Eastland Port with their logistical operations, consenting processes and upgrade projects. Unfortunately, it appears that the outcomes anticipated under the Te Tai Uru conditions have not been realised and Rongowhakaata has lodged a deep-seated submission in opposition to the project. I understand that Eastland Port and Rongowhakaata are committed to further engagement and to trying to resolve these issues. The hearings process will provide an opportunity for Eastland Port and mana whenua to provide an update on their respective positions.

### **Section 6 - Matters of National Importance**

350. Section 6 identifies a number of matters of national importance of relevance to the proposal. In my opinion the key matters for the Stage 2 Twin Berth project include;
- preservation of natural character of the coastal environment,
  - protection of significant habitats,
  - relationship of Maori and their cultural and tradition with ancestral lands, water, sites, wahi tapu and other taonga, and
  - protection of historic heritage.
351. The immediate port side areas and location of the port is a heavily modified environment dominated by port infrastructure and activity. This is set in a broader location which includes coastal and natural character values along with an interface to the urban beach side areas of Gisborne, including Waikanae Beach. In my opinion, the Stage 2 Twin Berth project will have some effects on natural character as the extension of Wharf 8, upgraded breakwater and reclamation all extend into the CMA. However, I do not consider that these effects are significant or inappropriate given the context of the port and existing character values.
352. There are ecological values associated with the port basin, CMA and OSDG including habitats of juvenile crayfish and endangered kororā. The significant amount of assessment has been completed on the broader ecological values as well as specific reporting, monitoring and proposed management plans on the significant habitat areas. The ecological values and habitat sites necessitate robust and careful assessment. In my opinion, there is sufficient confidence to conclude that the actual and potential effects have been appropriately identified. Further work and refinement of conditions is required to support any consents and it is also recognised that a Wildlife Act Authority will be required for the kororā habitat.

353. As discussed in this report, the submission from Rongowhakaata opposes the applications on cultural grounds and the hearings process will provide an opportunity for Eastland Port and Rongowhakaata to further discuss how these issues may be resolved.
354. Heritage NZ has reviewed the application in terms of effects on the Boat Harbour heritage site. Following the provision of further information from Eastland Port, Heritage NZ has advised that they are satisfied that the works can proceed subject to appropriate conditions.

### **Section 7 - Other Matters**

355. Section 7 lists other matters which consent authorities shall have particular regard to in making decisions under the RMA.
356. This section refers to *the efficient use and development of natural and physical resources, the quality of the environment and amenity values, and to the intrinsic value of ecosystems.*
357. The Port is a significant physical resource and to ensure that the Port infrastructure continues to meet existing and future export demand, it must be accepted that the Port will need to undertake both maintenance and capital works overtime. The efficiency of the Port and its ability to serve the export industry are important factors for the Gisborne economy and community.
358. In my opinion, it is possible to provide noise conditions and management of port activities which establish and maintain appropriate levels of amenity for the local community.
359. In terms of other issues arising from the use of trucks on the public road network, I consider that there is limited scope for this matter to be addressed within the scope of the current applications.

### **Section 8 - Treaty of Waitangi**

360. There are cultural issues and values which have been identified in the application and which are subject to an opposing submission from Rongowhakaata. This includes reference to Te Tiriti.
361. Rongowhakaata can address this further as part of the hearings process.



## **PART 8**

# **CONCLUSIONS AND RECOMMENDATIONS**

362. Eastland Port is seeking consent for the Stage 2 Twin Berth project which is the final stage of a capital investment and upgrade phase to provide greater operational capacity at the port.
363. Eastland Port has prepared a substantial amount of technical assessment and reporting to identify the environmental, cultural and community values and sites around the port, the scope and nature of actual and potential effects, and the design solutions and mitigation measures to address these effects.
364. The application work completed by Eastland Port has also included engagement with the community both through the Port Liaison Group and the Te Tai Uru forum, and also directly through engagement with stakeholders as part of the current application and submissions process.
365. The Stage 2 Twin Berth application was publicly notified with the majority of submissions supporting the application. The supporting submissions largely refer to the economic and logistical benefits of additional capacity at the port. The opposing submissions raise several discrete issues including cultural values, rail and transport issues, and ecological habitat.
366. Eastland Port engaged with GDC early in the application process which led to the formation of the Independent Review Panel (IRP). Specialist assessment and peer review has been completed across ecological, noise, transportation, stormwater discharge, avian habitats and coastal processes.
367. Taking into account the application material from Eastland Port, the submissions both in support and in opposition to the application, and the reporting and recommendations of the IRP, it is my opinion, the actual and potential effects of the project are capable of being managed and mitigated through appropriate conditions. In my opinion, the following matters help frame the assessment of effects;
- The sensitive nature of the surrounding port environment including cultural, ecological, coastal and community values and sites,
  - Within this wider environment, the port is a heavily modified site with operational and logistical requirements that have actual and potential off-site effects,
  - That the port is recognised as regionally significant infrastructure,
  - The role of the port in supporting the local community and economy including by providing transport contingency, and
  - The depth and scope of technical reporting from Eastland Port and their ongoing commitment to engagement with mana whenua and the wider community.

368. As discussed in this report there are some matters that will need to be further discussed and considered through the hearings process. These include;
- How the maximum potential for dredging is managed through consent conditions while recognising that projected average volumes of dredging are significantly less than the maximum cap,
  - Clarification of whether the remodelled underwater noise levels have any impact on the marine mammal assessment and mitigation recommendations,
  - The appropriate noise levels to be imposed for the management and mitigation of noise effects, including specifically night-time dredging activity, and methods to manage noise for the Inner City Residential Zone given existing deficiencies in the noise provisions of the Tairāwhiti Plan,
  - Clarification on any methods that may be required from Waka Kotahi to assist with the future funding and completion of upgrades works to the SH35/Hairini St intersection,
  - Updates from Eastland Port and Rongowhakaata on how the matters raised in the opposing submission and cultural values can be resolved,
  - The need for Eastland Port to progress and obtain a Wildlife Act Authority for works affecting an existing Little Penguin/kororā habitat,
  - The need to finalise consent conditions to address all the findings and recommendations outlined in the technical reports from Eastland Port and from the IRP.
369. Having reviewed the technical review memos and discussing these with the respective independent experts, I am satisfied that the above matters are capable of being resolved through additional evidence and clarification from Eastland Port and submitters, and through the preparation of final consent conditions.
370. I have referred to the Ministerial Inquiry of woody debris and the review of the forestry section which is occurring at a national and regional level. While I consider this does not directly affect the matters relevant to the determination of the application, it is appropriate to acknowledge this in terms of the wider context of the forestry sector and the significant challenges affecting the Tairāwhiti community.
371. The Tairāwhiti Plan is the primary planning document for use and management of physical and natural resources. The Tairāwhiti Plan provides specific planning provisions for the Port which recognise its strategic role and function as part of the national transport infrastructure. However, this is counterbalanced with clear policy directives and constraints on the nature and types of effects which may be accepted.

372. I am satisfied that granting consent will be consistent with the provisions of the Tairāwhiti Plan. The NZ Coastal Policy Statement is also directly relevant to the application. I am satisfied that there are no outstanding policy issues that would undermine the opportunity for consent to be granted subject to the final mitigation measures and conditions being confirmed.
373. In conclusion, I recommend that the applications for the Stage 2 Twin Berth project be granted in principle. Work is currently progressing between Eastland Port and the IRP on a set of conditions with the objective to present a set of agreed conditions where possible, and to highlight any remaining differences of opinion between the respective experts. This set of draft conditions will be issued to all parties as soon as possible and prior to the hearing.



Todd Whittaker (MNZPI)  
Independent Planning Consultant

25 September 2023

**S.42A Report Authorised for Issue:**



Cristal Bennett  
Team leader – Regional Consents

25 September 2023