

**BEFORE THE WHANGĀREI DISTRICT COUNCIL AND NORTHLAND REGIONAL
COUNCIL**

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of a resource consent application by
Northport Limited under Section 88 of the
Resource Management Act 1991 for a port
expansion at Marsden Point.

**STATEMENT OF EVIDENCE OF CHRISTINE JO-ANNE NIBLOCK
ON BEHALF OF
WHANGĀREI DISTRICT COUNCIL INFRASTRUCTURE GROUP**

Dated 12 October 2023

1. My name is Christine Niblock, I am here as a submitter on behalf of the Whangarei District Council – Infrastructure Departments (WDC-ID). My qualifications and experience are set out in my original submission.

My areas of interest throughout this hearing has primarily been focused on stormwater, transportation connections, recreation, landscape values and general planning matters.

2. Stormwater and Transport

I appreciate that stormwater and transport are not within my area of expertise, but from an infrastructure operational perspective, any concerns WDC-ID held, have been generally satisfied by the outcomes of expert conferencing sessions.

3. Planning Matters – NOSZ/Activity Status

While much of the contention has focused on the ‘definition’ of activities in determining the overall activity status for the consent, I believe the contention lies, rather, with the need to consider all of the relevant zone(s) as they are currently set out in the Whangarei District Plan.

4. It is agreed that a portion of the proposed expansion of the *existing* port facility will be located outside of the spatially defined ‘Port Zone’ into what is zoned as Natural Open Space. However, Mr. Hood states in his final evidence in paragraph 21 that the WDP is not constructed to allow for more than one activity status, relying on the HPW-R7, which relates to the application of activity definitions specifically.

5. I disagree with Mr Hood’s approach for the following reasons and consider that both the Port Zone and Natural Open Space Zone chapters must apply to the relevant parts of the proposal.

6. The Port Zone is a ‘Zone’, and HPW-R1 sets out the rules for the management of applications on sites over multiple zones, or on parts of sites. The rules quite clearly stipulate that where a proposal will take place across two or more zones;

HPW-R1 (1)(a:) the proposal must comply with the overlay, zone and precinct rules applying to the particular part of the site in which the relevant part of the proposal is located.

and

HPW-R1 (2): When considering a proposal all relevant district-wide, overlay, zone and precinct provisions shall apply. When conflict exists between district-wide, overlay, zone and precinct provisions, the most restrictive provision shall apply, except as provided for in HPW-R1.3

7. Furthermore, it is my opinion that WDP does allow for applications with more than one activity (refer HPW R2) and specifically describes the situations when these activities may be considered together, such as if there is overlap, or more so importantly, how they are to be considered separately.

HPW-R2 (2) Different activities within a proposal are subject to different parts of the Plan, each activity will be assessed in terms of the objectives, policies and rules which are relevant to that activity.

HPW-R3 (3) Where different activities within a proposal have effects which do not overlap, the activities will be considered separately.

8. Consequently, this approach requires an assessment of the activities proposed within the NOSZ, and subsequently, requires consideration of the definition of activities proposed to take place in this zone.
9. Port Activities are specifically defined within the WDP to apply within the spatially defined Port Zone. As such, an alternative activity definition is required when considering the NOSZ.

The activities proposed to be carried out within the NOSZ may fall under the broad, nested definition of *either* 'Industrial Activities' or 'Commercial Activities' meeting more specific definitions within each nesting table. The proposal encompasses more than one *specific* activity, being more than just 'storage', as Mr Hood understands was the basis for this approach.

10. And while I agree with Mr Hood that Port Activities may not align completely with any one specific activity definition, on the absence of being able to rely on the Port Activities definition, the following, in my opinion, are the most closely aligned definitions within the WDP that would apply within the NOSZ.

Industrial Activity: means an activity that manufactures, fabricates, processes, packages, distributes, repairs, stores, or disposes of materials (including raw, processed, or partly processed materials) or good[s]. It includes any ancillary activity to the industrial activity.

General Industry: means any industrial activity which is not manufacturing and storage, repair and maintenance services, artisan industrial activities, marine industry, waste management facilities, or a landfill.

General Commercial: means any commercial activity which is not a commercial service, entertainment facility, food and beverage activity, funeral home, retail activity, service station or visitor accommodation.

Commercial Activities: means any activity trading in goods, equipment or services. It includes any ancillary activity to the commercial activity (for example administrative or head offices).

11. HPW-R7 states that where an activity could be captured by more than one definition grouping classification, the most specifically defined activity and most specific rule shall over-ride the more general definition and rule. On this basis, it may be considered that the Industrial Activity definition is more applicable to this activity.
12. Notwithstanding, use of *either* of the above-mentioned definitions would result in a Non-Complying activity when assessed against rules NOS-R23 or NOS-R35 of the NOSZ chapter.
13. I appreciate this may result in the need for a more comprehensive assessment of objectives and policies and a stronger reliance of enabling objectives and policies in pursuing s104D; however, I consider the approach of the planning assessment to be of key importance in seeking that the values recognised throughout NOSZ chapter are assessed appropriately and that adverse effects on the values and qualities of the NOSZ are appropriately avoided, remedied or mitigated in accordance with NOSZ-O1 and NOSZ-P5.
14. Effect of Landscape and Recreational Values

It is generally acknowledged throughout the relevant experts' evidence, and as summarised in the Landscape and Planning JWS (21 September 2023) that the landscape, character and amenity values, when considered as a whole, will have a varying level of adverse effect, with significant adverse effect at the local scale, on Marsden Point Beach.

15. In addition, evidence provided on behalf of Patuharakeke Te Iwi Trust Board, resolves that the level of effect on cultural values will be significant; while I am not an expert in cultural values, I understand that cultural values are a key contributor to landscape value and as such, consider that significant cultural values enhance the overall landscape values associated with a place.
16. I consider that the variation in the level of effects correlates with the scale at which they have been assessed; either at the regional scale or the immediately surrounding local scale. The level of effects, as assessed across these scales, range from less than minor effects at a regional scale, to significant adverse effects, particularly on mid-harbour and Marsden Point Beach locations.
17. It is clear that the most significant effects will be at the immediately surrounding local level. On this basis, when seeking a broad and overall balanced judgement, it is applicable to consider that an appropriate level of mitigation should be applied at the local scale in seeking that those significant adverse effects are able to be avoided, remedied or mitigated in alignment with the Purpose of the Resource Management Act in promoting the sustainable management of natural and physical resources.
18. Whangarei District Council Infrastructure Departments are supportive of the augier condition offered by Northport in proposed condition 71 of Mr Hoods rebuttal evidence and suggest a minor edit to require that the active modes connection is done in consultation with Whangarei District Council to ensure there is integration with the wider network design provisions. The following is offered for consideration;

71. In the event that a future cycling route between Ruakaka and Marsden Cove gains funding for detailed design and/or implementation and with prior agreement with the Whangarei District Council Infrastructure Planning and/or Parks Department, the consent holder must investigate and implement an active modes connection from Northport to the new route, except that the Northport connection is not required to extend beyond Mair Road.

19. WDC-IP is supportive of Northports interactions with the Department of Conservation in the investigation of potential improvements to the carparking and access of the existing facilities at the end of Mair Road, as outlined in paragraph 32. of Mr Hoods rebuttal evidence. I accept that for this to be captured in the consent, this would be required to be provided as an *augier* condition, similar to that of proposed condition 71.

20. Pocket Park

While WDC-ID acknowledges and appreciates the incorporation of conditions 19-21 relevant to the development of a Pocket Park Maintenance plan in consultation with the WDC Infrastructure Planning and/or Parks Departments; WDC-ID maintains its position that this particular coastal area, notwithstanding that it would no longer be in Council ownership, is not suitable for a public toilet facility due to the high maintenance costs of servicing such

facilities when considering low usability together with its proximity to the CMA. WDCID would support investigations into the provision of a public toilet facility in an alternative location that is more suitably located within a coastal context.

21. I conclude by suggesting that there is also opportunity to further incorporate cultural values into the proposed on-site and off-site recreational and landscape amenity outcomes resulting from this proposal. There is potential for more localised iwi/hapu input into the design and functioning of these off-site recreational and amenity proposals that could be further refined during project development.

1.1.



Christine Jo-Anne Niblock

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Team Leader Infrastructure Planning

Whangārei District Council

Dated this 12 day of October 2023.