

HEARING BEFORE

the Gisborne District Council Independent Commissioners

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of application by Eastland Port Limited to rebuild Wharves 6 & 7 and redevelop the Slipway at the Port of Gisborne

BY

Eastland Port Ltd

Hearing date 30th May – 1st June 2018

STATEMENT OF EVIDENCE OF MARTIN BAYLEY

INTRODUCTION

1. My full name is Martin William Bayley. I am the Ports Infrastructure Manager at Eastland Group Ltd in Gisborne. I have the qualifications of Bachelor of Science with Honours, and Masters of Engineering Management, both from University of Canterbury. I have over a decades experience in forestry and civil engineering operations and management in the Tairāwhiti District. I have been the Eastland Port Project Manager for both the Southern and Upper Log Yard Redevelopment's on port, and the Matawhero Storage Yard and Extension off port. I have been employed at the Eastland Group Ltd for the past eight years.
2. This evidence is presented in support of the resource consent applications by Eastland Port Limited (EPL) to redevelop Wharves 6 and 7, and the Slipway. I assisted Max Dunn of 4Sight Consulting Limited (4Sight) in the compilation of the application 'package' for this redevelopment, and the subsequent request for further information from Gisborne District Council (GDC). I also undertook the pre-hearing meetings with the submitters opposing, or neutral to the application.

SCOPE OF EVIDENCE

3. My evidence covers the following matters:
 - i. Construction management
 - ii. Demolition of existing structures
 - iii. Earthworks, erosion and sediment control
 - iv. Cultural values and heritage sites

4. There are several conditions which while have good intention, restrict the use of limited material resources and add unnecessary expense to the projects which are, or can be managed effectively otherwise.
5. The Port will be developing a suitable Construction Management Plan (CMP) which will encompass the terms of Condition 8 and Condition 9. Some of these are quite restrictive and while they seek to manage risks associated with construction there are some items, in particular regarding potential invasive marine species in the harbour, which could be managed otherwise to allow better outcomes.
6. Condition 9 (i) (Wharves 6 & 7, and Slipway) requests that any hard surface material to be reused is to be transferred from site to dry land, cleaned to remove any marine material before reused. Logistically there is little value in recycling materials removed from site in this project, but there is value that can be recovered from recycling these materials for using on future projects on port. Value being considered both financially and environmentally.
7. It is anticipated any concrete removed from site will be taken to an Eastland Port site off port to stockpile ready for crushing and recycling. This material can then be reused in the proposed reclamation project or, if construction programme allows, reused on the same site. Any invasive marine species would not survive an extended period of stockpiling on dry land out of their marine habitat, and materials are intended to be returning to Port environment anyway. Condition 9 (ii) uses a proxy period of one month of dry storage to mitigate this risk which would be suitable.
8. Condition 9 (ii) (Wharves 6 & 7, and Slipway) requests that any hard surface material removed that is not being reused must be held on a dry land site for a minimum of one month. This makes for significant extra cost to a project where they could go directly to a clean fill with the appropriate consents to receive material with the potential contaminants identified.
9. Condition 9 (iii) (Wharves 6 & 7) requests only new and clean materials are used in the wharf upgrade. It is not clear why this condition is required, or more specifically is classified as “new”. This condition is unnecessarily restrictive, and prevents the recycling of demolition materials which is of far greater environmental benefit.
10. Condition 22 (Slipway) requests all material not reused on site shall be removed and deposited in an appropriately permitted fill disposal location. This leaves no ability stockpile at an appropriate site for reuse or recycling in other projects. These materials can be managed otherwise to first determine if they can be reused, and any inert materials stockpiled for recycling. Again this has both financial and environmental value.
11. The CMP will need to have adequate stormwater, and erosion and sediment controls established and implemented as a part of the project. Some conditions have been drafted to take advantage of Wharveside Log Yard treatment systems that should be established by the time of construction. The operational requests for this are acceptable. Unfortunately while it may seem like an ideal solution to eliminate stormwater discharge issues during construction, it is not practical request.
12. Condition 9 (vii) (Wharves 6 & 7) requests all stormwater that’s comes into contact with soils during the project is treated through the Wharveside Log Yard stormwater system. The log yard stormwater treatment system will be configured to treat log yard particulates, not construction site soils these will need to be managed otherwise. The main challenge with developing and implementing this treatment system has been the unique properties of the log yard discharge. This aside, the amount of exposed soils involved this project is minimal. The only soils that will be encountered will be behind the existing retaining wall which will only be able to be disturbed once the piling has been completed, the quay line construction completed, and the site contained.



13. Condition 15 (Wharves 6 & 7, and Slipway) requests a suitably qualified person with appropriate geotechnical experience approved by the Council shall supervise, monitor, and inspect the demolition works, along with all building works. The purpose of this condition is not known. This condition seems onerous given that the details of the design specifications can easily be reviewed through the CMP and the appropriate building permits the will be required. An extra level of resource to complete this task seems irrelevant and of little value.
14. Two iwi groups, Toitu te Mauri o Te Toka a Taiau, representing Ngati Porou Seafoods, Te Runanganui o Ngati Porou, Ngati Oneone, Te Aitanga a Mahaki Iwi Trust, Te Runanga o Turanganui a Kiwa; and Rongowhakaata Iwi Trust representing Rongowhakaata have submitted on both consents regarding both cultural and technical aspects.
15. Toitu te Mauri o Te Toka a Taiau have highlighted protecting and restoring the mauri of coastal resources, the effects of stormwater discharges, and implementing a cultural impact assessment framework as important to them; whereas Rongowhakaata Iwi Trust has submitted on multiple specific technical matters as well as highlighting cultural concerns similarly asking for a cultural impact assessment.
16. No specific consent conditions have been proposed at this time that encompass cultural matters in the Section 42a planning report. A place holder has been written in “*Any agreed conditions regarding cultural protocols or agreements for Cultural Impact Assessment. Specific pre-work conditions may be imposed for this consent, while it is recognised that a CIA process may be agreed outside the current consent process*” by the GDC. The Port has met and discussed this subject with both submitters.
17. It has been proposed and agreed with Toitu te Mauri o Te Toka a Taiau to adopt a cultural impact assessment and framework to assess port wide cultural assessment with all iwi stakeholders as per the correspondence received from Ngati Porou Fisheries on behalf of the group.
18. Further discussions were held with Rongowhakaata representatives with verbal agreement in principle given to a port wide cultural impact assessment. There has been no written acceptance or otherwise on this, or the other with mitigations and remedies proposed for technical items raised though.
19. This matter has become complex with multiple iwi groups having customary interests and claiming mana whenua, mana moana of the Port areas. While there may be opposing views on these matters, the Port has discussed with both groups that the cultural values they have will be similar, if not the same. This was accepted in principle by both groups. Subsequently it has been proposed that a port wide cultural impact assessment and framework is established in consultation with all iwi groups concerned contributing, as well as the Port.
20. The Port believes it is not practical to have multiple cultural impact assessments across different iwi and hapu, as one can easily end up taking precedence over another and vice versa. The Port understands this will become separate project of significant size that will take some time but believes with some effort from all stakeholders it can become a tool of great value going forward.
21. The Wharfside Log Yard has a condition regarding cultural impact already to administer

27. The Consent Holder shall, in consultation with Ngati Oneone produce a Cultural Assessment Report for the Wharfside Log yard prior to commencement of works onsite. The Cultural Assessment Report will address the following matters:

- a. A description of the cultural values associated with the Wharfside Log Yard site and the relationship of Ngati Oneone with those values.*
- b. Recommendations on how the consent holder can undertake their consented activities in a way that recognises the cultural values that have been identified in*



clause (a) above.

c. A communication strategy to facilitate a mutual understanding of the activities on the Wharfside Log Yard and the relationship of Ngati Oneone with the land and water that is affected by those activities.

22. The Port has undertaken a lot of collaborative work with Ngati Oneone to practically adhere to this in the Wharfside Log Yard, in particular the full archaeological excavation of the discovered early māori occupation site believed to be from the early 1400's, but has not expressly completed these conditions above. This is being undertaken currently to satisfy this consent condition.
23. The Port believes it can better address cultural matters by having a port wide cultural impact assessment & framework established outside of the consenting process as highlighted in the Section 42a planning report.
24. This approach of a port wide assessment was accepted by Mr Pehimana Brown representing Te Aitanga a Mahaki who opposed the recent Navigation Light application LV-2017-107870. While not opposed expressively against the light Mr Brown highlighted the cultural significance of the area, in particular Te Toka a Taiau, and the need to consider this. Mr Brown withdrew his submission upon confidence from the Port that the cultural significance of the area, and specifically would be recognised through a collaborative port wide cultural impact assessment.
25. To this it has been proposed that, following further consultation with Toitu te Mauri o Te Toka a Taiau, a Memorandum Of Understanding is to be drafted to assist in confidence to these groups that this process will in fact take place. This will be based on the discussions to date and circulated to both stakeholder groups for consideration.

RECOMMENDED CONSENT CONDITIONS

26. I, along with the other Eastland Port witnesses, have identified in our respective statements of evidence a few proposed changes to the Council staff recommended consent conditions, along with a couple of deletions. The consent conditions we proposing be changed or deleted are:

Wharves 6 & 7

- Condition 9 – Construction Management Plan
- Condition 15 – Demolition and Building Works
- Condition 35 – Construction Traffic Management
- Condition 42 – Noise Management Plan
- Condition 43 – Noise Emissions
- Condition 44 – Noise Monitoring
- Condition 47 – Stormwater Discharge Monitoring
- Condition 53 – Area of Capital and Maintenance Dredging
- Condition 57 – Maintenance Dredging Area & Sediment Sampling Sites

Slipway

- Condition 9 – Construction Management Plan
- Condition 15 – Demolition and Building Works
- Condition 22 – Earthworks, Erosion and Sediment Control



- Condition 27 - Contaminated Site Management
- Condition 29 - Construction Traffic Management
- Condition 38 - Noise Management Plan
- Condition 39 - Noise Emissions

27. A complete set of Eastland Port 'tracked' changes conditions is to be produced before the hearing and a copy emailed to Council staff for circulation to the Panel and all submitters.

