

IN THE MATTER of the Resource Management Act 1991(RMA)

AND

**IN THE MATTER Resource Consent Applications by Northport Ltd –
Port Expansion Project at Marsden Point.**

Application Numbers:

Whangarei District Council: LU2200107

Northland Regional Council: APP.040976.01.01

JOINT WITNESS STATEMENT (JWS) IN RELATION TO:

AVIFAUNA and PLANNING

20 September 2023

Expert Conferencing Held on: 20 September 2023

Venue: Online

Independent Facilitator: Marlene Oliver

Admin Support: Emma Cairncross

1 Attendance:

1.1 The list of participants is included in the schedule at the end of this Statement.

2 Basis of Attendance and Environment Court Practice Note 2023

2.1 All participants agree to the following:

- (a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
- (b) They will comply with the relevant provisions of the Environment Court Practice Note 2023;
- (c) They will make themselves available to appear before the Panel;
- (d) This statement is to be filed with the Panel and posted on the Council's website.

3 Matters considered at Conferencing – Agenda and Outcomes

3.1 Level of impact

Leigh Bull and Claire Webb agree that the level of impact on foraging habitat within the eastern reclamation footprint for variable oystercatchers is low and New Zealand dotterel is low at a harbour scale. Tony Beauchamp and Simon West disagree and contend the appropriate scale for assessment is local for the New Zealand dotterel and variable oyster catchers and the level of impact could be greater.

Leigh Bull and Claire Webb agree that the level of impact on roosting habitat within the eastern reclamation footprint for the same species is moderate at a harbour scale. Tony Beauchamp and Simon West disagree and contend the appropriate scale for assessment is local for the New Zealand dotterel and variable oyster catchers and the level of impact could be greater.

All avifauna experts agree that the level of impact of operational lighting and pollution is low to very low depending on the species.

All avifauna experts agree that the construction phase risks of mortality and injury are very low to species. This was assessed on the two species identified as nesting, being variable oystercatcher and kororā.

All avifauna experts agree that the operational risks of mortality and injury are low to very low for the species currently recorded nesting on the wider port site.

3.2 High tide roost

All avifauna experts agree that provision of a high tide roost is an appropriate impact management measure in principle.

Leigh Bull and Simon West support the proposed bird roost in general terms. Tony Beauchamp does not support it.

Claire Webb, Leigh Bull and Simon West agree that if the proposed bird roost is to be created, then additional conditions are required to ensure, that it is maintained (for example, weeding), and that it should remain and not be limited to the 35 years duration of consent. Simon West considers that the bird roost needs to be constructed of more permanent materials. Tony Beauchamp does not agree.

3.3 Other items including conditions

There was insufficient time in this expert conferencing session to complete the record of the wide-ranging discussion. There was also insufficient time to review the relevant proposed conditions.

4 PARTICIPANTS TO JOINT WITNESS STATEMENT

4.1 The participants to this Joint Witness Statement, as listed below, confirm that:

- (a) They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
- (b) They have read the Environment Court’s Practice Note 2023 and agree to comply with it; and
- (c) The matters addressed in this statement are within their area of expertise; and
- (d) As this session was held online, in the interests of efficiency, it was agreed that each expert would verbally confirm their position in relation to this para 4.1 to the

Independent Facilitator and the other experts and this is recorded in the schedule below.

Confirmed online: 20 September 2023

EXPERT'S NAME & EXPERTISE	PARTY	EXPERT'S CONFIRMATION REFER PARA 4.1
Blair Masefield – Reporting Officer (Planner)	Northland Regional Council	Yes
Claire Webb – Avifauna Specialist	Northland Regional Council	Yes
Brett Hood – Planner	Northport	Yes
Phil Mitchell – Planner	Northport	Yes
Leigh Bull – Avifauna Specialist	Northport	Yes
Linda Kirk – Planner	Department of Conservation	Yes
Tony Beauchamp – Avifauna Specialist	Department of Conservation	Yes
Tracey Lamason – Planner	Marsden Cove Limited and Marsden Cove Canals Management Limited	Yes
Simon West – Avifauna Specialist	Marsden Cove Limited and Marsden Cove Canals Management Limited	Yes