

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2016-CHC-000086

IN THE MATTER of the Resource Management Act
1991

AND

IN THE MATTER of appeals under clause 14(1) of
the first schedule to the Act of the
Proposed Regional Policy
Statement

BETWEEN **PORT OTAGO LTD**

Appellant

AND **THE OTAGO REGIONAL
COUNCIL**

Respondent

**EVIDENCE OF KEVIN GERARD WINDERS ON BEHALF
OF PORT OTAGO LIMITED**
Date 23 November 2022

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I INTRODUCTION

- 1.1 My full name is Kevin Gerard Winders.
- 1.2 I am Chief Executive of Port Otago Ltd (“Port Otago”).
- 1.3 **Port Otago agrees with the proposed policy 4.3.7 as amended during mediation.**

II SCOPE OF EVIDENCE

- 2.1 The critical aspect of Port Otago’s submission is two-fold:
 - (a) It seeks specific recognition of port facilities and activities as required by the NZCPS Section 9;
 - (b) It seeks the ability to balance environmental effects when there is conflict rather than prohibition, in order to overcome any prohibition following from the *King Salmon* decision.
- 2.2 My evidence is structured in the following way:
 - History of port development
 - Port Otago – National & Regional Overview
 - Surfbreaks & inshore disposal site activities
 - The policy requirements of Port Otago

III HISTORY OF PORT DEVELOPMENT

- 3.1 The ability of port companies (including Port Otago) to develop and adapt both their channels and landside infrastructure is a common and recurring theme for more than 100 years. It is the core business of ports in remaining relevant to the customers they serve, and in responding to the changing nature of international trade.
- 3.2 The advent of containerisation in the early 1970’s was the catalyst for the major development works undertaken by the Otago Harbour Board during the mid-1970’s. These works included dredging & disposal, wharf construction and reclamation.
- 3.3 In the early 1990’s reclamation and wharf construction works were undertaken at Port Chalmers increasing the available land and wharf areas.
- 3.4 Both of these major periods of development works equipped the current management and workforce of Port Otago with the necessary infrastructure to be able to efficiently serve regional exporters, as well as develop for the future.



- 3.5 The Next Generation suite of projects currently underway is the modern example of this. The works are a major infrastructure upgrade which will enable the port to cater for larger container vessels expected to call to New Zealand in the next few years. This project is an essential development for the port to be able to stay relevant in the New Zealand port context, and maintain the ability to serve particularly the major primary produce exporters of southern New Zealand.

IV PORT OTAGO LTD – NATIONAL & REGIONAL OVERVIEW

- 4.1 Port Otago's ports at Port Chalmers and Dunedin are New Zealand's third ranked port by value of export cargo, and essential to the well-being of southern New Zealand's exporters. Being one of the primary New Zealand ports (i.e. top tier) underlines its significance nationally.
- 4.2 The port facilities at both Port Chalmers and Dunedin are owned and operated by Port Otago and it also manages and maintains the shipping channels accessing the port.
- 4.3 The sheltered deep water, good facilities and focus on optimising the supply chain coupled with the proximity to the lower South Island's significant export production make Port Otago a critical link in the international supply chain.
- 4.4 Shipping decisions and the sizes and types of vessels, the scheduling, and the ports they call at are not something Port Otago can control as they are made internationally by the shipping companies. If Port Otago is unable to provide the infrastructure or facilities to service the shipping lines choice of vessels, other ports with those facilities are likely to be preferred for that business.

V SURFBREAKS AND INSHORE DISPOSAL SITE ACTIVITIES

- 5.1 Port Otago recognises the importance of surfbreaks of national significance, and in particular the two adjacent to the entrance of Otago Harbour - Aramoana and Whareakeake.
- 5.2 These two surfbreaks are affected and influenced by the disposal activity at Port Otago's Aramoana and Heywards disposal sites (permitted by consent RM16.179.01), as well as the presence of the shipping channel and natural offshore coastal features.
- 5.3 The surfbreaks are specifically recognised in the renewals of the disposal consents in 2013 and 2017 with specific surf-related work having been agreed as part of the monitoring associated with the consents.



- 5.4 Port Otago proactively invited representation from the surfing community to participate in Working Party meetings which formed a part of the renewal of those consents. These meetings have been held every 12 months since early 2014 with excellent participation from the two surfing community representatives (one a local and one a national representative) who have added significant value and input.
- 5.5 Over the past three years the following work has been undertaken specifically relating to the surf-breaks and link with inshore disposal activity:
- field monitoring of currents and waves in the nearshore coastal environment.
 - development of wave and current models to predict effects of seabed changes.
 - detailed planning and monitoring of disposal activity and regular bathymetric surveys.
 - voluntarily limiting disposal volumes at Aramoana and Heyward point disposal sites in order to be able to avoid any potential adverse effects on the surfbreaks.
 - installation of land-based cameras taking images of the surfbreaks and waves from above and adjacent the two breaks.
 - the development of a web-based surf survey to collect feedback from surfers on surf conditions to assist with understanding the factors which provide for good surf.
 - making Port Otago's scientific advisors available for meetings with members of the surfing community as well as their specialists, and participating in these meeting ourselves.
- 5.6 All of the above work, including the input and knowledge gained from the surfing community representatives input, has increased the knowledge and understanding of the key features. It has also confirmed the underlying complexity and dynamic nature of the nearshore coastal environment.
- 5.7 Two relevant pieces of learning are worth identifying:
- Without disposal at Heyward Point continuing and the shape of the mound being maintained, the quality of surf at Whareakeake could deteriorate (i.e. be adversely affected);
 - With no disposal at Aramoana, in the medium to long term, a lack of sediment supply could give cause to erosion of the

beach and dune which protects the township from the open sea, and also provides habitat for endangered species (yellow eyed penguins).

- 5.8 Port Otago has a history and ability to work collaboratively with stakeholders to manage activities in complex environments such as this. Adopting an adaptive management philosophy with appropriate monitoring, consultation and reporting is allowing the balancing of effects and potentially competing activities to be managed collectively.
- 5.9 Port Otago makes its scientific advisors available to all of its stakeholder groups and community members on request.

VI THE POLICY REQUIREMENTS OF PORT OTAGO

- 6.1 Port Otago needs to be able to meet future challenges and to have any conflicts with the polices under the Objectives 3.1 and 3.2 assessed on their merits.
- 6.2 The proposed policy 4.3.7 recognises the importance of the ports at Port Chalmers and Dunedin and achieves the outcome of having future conflicts assessed on their merits.
- 6.3 Adopting the proposed provision will provide clarity around the importance of the port and its needs and requirements for the future, and give the ability for the port to develop and change in response to future changes that will occur in international trade and the transportation supply chain.
- 6.4 Port Otago's handling of the potential conflict of its operations with surfbreaks of national importance demonstrates it can meet such challenges in an environmentally responsible manner and allow its ports to continue to contribute to the social and economic prosperity of the region in the future.

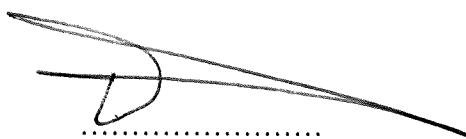
VII RESPONSE TO OTAGO REGIONAL COUNCIL EVIDENCE

- 7.1 I agree with paragraphs 56-86 of Dale Meredith's evidence.
- 7.2 In relation to the evidence of Dr Gregory Ryder:
 - (a) In paragraph 20, Dr Ryder states that monitoring of sensitive seagrass beds within Otago Harbour and at a reference site outside the Harbour is a requirement of consent for Next Generation. It should be noted that the consent requires this to be done on a 3 year basis but Port Otago has offered to undertake quarterly monitoring of the seagrass beds in



agreement with the Technical Group since dredging began to have a good indicator of Harbour health;

- (b) In paragraph 20 Dr Ryder states that kelp monitoring was established after discussion with the Technical Group. The monitoring itself is a requirement of the Next Generation consents although the actual design of the monitoring programme was in conjunction with the Technical Group;
- (c) In paragraph 22 Dr Ryder refers to management action in relation to adverse effects following the breached profile surveys will be agreed to by the Manawhenua Consultative Group and the Technical Group. This is not strictly correct as the management actions are required to be agreed to by the Manawhenua Consultative Group and the Dredging Working Party rather than the Technical Group;
- (d) In relation to paragraph 23, I confirm that large easily moved organisms were moved to an area of similar habitat further down Otago harbour as part of the work to extend the multipurpose wharf. The organisms that were moved were 582 crayfish, 5 kina, 29 nudibranchs, 15 starfish, 15 snake stars and 5 sea cucumbers.



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K G Winders

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RJ