

RECOMMENDED WDC CONDITIONS: NORTHPORT LIMITED (WDC UPDATED 17.11.2023)

DECISION #1 – PRE-RECLAMATION PORT EXPANSION, SH15, MARSDEN POINT

To undertake the following activities at or near Ralph Trimmer Drive, Marsden Point:

[To insert summary of activities/buildings/consents etc]

Note: All location coordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection (unless expressly stated otherwise).

Subject to the following conditions:

DEFINITIONS:

- “Building”** means a temporary or permanent moveable or immovable physical construction that:
- (a) is partially or fully roofed, and
 - (b) is fixed or located on or in land, but
 - (c) excludes any motorised vehicle or other mode of transport that could be moved under its own power.
- “Council”** means Whangārei District Council or its successor;
- “Current Port Noise Contour Map”** means the map showing predicted incident port noise levels required to be prepared and updated pursuant to Condition 4(e).
- “Expansion Project”** means the Northport expansion to the east of the existing consented and/or constructed port for the purposes of constructing, operating, and maintaining a container terminal as authorised by these consents (and associated regional consents), and all associated activities and works;
- “Major Structure”** means any:
- (a) vehicle used as residential activity, excluding temporary activities.
 - (b) network system exceeding 1.5m in height above ground level or 3m² ground coverage.
 - (c) fence or wall, or combination of either, greater than 2m in height above ground level. Where there is less than a 1m separation distance between any separate fence or wall, or combination of either then their height must be measured from the lowest ground level of either to the highest point of either.

Commented [SS1]: As noted in the s42A Addendum, the conditions have now been split into Decision #1 (pre-reclamation) and Decision #2 (post-reclamation). Further refinement over the condition split to avoid unnecessary duplication will likely be required.

Cross-referencing, including conditions highlighted yellow, will also require further amendment/review.

- (d) tank or pool exceeding 35,000 litres.
- (e) structure greater than 2.2m in height above ground level or greater than 9m² ground coverage, including outdoor stockpiles or areas of storage, but excluding amateur radio configurations.

“Pocket Park” means the public park (recreational open space) area near the south-eastern corner of the Expansion Project site, as shown in Boffa Miskell “Proposed Concept Plan”, BM220519-201 (Revision B, 25.7.22); and

“Port Activities” means the use of land and/or Buildings for port related activities, including but not limited to:

- (a) port and ancillary port activities;
- (b) cargo handling, including the loading, unloading, storage, processing and transit of cargo;
- (c) debarking;
- (d) fumigation;
- (e) transport, storage and goods handling activities;
- (f) maritime passenger handling/services;
- (g) construction, maintenance and repair of port operations and facilities;
- (h) port administration;
- (i) refuelling/fuel handling facilities;
- (j) activities associated with surface navigation, berthing;
- (k) maintenance or repair of a reclamation or drainage system;
- (l) marine and port accessory structures and services;
- (m) repair and maintenance services and facilities ancillary to port activities;

“Practical Completion” in relation to the reclamation, means the date that the completed reclamation (or any part thereof) is available for Port Activities;

“RMA” means the Resource Management Act 1991;

“Suitably Qualified and Experienced” means a person or persons with a recognised qualification and/or relevant experience relevant to the topic being assessed.

GENERAL:

1. The consent holder must undertake all authorised activities in general accordance with the descriptions and plans referenced in **Tables 1-A** and **1-B** below. In the event of any inconsistency between this information and these conditions, the conditions prevail.

Commented [SS2]: Table details to follow.

Table 1-A: Approved Reports

Report title and reference	Author	Rev	Dated

Table 1-B: Approved Plans/Drawings

Drawing title and reference	Author	Rev	Dated

2. A copy of these consents and the most up-to-date certified versions of all management plans required by these consent conditions must be kept on site at all times and made available to persons undertaking activities authorised by these consents.
3. Within ten (10) working days of the section 245(5) certificate being issued for the reclamation the consent holder must provide a copy of the certificate to the Council.
4. All monitoring/sampling required under these consents must be undertaken by or under the supervision of a Suitably Qualified and Experienced person(s).
5. At least thirty (30) working days in advance of the date of the commencement of works authorised by these consents, the consent holder must contact the Council to arrange for a site meeting with the consent holder's contractor(s) and the Council prior to commencement of construction works. The details to be provided at the meeting, and then in writing no more than five (5) working days after the meeting, must include:
 - (a) The intended date of the commencement of works and a programme for the works;
 - (b) A draft programme for the CEMP and any other design plan, engineering plan, report or management plan required to be submitted for certification under these conditions (if not already provided);
 - (c) The intended date for providing the final design drawings to demonstrate how the works are in general accordance with the conditions of these consents, including **Appendix 1**;
 - (d) The nominated Consent Holder contact and contractor representative (or equivalent) for the works;
 - (e) Any intended staging of the works; and

- (f) A list of the proposed Suitably Qualified and Experienced Persons and Chartered Engineers proposed to be used in preparation of any design plans, engineering plan(s), report or management plan requiring Council certification.

Complaints

- 6. The consent holder must maintain a Complaints Register for the purpose of recording and dealing with any complaints that are received by the consent holder in relation to the exercise of these resource consents. The Complaints Register must record, where this information is available:
 - (a) Name of complainant, if provided to the consent holder;
 - (b) The date and time of the complaint;
 - (c) A description of the complaint;
 - (d) The location of the issue raised;
 - (e) Weather conditions at the time of complaint, including a description of wind speed and wind direction when the complaint occurred (if relevant).
 - (f) Any possible cause of the issue raised;
 - (g) Any investigations that the consent holder undertook in response to the complaint; and
 - (h) Any corrective action taken to address the cause of the complaint, including the timing of that corrective action; and
 - (i) Any feedback provided to the complainant.
- 7. The consent holder shall provide a copy of the complaints register to the Council within five working days of receiving a request to do so from the Council.

Certification

- 8. Where any condition requires the consent holder to submit design plans, engineering plans, a report or management plan to the Council for “**certification**” it must mean the process set out in the following paragraphs (a) to (d) and the terms “certify” and “certified” must have the equivalent meanings:
 - (a) The consent holder supplies design plans, engineering plans, reports, or a management plan to the Council, and the Council assesses the documentation submitted. The certification process for design plans, engineering plans, management plans and reports required by conditions of this consent must be confined to confirming that the plans or reports give effect to their purposes, consent condition requirements, and schedule requirements, and contain the required information;
 - (b) Should the Council determine that the documentation supplied in accordance with (a) above achieves the requirements of the relevant condition(s), the Council must issue a written confirmation of certification to the consent holder;
 - (c) If the Council’s response is that it is not able to certify a design plan, engineering plan, management plan or report, it must provide the consent holder with reasons and recommendations for changes to the plan or report in writing. The consent holders must consider any reasons and

recommendations of the Council and resubmit an amended design plan, engineering plan, management plan or report for certification;

(d) A design plan, engineering plan, management plan or report cannot be subject to a third-party approval. The Council in deciding whether to certify the design plan, engineering plan, management plan or report, however, may also obtain advice from other qualified person(s).

9. This process in Condition 8 must be repeated until the Council is able to provide written confirmation that the requirements of the applicable condition(s) have been satisfied.

10. The consent holder must comply with the certified management plan or report at all times.

Review under s128 of the RMA

11. The Council may serve notice on the consent holder of its intention to review the conditions of these consents pursuant to Section 128 of the RMA either:

(a) Annually during the month of March, for any one or more of the following purposes:

(i) To require the adoption of the Best Practicable Option to remove or reduce any adverse effect on the environment; or

(ii) To deal with any change(s) to the materials handled through the Port Terminal; or

(iii) To respond to any new technology, standards or monitoring parameters relevant to the environmental monitoring undertaken in accordance with these consents.

(b) At any time, for any one or more of the following purposes:

(i) To deal with any adverse effects on the environment which may arise from the exercise of the consents and which it is appropriate to deal with at a later stage, including effects identified in the consent holders monitoring results or reports from activities authorised by these consents and/or as a result of Council's state of the environment monitoring in the area;

(ii) Where there are inaccuracies in the information made available with the application that materially influenced the decision on the application and/or where the effects of the exercise of consent are such that it is necessary to apply more appropriate conditions.

12. The consent holder shall meet all reasonable costs of any such review.

Stakeholder and Communications Management Plan

13. The consent holder shall prepare and implement a SCMP not later than 12 months prior to commencement of construction works. The purpose of the SCMP is to set out a framework for how the consent holder will communicate with the community, stakeholders and affected parties for the duration of construction, and the operation of the Expansion Project.

14. The SCMP shall set out, prior to construction, how the consent holder will:
- (a) Identify the stakeholders for communication;
 - (b) Inform the community of project process and likely commencement of construction works and programme;
 - (c) Engage with the community and stakeholders to foster good relationships and provide opportunities for learning about the project;
 - (d) Utilise the project website to provide updates to the community;
 - (e) Communicate with tangata whenua regarding construction of the project;
 - (f) Respond to queries and complaints; and
 - (g) Provide updates on progress with management plans.
15. The SCMP shall set out the framework for how, during construction and operation, the consent holder will:
- (a) Engage with stakeholders such as Channel Infrastructure, Seafuels, affected landowners, tangata whenua, community groups, local businesses and representative groups, residents' organisations, other interested groups or individuals, network utility operators, Northland Regional Council and associated local authorities, Waka Kotahi, and the Council;
 - (b) Inform the Whangarei district community of construction progress, including proposed hours of work;
 - (c) Inform the Whangarei district community of ongoing dredging;
 - (d) Engage with the communities to foster good relationships and to provide opportunities for learning about the project;
 - (e) Provide information of key project milestones; and
 - (f) Make each management plan publicly available once a management plan is finalised, and for the duration of project works.
16. The consent holder shall prepare the SCMP in consultation with the following parties and submit the final SCMP for certification with the CEMP:
- (a) The Council;
 - (b) Whangarei District Council; and
 - (c) Iwi/hapū.

Website

17. The consent holder must, for the duration of these resource consents, maintain a website that is accessible to, and readily usable by, the public. The website must be updated at least annually.
18. From the grant of these consents, the website must include the following information:
- (a) Copies of relevant resource consents;

- (b) A statement summarising steps toward progressing commencement of these consents, and the consent holder's expected timeframe for commencement. This statement must be updated annually and clearly specify the date of the update, and a record of every previous year's statements must be retained on the website.
19. From exercise of these consents to Practical Completion, the website must include the following information:
- (a) Copies of these resource consents;
 - (b) Live access to results of real-time data collected from the telemetered noise monitoring required under these conditions;
 - (c) All certified management plans required by these conditions and any certified variations;
 - (d) All written reports, peer reviews, written evidence, reviews, and outcomes and recommendations prepared under these consent conditions;
 - (e) Shipping and evening/night-time activity schedules that are updated at least weekly, including provision for a subscription service for shipping scheduling update notifications;
 - (f) A mechanism for members of the public to raise matters with, make an enquiry of, or lodge a complaint with the consent holder (with any complaints received to be maintained in the Complaints Register in accordance with condition 6 of Decision #1); and
 - (g) Updated project timing and duration information for the Project and activities conducted in accordance with these resource consents, including but not limited to; reclamation, capital dredging, preclusion or reinstatement of public access to Marsden Bay Beach and Ralph Trimmer Drive, commencement of Port Activities on the reclamation, implementation of off-site recreation mitigation, and changes/upgrades to cranes utilised on the container terminal (including the introduction of Ship to Shore Gantry cranes).

LAPSING OF CONSENTS

20. Each of these resource consents [insert consent refs] lapses ten (10) years after commencement.

CONSENT SURRENDERS

21. Within three (3) months of the date of Practical Completion of the Expansion Project reclamation, the consent holder must give written notice to the Council of its intention to surrender of the following resource consents:
- (a) RC36355.1 (Berth 1 and 2); and
 - (b) Decision #11 – Whangārei District Council: Land Use Consent No. 1 (Berth 3 and 4) (no known consent reference number).

Advice Note: *The surrender of the above resource consents will consolidate, including for monitoring and enforcement purposes, resource consents and conditions applying to the expanded Northport.*

DESIGN AND CONSTRUCTION OF RECREATIONAL FEATURES AND TRANSPORT INFRASTRUCTURE

Engineering Plan Approval

22. Prior to the commencement of construction authorised by these consents the consent holder shall provide a detailed set of engineering plans to the Council for approval. The plans shall be prepared in accordance with Council's Engineering Standards (2020 Edition or most relevant version at the time) and are to include:
- (a) Earthworks plans showing the finished interface between proposed Berth 5 and the adjoining esplanade reserve. Plans should demonstrate how public access (which offers a maximum 1:12 gradient for people with all levels of mobility) has been facilitated to the residual beach area to the east;
 - (b) Design details of the construction of the Pocket Park private accessway, including the connection to Ralph Trimmer Drive, in accordance with Table 3-2 Low volume access, with the exception of on street parking and the requirement for a footpath on one side only, and Sheet 2 of Council's Engineering Standards (2020 Edition or most relevant version at the time) including a typical cross section, long section, culverts, drainage flow paths and overland flow. The footpath must connect to the existing Ralph Trimmer Drive footpath with a 'primary' level treatment facility and provision must be made for a landscaping strip of at least 2 metres wide for the entire length of the access;
 - (c) Pocket Park and associated recreational features, including at least 26 car parks, street lighting, and a new public toilet as generally depicted on the Boffa Miskell "Proposed Concept Plan" BM220519-201 (Revision B, 25.7.22) at **Appendix 2**; and
 - (d) Design details of reticulated networks connections for sewer and water for the Pocket Park facilities (public toilet and water fountain) in accordance with Council's Environmental Engineering Standards (2020 Edition or most relevant version at the time).
23. Plans for the Pocket Park and associated recreational features, as referenced in condition 22 (Decision #1) above, must be provided with a written statement of the degree in which feedback from the [Kaitiaki Group] has been considered and incorporated into design. Where feedback has not been incorporated, the consent holder shall provide comment as to reasons why the feedback has not been incorporated.
- Advice note:** Conditions X – X of these consents set out the functions and role of the [Kaitiaki Group].
24. All work on the approved engineering plans in Condition 22 (Decision #1) is to be carried out to the satisfaction of the Council. Compliance with this condition shall be determined by;
- (a) Site inspections undertaken as agreed in Council's engineering plan approval letter/ Inspection and Test Plan;
 - (b) Results of all testing, video inspection records of all wastewater and stormwater reticulation, PE pipeline pressure testing and weld data logging results;
 - (c) PS4 and approval of supporting documentation provided by the developer's representative/s including evidence of inspections by those persons, and all other test certificates and statements

Commented [SS3]: Anticipating further amendments may be required to these conditions following receipt of cultural conditions

required to confirm compliance of the works as required by Council's QA/QC Manual and the Council's Engineering Standards (2020 Edition or most relevant version at the time); and

(d) PS3 "Certificate of Completion of Development Works" from the Contractor.

25. No construction works authorised by each of the engineering plans in Condition 22 (Decision #1) are to commence until the relevant engineering plan has been approved.
26. The consent holder must submit certified RAMM data for all new/upgraded roading infrastructure prepared by a suitably qualified person in accordance with Council's Engineering Standards (2020 Edition or most relevant version at the time) to the satisfaction of the Council.
27. The consent holder shall ensure that spoil from the site must not be tracked out onto Council or State Highway Road formations to the satisfaction of the Council.
28. All damage to street footpaths, stormwater kerb and channels, road carriageway formation, street berm and services by the demolition and construction works associated with the consent holders activities shall be reinstated in accordance with Council's Engineering Standards (2020 Edition or most relevant version at the time). Any reinstatement works shall be undertaken at the expense of the consent holder and be completed to the approval of the Council.

Advice note: It is the consent holders responsibility to obtain any necessary non-RMA approvals to undertaken repair works within the road reserve.

29. The consent holder shall ensure the provision and maintenance of all assets listed in Condition 22 (Decision #1)28 above in good working order for the duration of these consents. Parking and manoeuvring areas are required to maintain an urban finish (all weathered surface).

Pocket Park – Maintenance

30. At least three (3) months prior to the commencement of construction authorised by these consents the consent holder shall prepare and submit a Pocket Park Maintenance Management Plan for certification by the Council. The purpose of this plan is to detail ongoing maintenance requirements and responsibilities for the Pocket Park, to ensure recreational value is maintained for the public for the duration of these consents.
31. The Pocket Park Maintenance Management Plan shall be prepared with input from the Council Infrastructure Planning and/or Parks Department (or equivalent at the time) and the [insert name of group formed under cultural conditions], where appropriate.
32. The consent holder shall maintain the Pocket Park in accordance with the Maintenance Management Plan certified by Condition 30above for the duration of these consents.

Landscaping

33. At least three (3) months prior to the commencement of construction authorised by these consents the consent holder must prepare a Landscape Planting Plan for the Expansion Project, including the Pocket Park, for certification by the Council.

The Plan must be prepared by a Suitably Qualified landscape architect and be for the purpose of detailing amenity planting associated with the construction of Berth 5, public coastal structures (water taxi and swimming steps) and the Pocket Park (including the access to Ralph Trimmer Drive). The Plan must be designed to reflect the coastal landscape and natural character values of the Whangārei Harbour entrance and Bream Bay area and must contain, at a minimum:

- (a) Details of security fencing, lighting, and landscaping measures to avoid a utilitarian feel, particularly along the Pocket Park access to Ralph Trimmer Drive;
- (b) Measures to address Crime Prevention Through Environmental Design risks and encourage opportunities for passive surveillance;
- (c) Replacement planting of multi-stemmed pohutukawa trees (*Metrosideros excelsa*) along the eastern edge of the revetment, between the Pocket Park and water taxi jetty, at a minimum density of one tree per 10m; and
- (d) Details of how specimen trees have been incorporated into the design, where appropriate, as replacements for the Public Trees removed from the coastal margins of the esplanade reserve.

Advice note: *Public Trees are defined "as any tree or trees located on a road reserve, park or reserve administered by Whangārei District Council greater than 6m in height or with a girth (measured 1.4m above the ground) greater than 600mm.*

34. The Landscape Planting Plan shall include at a minimum:

- (a) A schedule of the species to be planted, including the name, numbers, location, spacing and size of plant species at time of planting, planting density, details on the timing of plantings, and details of any existing vegetation to be retained;
- (b) Proposed site preparation and plant establishment measures; and
- (c) Ongoing maintenance and monitoring requirements, including any recommended ongoing pest and weed controls.

Advice Note: *Any planting will be designed and maintained to meet the security requirements of Maritime Security Act 2004.*

35. Prior to Practical Completion, all planting required by the certified Landscape Planting Plan in Condition 33 (Decision #1) above shall be implemented in accordance with the details of that Plan. All planting shall be undertaken to the satisfaction of the Council.

36. Wherever practicable, all specimens shall be eco-sourced from within the Waipu Ecological District, as identified by the Department of Conservation's Protected Natural Areas Programme.

37. The consent holder must maintain the landscape planting in accordance with the approved Landscape Planting Plan in Condition 33 (Decision #1) above in perpetuity. If any plants fail or are removed, they shall be replaced as soon as practicable and prior to the end of the following planting season (April – October) with an equivalent specimen.

CONSTRUCTION

Accidental discovery protocol

38. In the event of discovery of archaeological material during construction (e.g. intact shell midden, hangi, or storage pits relating to Māori occupation; or cobbled floors, brick or stone foundations, or rubbish pits relating to 19th century European occupation), work in the immediate vicinity must cease. Heritage NZ Pouhere Taonga, tangata whenua representatives and the Council must be notified as soon as reasonably practicable.
39. Work must not recommence in the immediate vicinity of the discovery until either: it has been determined that no Heritage New Zealand Pouhere Taonga approval(s) are required; or that any necessary Heritage New Zealand Pouhere Taonga approval(s) have been obtained.
40. In the event of koiwi tangata (human remains) being uncovered, work in the immediate vicinity of the remains must cease. Mana Whenua, Heritage NZ Pouhere Taonga, NZ Police and the Council must be contacted so that appropriate arrangements can be made.

Advice Note: The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga.

Construction noise

41. Expansion Project construction noise from activities on land must not exceed the noise limits in Table One:

Table One: construction noise limits

RESIDENTIAL ZONES AND DWELLINGS IN RURAL AREAS:

Upper limits for construction noise received in residential zones and dwellings in rural areas

Time of week	Time period	Noise limits (dB)	
		L _{Aeq}	L _{AFmax}
Weekdays	0630-0730	55	75
	0730-1800	70	85
	1800-2000	65	80
	2000-0630	45	75
Saturdays	0630-0730	45	75
	0730-1800	70	85
	1800-2000	45	75
	2000-0630	45	75
Sundays and public holidays	0630-0730	45	75
	0730-1800	55	85
	1800-2000	45	75

2000-0630	45	75
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INDUSTRIAL OR COMMERCIAL AREAS:

Upper limits for construction noise received in industrial or commercial areas on all days

Time period	Noise limits (dB LAeq)
0730-1800	70
1800-0730	75

Advice Note: The limits in **Table One** are reproduced from New Zealand Standard NZS 6803: 1999 "Acoustics -Construction Noise"

42. Construction noise must be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise".

Advice Note: Northland Regional Council resource consents for the Expansion Project include noise limits for construction noise from activities within the coastal marine area.

Construction Traffic Management Plan

43. At least three (3) months prior to the commencement of Expansion Project construction works, the consent holder must submit a Construction Traffic Management Plan (CTMP) to the Council for certification. The objective of the CTMP is detail the procedures, requirements and standards necessary for managing traffic effects during construction of the Expansion Project so that safe facilities for local movements by all relevant transport modes are maintained throughout the construction period. The CTMP must include:
- (a) The estimated numbers, frequencies, routes and timing of construction traffic movements;
 - (b) Any restriction on construction traffic routes, including Marsden Point Road;
 - (c) Methods required to manage vehicular traffic and/or to manage traffic congestion;
 - (d) Methods to manage the effects of temporary traffic management activities on general traffic;
 - (e) Measures to manage the safety of all transport users;
 - (f) Site access routes and access points for heavy vehicles,
 - (g) The size and location of parking areas for plant, construction vehicles and the vehicles of workers and visitors;
 - (h) Identification of detour routes and other methods for the safe management and maintenance of all users on existing roads;
 - (i) Methods to maintain vehicle access to property where practicable, or to provide alternative access arrangements when it will not be;

- (j) Methods to maintain public access to Marsden Bay beach during construction, and signage to inform the public about beach access;
- (k) The management approach to loads on heavy vehicles, including covering loads of fine material, the use of wheel-wash facilities at site exit points and the timely removal of any material deposited or spilled on public roads;
- (l) Methods that will be undertaken to communicate traffic management measures to affected road users such as residents/public/emergency services; and
- (m) Measures to ensure the safe disembarking/embarking of passengers on cruise vessels within proximity to construction works, and to minimise traffic effects of cruise ship traffic coinciding with operational Port and construction traffic, particularly during peak periods.

For the purpose of these consents, peak traffic periods are 0630 - 0830 (AM) and 1600 - 1800 (PM).

- 44. The CTMP must be prepared by a Suitably Qualified and Experienced person and in accordance with Council's requirements for CTMPs (as applicable) and New Zealand Guide to Temporary Management (April 2023) (or equivalent at the time). The CTMP shall be prepared in consultation with Waka Kotahi and Council.
- 45. The CTMP must be certified in writing by the Council prior to construction works authorised commencing, and the consent holder must undertake all activities authorised by these consents in accordance with the certified CTMP (including any certified variation).
- 46. Any variation to the CTMP must be subject to certification by the Council.

Construction and Environmental Management Plan

- 47. At least three (3) months prior to the commencement of construction authorised by these consents, the consent holder must submit a Construction and Environmental Management Plan (CEMP) to the Council for certification. The objectives of the CEMP are:
 - (a) To detail the environmental monitoring and management procedures to be implemented during the Expansion Project's construction phase to ensure that appropriate environmental management practices are followed and adverse construction effects are minimised to the extent practicable; and
 - (b) To ensure construction effects of the Expansion Project are in accordance with the assessments accompanying the resource consent applications.
- 48. The CEMP must include the following sections:
 - (a) Construction phase roles and responsibilities protocols;
 - (b) Environmental Risk Assessment;
 - (c) Dust;
 - (d) Construction Noise, including to demonstrate how conditions 4141 - 4242 (Decision #1) will be satisfied;

- (e) Traffic, refer conditions 43 - 46 and 53 - 55 (Decision #1);
- (f) Archaeology;
- (g) Hazardous Substances;
- (h) Public access, including to demonstrate how condition 53 (Decision #1) will be satisfied;
- (i) Erosion and Sediment Control; and
- (j) Communications Protocols and Complaints Procedures, including to demonstrate how condition 6 (Decision #1) will be satisfied.

- 49. The CEMP must be prepared by a Suitably Qualified and Experienced person, with advice from relevant technical experts, and be in general accordance with the draft CEMP provided as part of the resource consent application (Enviser, Draft Construction and Environmental Management Plan, October 2022).
- 50. The CEMP must be certified in writing by the Council prior to construction works authorised by these consents first commencing, and the consent holder must undertake all activities authorised by these consents in accordance with the certified CEMP (including any certified variation).
- 51. The CEMP may be submitted in stages to reflect the design and construction programme. If staging is proposed and any matters in Condition 48(c-i) are not relevant, a statement shall be provided of why management of these effects are not relevant to the particular stage of works.
- 52. Any variation to the CEMP must be subject to certification by the Council.

Public access during construction

- 53. Public walking access from Ralph Trimmer Drive to the residual Marsden Bay beach area must be maintained during construction except for short durations where health and safety requires restriction.

Advice note: See also public access section of the CEMP.

- 71. Restricted access from Ralph Trimmer Drive to Marsden Bay must occur for no longer than eighteen (18) months total.
- 72. The consent holder must continue to provide public access to the existing fishing jetty on the western edge of the reclamation from Papich Road.

Pavement damage to Ralph Trimmer Drive during construction

54. At least three (3) months prior to construction works commencing, the consent holder shall engage a Suitably Qualified and Experienced roading engineer to prepare a pre-construction conditional baseline assessment of the entirety of Ralph Trimmer Drive for certification by Council. The purpose of the assessment is to document the standard of the road corridor, footpath, kerb and channel, and associated stormwater infrastructure prior to construction works commencing.
55. Within six (6) months of Practical Completion, the consent holder shall engage a Suitably Qualified and Experienced roading engineer to undertake a post-construction conditional assessment of the entirety of Ralph Trimmer Drive for certification by Council. Where the post-construction condition assessment identifies that Ralph Trimmer Drive has deteriorated as the result of construction works relating to the Expansion Project, the consent holder shall, at its own cost, rectify the damage or pay the equivalent amount to the Council.

MITIGATION FOR LOSS OF COASTAL SPACE AND RECREATION OPPORTUNITIES

56. At least three (3) months prior to the commencement of construction works the consent holder must provide to the Council for Certification an Off-Site Recreation Mitigation Package Feasibility Study (**Feasibility Study**) prepared by a Suitably Qualified and Experienced recreational professional.

The objective of the Feasibility Study is to investigate an off-site recreation mitigation package to mitigate and/or offset residual significant adverse effects resulting from the Expansion Project on the loss of coastal access and recreation opportunities at Marsden Bay Beach and the adjacent esplanade reserve.

At a minimum, the Feasibility Study shall include details of how all of the following recreational opportunities can be improved and/or created within the surrounding Marsden Point / One Tree Point area:

- (a) Access to low-energy coastal spaces of scale, including for swimming and fishing;
- (b) Walking and cycling, including consideration of Te Araroa walkways; and
- (c) Passive recreation, including picnicking.

Advice note: Recommended off-site recreation mitigation options are detailed within the Recreation JWS and addendum attached as **Appendix 4** to this consent. For the avoidance of doubt, the options set out within **Appendix 4** are provided as a guide only. The Feasibility Study is not limited to the options set out in **Appendix 4**.

57. At a minimum the Feasibility Study shall also include details of the following matters:
- (a) Council and third-party landowner (which may include the Department of Conservation and Waka Kotahi) consultation/approvals;
 - (b) Any related resource consents or other statutory approvals;
 - (c) Cost estimates to implement the improvement works;

(d) A programme and process to seek tangata whenua feedback on the mitigation package; and

(e) A programme and process to seek public feedback on the mitigation package.

58. Within three (3) months of Certification of the Feasibility Study by the Council, the consent holder must provide written notice to the Council on the programme to implement all works detailed within the Feasibility Study.

59. Within twelve (12) months of providing written notice to Council in accordance with Condition 43, the consent holder must update the Council on progress of the implementation of those works. If the works are not completed at that time, the consent holder must again update the Council on implementation programme.

60. All costs associated with designing, implementing, and reporting on the Feasibility Study shall be met by the consent holder, which shall not exceed \$3,650,000.

Cost Escalation

61. All monetary values referenced in these conditions must be adjusted by the Consumer Price Index (All Items) for the period from the granting of consent to the time of payment or tendering of a contract. Evidence of this adjustment shall be provided to Council for certification prior to payment for the works.

Active modes connection

62. In the event that a future cycling route between Ruakākā and Marsden Cove gains funding for detailed design and/or implementation, 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 Rama Road. The design of the active modes connection must be accompanied by a safety audit that considers, at a minimum, the safety of users with regard to SH15 and heavy industry premises in the immediate vicinity.

63. The active modes connection is not required to be on land owned by the consent holder.

LANDSCAPE PLANTING

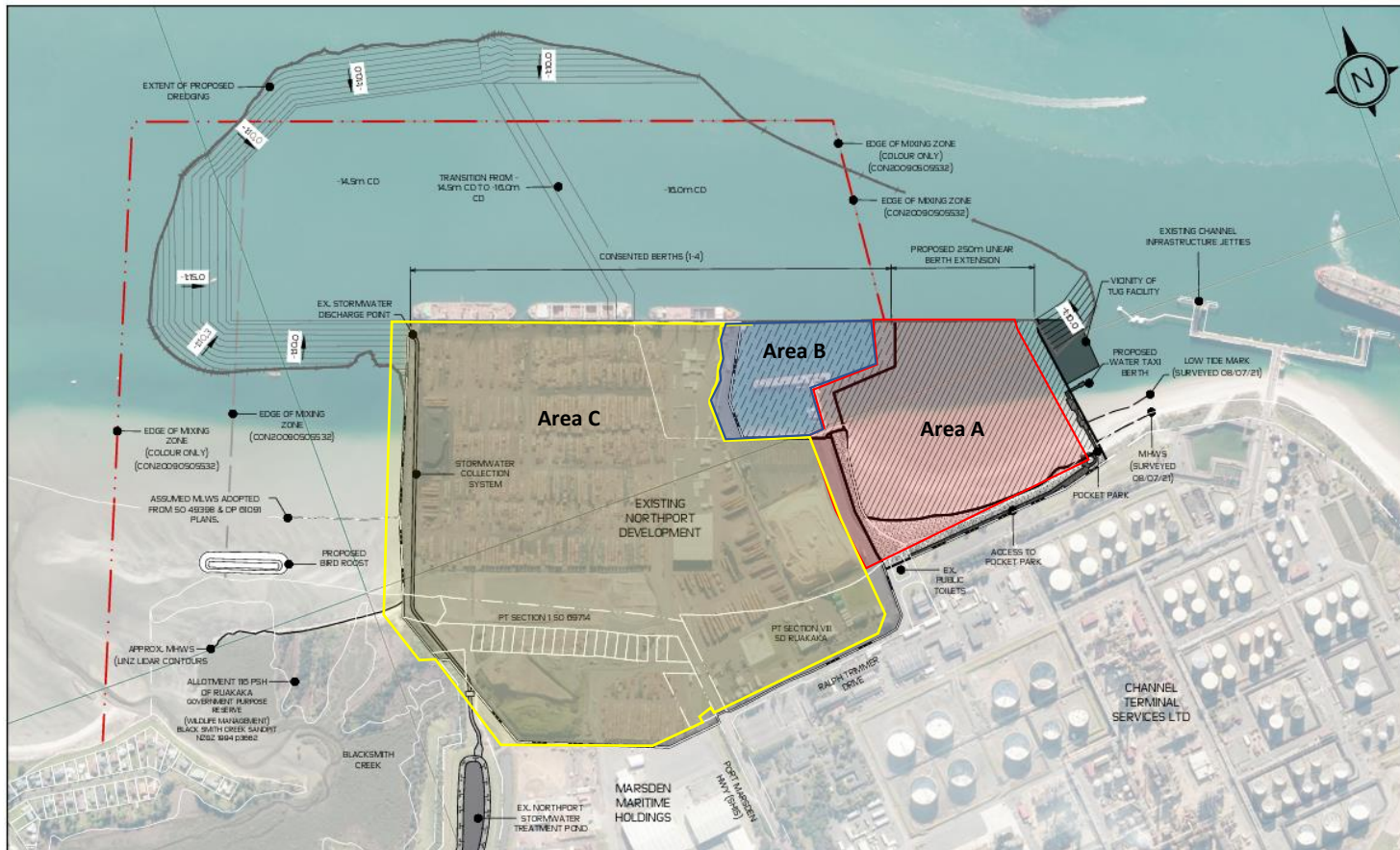
73. The consent holder must continue to maintain the landscape planting shown on the Stephen Brown Landscape Architecture Plan dated December 1999 and as amended on the Boffa Miskell Plan dated 31/01/2002 (copies of plans attached as **Appendix 2**) but excluding the Pohutukawa planting on the eastern side of the reclamation (area shown outlined in red on the plan in **Appendix 2**) which is to be removed.

Advice Note: Any planting will be designed and maintained to meet the security requirements of Maritime Security Act 2004.

APPENDIX 1: PLAN

DRAFT

WDC recommended conditions (17.11.2023)



TITLE		CLIENT	
NORTHPORT EXPANSION (BERTH 5)		NORTHPORT MARSDEN POINT	
DATE	SCALE	REV. A	TEXT AMENDMENTS - B4/TM
JULY 2023	1:8000 @A3	1	15/07/23
TBL 014656	SHEET 1/1	REV. A	15/07/23
REF. DATE:		DESCRIPTION	

CAUTION:

- THIS DRAWING SHOULD NOT BE AMENDED MANUALLY.
- AREAS & DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY.
- THE WORKER & PURCHASER MUST CONTACT THE SURVEYOR FOR FINAL & FINAL AGREEMENTS ARE OVERLAP INTO USING THIS PLAN.
- BOUNDARIES MUST BE NOTIFIED USING THIS PLAN.
- DO NOT SCALE OFF DIMENSIONS.
- THIS PLAN IS COPYRIGHT TO REYBURN & BRYANT (2023) LIMITED.
- DESIGNED BY REYBURN & BRYANT - WHANGAREI - NEW ZEALAND.
- ONLY AS FAR AS LEGAL, ASKED TO BE FROM ASIAL SURVEYING INFORMATION AVAILABLE ON LINE DATA SERVICE.
- COORDINATES SOURCED FROM GDA2000, COORDINATES IN TERMS OF WGS84 UTM ZONE 50SG.

KEY:

	PARCEL BOUNDARY
	CONSIDERED DEVELOPMENT (NOT YET CONSTRUCTED)
	PROPOSED RECLAMATION
	EXTENT OF BULK EARTHWORKS
	EXISTING NORTHPORT DEVELOPMENT

reyburn & bryant

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APPENDIX 2: LANDSCAPE PLANTING PLANS

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APPENDIX 3: FUTURE PORT NOISE MAP

DRAFT

APPENDIX 4: OFF-SITE RECREATION MITIGATION OPTIONS

DRAFT

RECOMMENDED WDC CONDITIONS: NORTHPORT LIMITED (WDC UPDATED 17.11.2023)

**DECISION #2 – POST-RECLAMATION
PORT EXPANSION, SH15, MARSDEN POINT**

To undertake the following activities at or near Ralph Trimmer Drive, Marsden Point:

[To insert summary of activities/buildings/consents etc]

Note: All location coordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection (unless expressly stated otherwise).

Subject to the following conditions:

DEFINITIONS:

“Building”	means a temporary or permanent moveable or immovable physical construction that: (a) is partially or fully roofed, and (b) is fixed or located on or in land, but (c) excludes any motorised vehicle or other mode of transport that could be moved under its own power.
“Council”	means Whangārei District Council or its successor;
“Current Port Noise Contour Map”	means the map showing predicted incident port noise levels required to be prepared and updated pursuant to Condition 4(e).
“Commencement of these consents”	means the date the last of the consents applied for by Northport for its Expansion Project commences according to s 116 of the RMA;
“Expansion Project”	means the Northport expansion to the east of the existing consented and/or constructed port for the purposes of constructing, operating, and maintaining a container terminal as authorised by these consents (and associated regional consents), and all associated activities and works;
“Major Structure”	means any: (a) vehicle used as residential activity, excluding temporary activities. (b) network system exceeding 1.5m in height above ground level or 3m ² ground coverage. (c) fence or wall, or combination of either, greater than 2m in height above ground level. Where there is less than a 1m separation distance between any separate fence or wall, or combination of

Commented [SS5]: Definitions, general, complaints, certification, review, stakeholder and communications management plan, and website conditions copied down from Decision #1 above.

either then their height must be measured from the lowest ground level of either to the highest point of either.

- (d) tank or pool exceeding 35,000 litres.
- (e) structure greater than 2.2m in height above ground level or greater than 9m² ground coverage, including outdoor stockpiles or areas of storage, but excluding amateur radio configurations.

“Pocket Park”

means the public park (recreational open space) area near the south-eastern corner of the Expansion Project site, as shown in Boffa Miskell “Proposed Concept Plan”, BM220519-201 (Revision B, 25.7.22); and

“Port Activities”

means the use of land and/or Buildings for port related activities, including but not limited to:

- (a) port and ancillary port activities;
- (b) cargo handling, including the loading, unloading, storage, processing and transit of cargo;
- (c) debarking;
- (d) fumigation;
- (e) transport, storage and goods handling activities;
- (f) maritime passenger handling/services;
- (g) construction, maintenance and repair of port operations and facilities;
- (h) port administration;
- (i) refuelling/fuel handling facilities;
- (j) activities associated with surface navigation, berthing;
- (k) maintenance or repair of a reclamation or drainage system;
- (l) marine and port accessory structures and services;
- (m) repair and maintenance services and facilities ancillary to port activities;

“Practical Completion”

in relation to the reclamation, means the date that the completed reclamation (or any part thereof) is available for Port Activities;

“RMA”

means the Resource Management Act 1991;

“Suitably Qualified and Experienced”

means a person or persons with a recognised qualification and/or relevant experience relevant to the topic being assessed.

GENERAL:

1. The consent holder must undertake all authorised activities in general accordance with the descriptions and plans referenced in **Tables 1-A** and **1-B** below. In the event of any inconsistency between this information and these conditions, the conditions prevail.

Commented [SS6]: Table details to follow.

Table 2-A: Approved Reports

Report title and reference	Author	Rev	Dated

Table 1-B: Approved Plans/Drawings

Drawing title and reference	Author	Rev	Dated

2. A copy of these consents and the most up-to-date certified versions of all management plans required by these consent conditions must be kept on site at all times and made available to persons undertaking activities authorised by these consents.
3. Within ten (10) working days of the section 245(5) certificate being issued for the reclamation the consent holder must provide a copy of the certificate to the Council.
4. All monitoring/sampling required under these consents must be undertaken by or under the supervision of a Suitably Qualified and Experienced person(s).
5. At least thirty (30) working days in advance of the date of the commencement of works authorised by these consents, the consent holder must contact the Council to arrange for a site meeting with the consent holder's contractor(s) and the Council prior to commencement of construction works. The details to be provided at the meeting, and then in writing no more than five (5) working days after the meeting, must include:
 - (a) The intended date of the commencement of works and a programme for the works;
 - (b) A draft programme for the CEMP and any other design plan, engineering plan, report or management plan required to be submitted for certification under these conditions (if not already provided);
 - (c) The intended date for providing the final design drawings to demonstrate how the works are in general accordance with the conditions of these consents, including **Appendix 1**;
 - (d) The nominated Consent Holder contact and contractor representative (or equivalent) for the works;
 - (e) Any intended staging of the works; and

- (f) A list of the proposed Suitably Qualified and Experienced Persons and Chartered Engineers proposed to be used in preparation of any design plans, engineering plan(s), report or management plan requiring Council certification.

Complaints

- 6. The consent holder must maintain a Complaints Register for the purpose of recording and dealing with any complaints that are received by the consent holder in relation to the exercise of these resource consents. The Complaints Register must record, where this information is available:
 - (a) Name of complainant, if provided to the consent holder;
 - (b) The date and time of the complaint;
 - (c) A description of the complaint;
 - (d) The location of the issue raised;
 - (e) Weather conditions at the time of complaint, including a description of wind speed and wind direction when the complaint occurred (if relevant).
 - (f) Any possible cause of the issue raised;
 - (g) Any investigations that the consent holder undertook in response to the complaint; and
 - (h) Any corrective action taken to address the cause of the complaint, including the timing of that corrective action; and
 - (i) Any feedback provided to the complainant.
- 7. The consent holder shall provide a copy of the complaints register to the Council within five working days of receiving a request to do so from the Council.

Certification

- 8. Where any condition requires the consent holder to submit design plans, engineering plans, a report or management plan to the Council for “**certification**” it must mean the process set out in the following paragraphs (a) to (d) and the terms “certify” and “certified” must have the equivalent meanings:
 - (a) The consent holder supplies design plans, engineering plans, reports, or a management plan to the Council, and the Council assesses the documentation submitted. The certification process for design plans, engineering plans, management plans and reports required by conditions of this consent must be confined to confirming that the plans or reports give effect to their purposes, consent condition requirements, and schedule requirements, and contain the required information;
 - (b) Should the Council determine that the documentation supplied in accordance with (a) above achieves the requirements of the relevant condition(s), the Council must issue a written confirmation of certification to the consent holder;
 - (c) If the Council’s response is that it is not able to certify a design plan, engineering plan, management plan or report, it must provide the consent holder with reasons and recommendations for changes to the plan or report in writing. The consent holders must consider any reasons and

recommendations of the Council and resubmit an amended design plan, engineering plan, management plan or report for certification;

- (d) A design plan, engineering plan, management plan or report cannot be subject to a third-party approval. The Council in deciding whether to certify the design plan, engineering plan, management plan or report, however, may also obtain advice from other qualified person(s).

9. This process in Condition 8 must be repeated until the Council is able to provide written confirmation that the requirements of the applicable condition(s) have been satisfied.

10. The consent holder must comply with the certified management plan or report at all times.

Review under s128 of the RMA

11. The Council may serve notice on the consent holder of its intention to review the conditions of these consents pursuant to Section 128 of the RMA either:

- (a) Annually during the month of March, for any one or more of the following purposes:

- (i) To require the adoption of the Best Practicable Option to remove or reduce any adverse effect on the environment; or
- (ii) To deal with any change(s) to the materials handled through the Port Terminal; or
- (iii) To respond to any new technology, standards or monitoring parameters relevant to the environmental monitoring undertaken in accordance with these consents.

- (b) At any time, for any one or more of the following purposes:

- (i) To deal with any adverse effects on the environment which may arise from the exercise of the consents and which it is appropriate to deal with at a later stage, including effects identified in the consent holders monitoring results or reports from activities authorised by these consents and/or as a result of Council's state of the environment monitoring in the area;
- (ii) Where there are inaccuracies in the information made available with the application that materially influenced the decision on the application and/or where the effects of the exercise of consent are such that it is necessary to apply more appropriate conditions.

12. The consent holder shall meet all reasonable costs of any such review.

Stakeholder and Communications Management Plan

13. The consent holder shall prepare and implement a SCMP not later than 12 months prior to commencement of construction works. The purpose of the SCMP is to set out a framework for how the consent holder will communicate with the community, stakeholders and affected parties for the duration of construction, and the operation of the Expansion Project.

14. The SCMP shall set out, prior to construction, how the consent holder will:
- (a) Identify the stakeholders for communication;
 - (b) Inform the community of project process and likely commencement of construction works and programme;
 - (c) Engage with the community and stakeholders to foster good relationships and provide opportunities for learning about the project;
 - (d) Utilise the project website to provide updates to the community;
 - (e) Communicate with tangata whenua regarding construction of the project;
 - (f) Respond to queries and complaints; and
 - (g) Provide updates on progress with management plans.
15. The SCMP shall set out the framework for how, during construction and operation, the consent holder will:
- (a) Engage with stakeholders such as Channel Infrastructure, Seafuels, affected landowners, tangata whenua, community groups, local businesses and representative groups, residents' organisations, other interested groups or individuals, network utility operators, Northland Regional Council and associated local authorities, Waka Kotahi, and the Council;
 - (b) Inform the Whangarei district community of construction progress, including proposed hours of work;
 - (c) Inform the Whangarei district community of ongoing dredging;
 - (d) Engage with the communities to foster good relationships and to provide opportunities for learning about the project;
 - (e) Provide information of key project milestones; and
 - (f) Make each management plan publicly available once a management plan is finalised, and for the duration of project works.
16. The consent holder shall prepare the SCMP in consultation with the following parties and submit the final SCMP for certification with the CEMP:
- (a) The Council;
 - (b) Whangarei District Council; and
 - (c) Iwi/hapū.

Website

17. The consent holder must, for the duration of these resource consents, maintain a website that is accessible to, and readily usable by, the public. The website must be updated at least annually.
18. From the grant of these consents, the website must include the following information:
- (a) Copies of relevant resource consents;

- (b) A statement summarising steps toward progressing commencement of these consents, and the consent holder's expected timeframe for commencement. This statement must be updated annually and clearly specify the date of the update, and a record of every previous year's statements must be retained on the website.
19. From exercise of these consents to Practical Completion, the website must include the following information:
- (a) Copies of these resource consents;
 - (b) Live access to results of real-time data collected from the telemetered noise monitoring required under these conditions;
 - (c) All certified management plans required by these conditions and any certified variations;
 - (d) All written reports, peer reviews, written evidence, reviews, and outcomes and recommendations prepared under these consent conditions;
 - (e) Shipping and evening/night-time activity schedules that are updated at least weekly, including provision for a subscription service for shipping scheduling update notifications;
 - (f) A mechanism for members of the public to raise matters with, make an enquiry of, or lodge a complaint with the consent holder (with any complaints received to be maintained in the Complaints Register in accordance with condition); and
 - (g) Updated project timing and duration information for the Project and activities conducted in accordance with these resource consents, including but not limited to; reclamation, capital dredging, preclusion or reinstatement of public access to Marsden Bay Beach and Ralph Trimmer Drive, commencement of Port Activities on the reclamation, implementation of off-site recreation mitigation, and changes/upgrades to cranes utilised on the container terminal (including the introduction of Ship to Shore Gantry cranes).

LAPSING OF CONSENTS

20. Each of these resource consents **[(insert consent refs)]** lapses five (5) years after the commencement of those resource consents that are subject to section 116(2)(b) of the RMA **[(insert consent refs)]**.

Advice Note: Pursuant to section 116(2)(b) of the RMA any district resource consent relating to an area of the coastal marine area that is proposed to be reclaimed shall not commence until the proposed location of the activity has been reclaimed and a certificate has been issued under section 245(5) in respect of the reclamation.

Pocket Park – Maintenance

21. The consent holder shall maintain the Pocket Park in accordance with the Maintenance Management Plan certified by Conditions 30 and 31 of Decision #1 above for the duration of these consents.

Commented [SS7]: Further duplication of conditions may be required to avoid cross-referencing across Decision #1 and #2

Landscaping

22. The consent holder must maintain the landscape planting in accordance with the approved Landscape Planting Plan in Condition 33 - 36 of Decision #1 above in perpetuity. If any plants fail or are removed,

they shall be replaced as soon as practicable and prior to the end of the following planting season (April – October) with an equivalent specimen.

PORT OPERATION

Port Activities – use and location

23. Port Activities, as enabled by these consents, must not commence within Area A shown in the figure attached as **Appendix 1** until Council certifies that all conditional requirements relating to the construction of the Pocket Park and associated land-based recreational features, including landscaping (conditions 22 - 24, 30 - 31, and 33 - 36 of Decision #1) have been satisfied.

Advice Note: *Similar consent conditions are imposed on the NRC consents relating to the construction of the coastal recreational features. For the avoidance of doubt, the intent of these conditions is to require that all recreational mitigation measures associated with the loss of public coastal space are implemented prior to Port Activities commencing on the reclamation.*

24. From the Commencement of these consents, Port Activities may occur on any land within the area shown as Area A in the figure at **Appendix 1**, with maximum areas in general accordance with **Table 3** below.

Table 3: Container Terminal Yard Areas

Component	Component Description	Maximum Area
APY	The primary yard area or container stacking area	No maximum
ACFS	The container freight station (CFS) with an area for stuffing and stripping etc.	No maximum
AEC	The area for empty containers and container maintenance and repair.	(7% of Area A)
AROP	The area for the terminal entrance, office and administration facilities (including maritime passenger handling/services), customs and biosecurity facilities, supporting transport infrastructure (including parking, loading areas, internal access roads, rail connections etc.), workshops and (non-container) storage areas, and refuelling/fuel handling facilities.	(14% of Area A)

Advice Note: *For the purpose of enabling the efficient and effective use of infrastructure and until such time as full uptake and demand of the container terminal is realised, further resource consent application(s) may be made for temporary exceedances of the AEC and AROP component maximum areas specified in **Table 3**. Subject to appropriate effects management, such temporary uses are likely to be considered appropriate. Consideration shall be had as to how any buildings and/or major structures associated with temporary AEC or AROP uses are to be constructed as temporary or relocatable structures and established in a manner that does not compromise the intended use of Berth 5 as a container terminal.*

Advice Note: Table 3 reflects the container terminal yard areas specified in the Issues and Options Report submitted with the consent application, accepted as satisfying the regional coastal policy framework that the extent of the reclamation is reasonably required to establish a 500,000+ TEU container terminal. For the avoidance of doubt, nothing in condition 24 restricts the use of land outside Area A (as shown in the figure at Appendix 1) being used in association with the container terminal.

Advice Note: The definition of “Port Activities” is based on the current definition in the Whangārei District Plan (Operative in Part 2022).

25. No more than four working cranes shall occupy the northern berth frontage within Areas A and B in the figure at **Appendix 1** in total.

OPERATIONAL NOISE

Application

26. Upon Practical Completion of the Expansion Project reclamation, Conditions 27 - 37 of Decision #2 apply to all Port Activities within Areas A, B, and C shown in the figure at **Appendix 1**.

Advice Note: In accordance with Condition 21 (Decision #1), the consent holder is required to provide written notice to the Council of its intention to surrender the existing Berth 1 and 2 and Berth 3 and 4 resource consents relating to port noise. This will consolidate, including for monitoring and enforcement purposes, the operational port noise resource consents and conditions applying to the expanded Northport, meaning that a single resource consent and single set of conditions will apply to all Northport operational port noise.

Port noise limits

27. Noise from Port Activities within the Areas A, B, and C shown in the figure at **Appendix 1** must be measured and assessed in accordance with NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning.
28. Noise from Port Activities within the Areas A, B, and C shown in the Figure at **Appendix 1** must not exceed the levels shown in the Future Port Noise Map in **Appendix 3** which reflects limits of 58 dB L_{dn} (5-day) in the Settlement Zone in Reotahi and 54 dB L_{dn} (5-day) in the Residential zone in Marsden Bay.

Advice Note: The noise contours in the Future Port Noise Contour Map were interpolated between grid points calculated at 10m intervals and 1.5m above ground level. Topographical contours and building outlines were sourced from LINZ (2017) and assumed a generic building height of 4.5m.

Port noise mitigation

29. Where the measured or predicted incident port noise level shown on the Current Port Noise Contour Map exceeds 55 dB L_{dn} (5-day) at the external façade of a habitable space in a residential unit existing at the Commencement of these consents, the consent holder must investigate, and if identified as required, offer to the landowner the option to install (at the consent holder’s cost) mechanical ventilation, mechanical cooling, and/or other noise mitigatory works. The Current Port Noise Map is informed by a

periodic review as part of the Port Noise Management Plan detailed in Condition 33 (Decision #2). Any works must:

- (a) Achieve an indoor design noise level no greater than 40 dB L_{dn} (5-day) in all habitable rooms of the residential unit when the windows and doors are closed;
- (b) Satisfy clause G4 of the New Zealand Building Code;
- (c) Provide occupant controlled ventilation that provides at least six (6) air changes per hour, or occupant controlled cooling that can maintain the inside temperature of the habitable room below 25°C;
- (d) Provide relief for equivalent volumes of spill air; and
- (e) Locate any outdoor heat pump condenser unit at least 5m from the direct external entrance to a living area.

30. Mechanical ventilation noise within mitigated dwellings identified in Condition 30 (Decision #2) must be measured in accordance with AS/NZS 2107:2016 "Acoustics- Recommended design sound levels and reverberation times for building interiors". The mechanical ventilation noise levels in habitable spaces must not exceed the following on the low-speed setting:

- (i) 30 dB L_{Aeq} in bedrooms, and
- (ii) 40 dB L_{Aeq} in all other habitable spaces.

31. If the offer under Condition 29 (Decision #2) is accepted by the landowner, the mechanical ventilation, cooling, and/or other noise mitigatory works must be installed at the expense of the consent holder within one (1) year of the offer being accepted.

Advice Note: *The consent holder's obligations extend only to installation of the mechanical ventilation or cooling. To avoid doubt, the consent holder is not responsible for ongoing maintenance.*

32. Acceptance of the offer under Condition 29 (Decision #2) may be made by the landowner at any time throughout the duration of these consents.

Port Noise Management Plan

33. At least three (3) months prior to the commencement of any Expansion Project Port Activities (excluding Expansion Project construction) a Port Noise Management Plan must be prepared in accordance with the requirements in Section 8 of NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning and submitted to the Council for certification. The Port Noise Management Plan must contain the following information:

- (a) The Port Noise Management Plan objectives and methods to achieve the objectives, including:
 - (i) To ensure the consent holder complies with the noise limits in Condition 28 (Decision #2);
 - (ii) To provide a framework for the measurement, real-time 24-hour monitoring, assessment, and management of port noise levels;
 - (iii) To identify and adopt the best practicable options for the management of noise effects;

- (iv) To engage with the community and manage noise complaints in a timely manner, including through participation in a Port Noise Liaison Committee to be established as a sub-committee of the existing Community Liaison Group;
- (b) Real-time 24-hour noise monitoring, auditing, and reporting procedures to be undertaken and funded by the consent holder, which must include provision for live access to real-time monitoring via the website (condition 17 Decision #2);
- (c) Practices that will be used to manage noise effects, including procedures for achieving noise reduction through port operational procedures and staff and contractor training;
- (d) Procedures to receive and respond to complaints, and to maintain a register of all complaints received, the details of the complaints, and any action taken to investigate and/or resolve the complaints;
- (e) The Current Port Noise Contour Map;
- (f) Identification of all properties where Condition 29 (Decision #2) applies;
- (g) Details of the Port Noise Liaison Committee required under Condition 33(a)(iv) (Decision #2) including:
 - (i) The functions and processes of the Committee, including to consider all noise issues arising from the port and to ensure that mitigation functions identified in the Port Noise Mitigation Plan are carried out;
 - (ii) The members for the Committee and their roles, with Committee seat invitations being required to be made as follows:
 1. Two representatives of the port operator;
 2. Two port user representatives (with invitations to be made to two different port users);
 3. One representative of Northland Regional Council;
 4. One representative of Whangārei District Council;
 5. One community representative for Reotahi;
 6. One community representative for Albany Road;
 7. One representative of the Ruakākā Parish Residents & Ratepayers Association;
 8. One representative of the Whangārei Heads Citizens Association;
 9. One representative of Patuharakeke Te Iwi Trust Board; and
 10. One representative of Ngātiwai Trust Board;
 11. One representative of Te Parawhau Hapu.
 - (iii) Details of the secretarial and logistical support to the Committee which must be provided and fully funded by the consent holder;
 - (iv) The frequency of Committee meetings, which must be annually at a minimum, and procedures for calling an emergency meeting of the Committee;

- (v) Procedures for recording minutes of the Committee, which must be made publicly available;
 - (vi) Procedures for consideration by the consent holder of any recommendations by the Committee; and
 - (h) Where applicable, any recommendations made by the Port Noise Liaison Committee, and any actions by the consent holder to implement those recommendations (this requirement must not apply to the first Port Noise Management Plan produced).
34. The Port Noise Management Plan, including the appended Current Port Noise Contour Map, must be revised annually (at a minimum). An annual report must be prepared for the Port Noise Liaison Committee that:
- (a) Details any changes to the Port Noise Management Plan and Current Port Noise Contour Map resulting from the revision; and
 - (b) Provides a record of:
 - (i) All acoustic mitigation works undertaken in the preceding twelve (12) months, including records of offers of mitigation that have been refused or not responded to; and
 - (ii) Any physical monitoring undertaken and the results of that monitoring.
35. The Port Noise Management Plan must be certified in writing by the Council prior to Expansion Project activities (excluding Expansion Project construction works) commencing. The consent holder must undertake all Port Activities in accordance with the certified Port Noise Management Plan.
36. Any material variation to the Port Noise Management Plan, including as a result of a revision under Condition 34 (Decision #2), must be subject to certification by the Council.
37. The first Port Noise Management Plan must be in general accordance with the draft Port Noise Management Plan provided as part of the resource consent application (*Marshall Day Acoustics: Northport Port Noise Management Plan, Rp 001 20170776, 3 August 2022*).

Operational lighting

38. From the first commencement of any of these resource consents, within Area A shown in the figure at **Appendix 1**:
- (a) Artificial lighting required for health and safety purposes will not exceed the following standards:
 - (i) 15 Lux at the boundary of a road reserve; and
 - (ii) 10 Lux at the boundary of any other allotment not within the ownership of the consent holder.
 - (b) Subject in each case to (a) above, the consent holder shall ensure that:

- (i) new flood lighting luminaires installed use LED (Light Emitting Diode) or LEP (Light Emitting Plasma) lamps or any other advanced technology lamps;
- (ii) all lighting poles have recessive colour finishes;
- (iii) where practicable, lighting is directed below the horizontal plane;
- (iv) the colour temperature of lamps used for new flood lighting are no more 4000°K; and
- (v) new flood lighting luminaires are designed so that the principal output is, as far as practicable, directed to within the container terminal and adjoining wharfs or to land that is zoned Port Zone.

39. The consent holder must engage a Suitably Qualified and Experienced lighting engineer to design/review new flood lighting installed at Northport.

Operational lighting management plan

40. At least three (3) months prior to Practical Completion, the consent holder shall prepare an Operational Lighting Management Plan (“OLMP”) for certification by the Council. The objectives of the OLMP is to minimise visual impacts and impacts on avifauna from the use artificial lighting during night-time Port operations authorised by this consent, having regard to Condition 38 (Decision #2) and the requirements of the Avifauna Management Plan required by the regional consent conditions. The OLMP shall:
- (a) Detail the positions and technical specifications of all exterior light sources and indicate the means by which compliance with the relevant Whangārei District Plan artificial lighting standards are to be achieved; and
 - (b) Include comments of the Community Liaison Group on the plan and the consent holder’s response to these.

Operational transport

41. Conditions 42 - 50 (Decision #2) apply upon the commencement of Expansion Project Port Activities (excluding Expansion Project construction).

Crash monitoring assessment

42. No later than 12 months following commencement of Expansion Project Port Activities, the consent holder must engage an independent Suitably Qualified and Experienced Person to undertake a “Crash Monitoring Assessment”, utilising Waka Kotahi’s Crash Analysis System (CAS) or equivalent at the time.

Thereafter the consent holder must undertake a Crash Monitoring Assessment biennially (every two years) for twenty years.

The purpose of the Crash Monitoring Assessment is to determine a trend in crashes to identify any safety concerns (based on 7-days (Monday-Sunday), measured over 5-year periods) along SH15 from SH1 to Ralph Trimmer Drive, including at all intersections.

The Crash Monitoring Assessment shall include details of:

- (a) The number and type of crashes, identifying those involving speed, such as loss of control and turning crashes, including where sight lines are only just met, with a focus on fatal and serious crashes;
 - (b) Vehicle type, weather, date/time of the crash, specific vehicle and user detail that may associate the trip with Port traffic (where such information is available); and
 - (c) Any mitigation recommended to address safety concerns.
43. The consent holder must provide a copy of the Crash Monitoring Assessment to Council, Waka Kotahi NZ Transport Agency, and the road controlling authority within one month of its completion.

Advice Note: For the avoidance of doubt, nothing in Conditions 42 - 43 makes the Consent Holder responsible for safety improvements on SH15.

Traffic monitoring report

44. No later than 18 months following commencement of Expansion Project Port Activities, the consent holder must prepare a Traffic Monitoring Report, utilising the telemetry traffic data collected continuously on SH15 by Waka Kotahi, if available.

Advice Note: The telemetry station site is located on SH15, just north-east of Bens View Road.

Thereafter, the consent holder must undertake a Traffic Monitoring Report either:

- (a) Annually for the duration of these consents, or until the intersections in Condition 46 (Table 2) are upgraded to accommodate all Expansion Project Port Activities, if the telemetry traffic data collected continuously on SH15 by Waka Kotahi is available to the consent holder; or
- (b) Once every three years for the duration of these consents, or until the intersections in Condition 46 (Table 2) are upgraded to accommodate all Expansion Project Port Activities, if the consent holder is required to collect traffic data (which is to be collected at the same location as the Waka Kotahi Telemetry site).

The purpose of the traffic monitoring report is to identify if traffic volumes on SH15 at the telemetry site exceed either one of the following:

- (i) 970 vph two-way; or
- (ii) 670 vph one way;

for three or more days in any calendar month.

The consent holder must submit a copy of each Traffic Monitoring Report to the Council and Waka Kotahi NZ Transport Agency and the road controlling authority within one month of its completion.

Assessment of Port Traffic

45. If the SH15 Traffic Monitoring Report required by Condition 44 shows that either of the traffic volumes on SH15 at the telemetry site are exceeded, the consent holder must engage a Suitably Qualified and Experienced person to:

- (a) Conduct a survey of all port traffic, including Expansion Project traffic, measured at or near all the Northport entry and exit points (Port Traffic Survey); and
- (b) Determine the contribution that all port traffic, including Expansion Project traffic, makes to the total traffic volumes at the intersection(s) identified in Table Two (condition 46).

The consent holder must submit the results of the Port Traffic Survey to the Council and Waka Kotahi NZ Transport Agency and the road controlling authority within three months of the SH15 Traffic Monitoring Report being provided by condition 44.

46. If the survey of all port traffic, including Expansion Project traffic, demonstrates that all port traffic volumes are in excess of one or more of the Peak Trigger Volumes in Table Two (below), the consent holder must, within seven days, advise the Council and Waka Kotahi NZ Transport Agency and the road controlling authority of the exceedance and which of the following options it is proceeding with:

- (a) Reduce and maintain all port traffic below the Peak Trigger Volumes in Table Two; or
- (b) Engage a Suitably Qualified and Experienced person to undertake and prepare an Intersection Assessment Report as per Condition 48.

Table Two: Port Traffic Peak Trigger Volumes - Vehicles Per Hour (vph)

Intersection	Northport		Northport		Northport	
	Inbound AM Peak Hour Trigger Volumes	Outbound AM Peak Hour Trigger Volumes	Inbound PM Peak Hour Trigger Volumes	Outbound PM Peak Hour Trigger Volumes	Outbound PM Peak Hour Trigger Volumes	Outbound PM Peak Hour Trigger Volumes
SH15 / Marsden Bay Drive / Rama Road	700	200	300		600	
SH15 / Marsden Point Road	700	200	200		700	
SH15 / One Tree Point Road / McCathie Road	300	200	200		300	

For the purpose of these consents, the AM Peak hours are between the hours of 0630-0830 and the PM peak hours are between the hours of 1600-1800, excluding public holidays.

47. If the Consent Holder has elected to reduce and maintain all port traffic, including Expansion Port traffic, below the levels in Table 2, then within two months of the initial exceedance of the peak traffic volume triggers in Table 2, the consent holder shall provide a report to Council, Waka Kotahi NZ Transport Agency, and the road controlling authority that identifies either that:

- (a) Traffic volumes are compliant with the limits specified in Table 2 above; or
- (b) Traffic volumes remain in excess of the limits specified within Table 2 above.

If, within six months, the Consent Holder cannot reduce and maintain traffic volumes to the limits specified in Table 2 then it must action condition 50 and 50.

Intersection assessment report

48. If required by these conditions, the consent holder shall engage a Suitably Qualified and Experienced person to undertake and prepare an Intersection Assessment Report. The purpose of the Intersection Assessment Report is to investigate safety and operational concerns and identify mitigation measures to address those safety and operational concerns at the intersection(s) where the trigger volumes in Condition 46 (Table 2) have been exceeded.

The report must include:

- (a) Traffic data collected at the relevant intersection(s) including traffic movements during peak and interpeak periods.
- (b) Intersection modelling methodologies and expected operation of these intersections, including Level of Service ('LOS'), queueing, and delays for 3 traffic volume scenarios:
 - i. Using the observed data; and
 - ii. Two future scenarios (reflecting appropriate design years reflecting port expansion timing), that include expected Northport traffic growth and other traffic growth.
- (c) Safe System assessments for the relevant intersection(s) listed in Table 2.
- (d) Recommended mitigation to address safety and operational concerns to achieve:
 - i. LOS-D or better on each approach to the intersection (for scenarios that include existing traffic conditions and future scenarios that include all existing and anticipated port traffic); and
 - ii. A degree of saturation for turning movements no higher than 95%.

49. A copy of the Intersection Assessment Report is to be submitted to the Council, Waka Kotahi NZ Transport Agency, and the road controlling authority within one month of:

- (a) Condition 46(b) being notified to the Council, Waka Kotahi NZ Transport Agency and the road controlling authority as the selected option; or
- (b) Condition 47(b) being activated

Implementation of Mitigation

50. Until the recommended mitigation detailed within the Intersection Report (required by condition 48) is implemented at the intersection(s), traffic volumes for all port traffic at the Northport entry and exit points must be kept below the peak trigger volumes listed in Table 2 of Condition 46. If compliance with 47B is not achieved, the consent holder will engage methods to reduce traffic volumes to a compliant level.
51. Until the recommended mitigation detailed within the Intersection Report (required by condition 48) is implemented at the intersection(s), a Traffic Monitoring Report shall be provided to Council, Waka Kotahi NZTA and the road controlling authority every four months that identifies what the AM and PM peak hour volumes are at the entry and exit points to Northport.

BUILDINGS, STOCKPILES AND MAJOR STRUCTURES

51. Upon Practical Completion of the Expansion Project reclamation, within the Area A shown in the figure at **Appendix 1**:
- (a) Building height and Major Structure height (excluding public utilities, light towers, silos, aerials, tanks, cargo handling equipment, cranes, and shipping containers) must not exceed 20m above ground level.
 - (b) The height of public utilities, light towers, silos, aerials, tanks, and cargo handling equipment (excluding cranes and shipping containers) must not exceed 60m above ground level.
 - (c) The operational height for cranes must not exceed 85m above ground level.
 - (d) The height of shipping container stacks must not exceed 30m above ground level.
 - (e) The height of stockpiles must not exceed 20m above ground level.

Advice Note: The definitions of "Building" and "Major Structure" in these resource consents are based on the current corresponding definitions in the Whangārei District Plan (Operative in Part 2022).

52. Upon Practical Completion of the Expansion Project reclamation, within the Area A shown in the Figure at **Appendix 1**, buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any Open Space and Recreation Zone boundary.

PUBLIC ACCESS

53. The construction of the Pocket Park required by Condition 24 (Decision #2) must be completed prior to Port Activities, as enabled by these consents, commencing within Area A shown in the figure attached as **Appendix 1**.

Advice Note: Refer Condition 23 (Decision #2) also.

54. The consent holder must provide public recreational access to and across the Pocket Park for the duration of these consents, except as required to ensure operational or public safety, or in an emergency response scenario.

Advice Note: Revocation of the esplanade reserve for the Pocket Park must have Council resolution prior to construction.

55. Prior to Practical Completion, provide written evidence to the Council to demonstrate that public access to and along the Pocket Park has been formalised by an appropriate legal mechanism.
56. Restricted access from Ralph Trimmer Drive to Marsden Bay must occur for no longer than eighteen (18) months total.
57. The consent holder must continue to provide public access to the existing fishing jetty on the western edge of the reclamation from Papich Road.

MITIGATION FOR LOSS OF COASTAL SPACE AND RECREATION OPPORTUNITIES

64. At least three (3) months prior to the commencement of construction works the consent holder must provide to the Council for Certification an Off-Site Recreation Mitigation Package Feasibility Study (**Feasibility Study**).

The objective of the Feasibility Study is to investigate an off-site recreation mitigation package to mitigate and/or offset residual significant adverse effects resulting from the Expansion Project on the loss of coastal access and recreation opportunities at Marsden Bay Beach and the adjacent esplanade reserve.

At a minimum, the Feasibility Study shall include details of how all of the following recreational opportunities can be improved and/or created within the surrounding Marsden Point / One Tree Point area:

- (d) Access to low-energy coastal spaces of scale, including for swimming and fishing;
- (e) Walking and cycling, including consideration of Te Araroa walkways; and
- (f) Passive recreation, including picnicking.

Advice note: Recommended off-site recreation mitigation options are detailed within the Recreation JWS and addendum attached as **Appendix 4** to this consent. For the avoidance of doubt, the options set out within **Appendix 4** are provided as a guide only – the Feasibility Study is not required to be limited to the options set out in **Appendix 4**.

65. At a minimum the Feasibility Study shall also include details of the following matters:
 - (f) Council and third-party landowner (which may include the Department of Conservation and Waka Kotahi) consultation/approvals;
 - (g) Any related resource consents or other statutory approvals;
 - (h) Cost estimates to implement the improvement works;
 - (i) A programme and process to seek tangata whenua feedback on the mitigation package; and
 - (j) A programme and process to seek public feedback on the mitigation package.

66. Within three (3) months of Certification of the Feasibility Study by the Council, the consent holder must provide written notice to the Council on the programme to implement all works detailed within the Feasibility Study.
67. Within twelve (12) months of providing written notice to Council in accordance with Condition 43, the consent holder must update the Council on progress of the implementation of those works. If the works are not completed at that time, the consent holder must again update the Council on implementation programme.
68. All costs associated with designing, implementing, and reporting on the Feasibility Study shall be met by the consent holder, which shall not exceed \$3,650,000.

Cost Escalation

69. All monetary values referenced in these conditions must be adjusted by the Consumer Price Index (All Items) for the period from the granting of consent to the time of payment or tendering of a contract. Evidence of this adjustment shall be provided to Council for certification prior to payment for the works.

Active modes connection

70. In the event that a future cycling route between Ruakākā and Marsden Cove gains funding for detailed design and/or implementation, 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 Rama Road. The design of the active modes connection must be accompanied by a safety audit that considers, at a minimum, the safety of users with regard to SH15 and heavy industry premises in the immediate vicinity.
71. The active modes connection is not required to be on land owned by the consent holder.

LANDSCAPE PLANTING

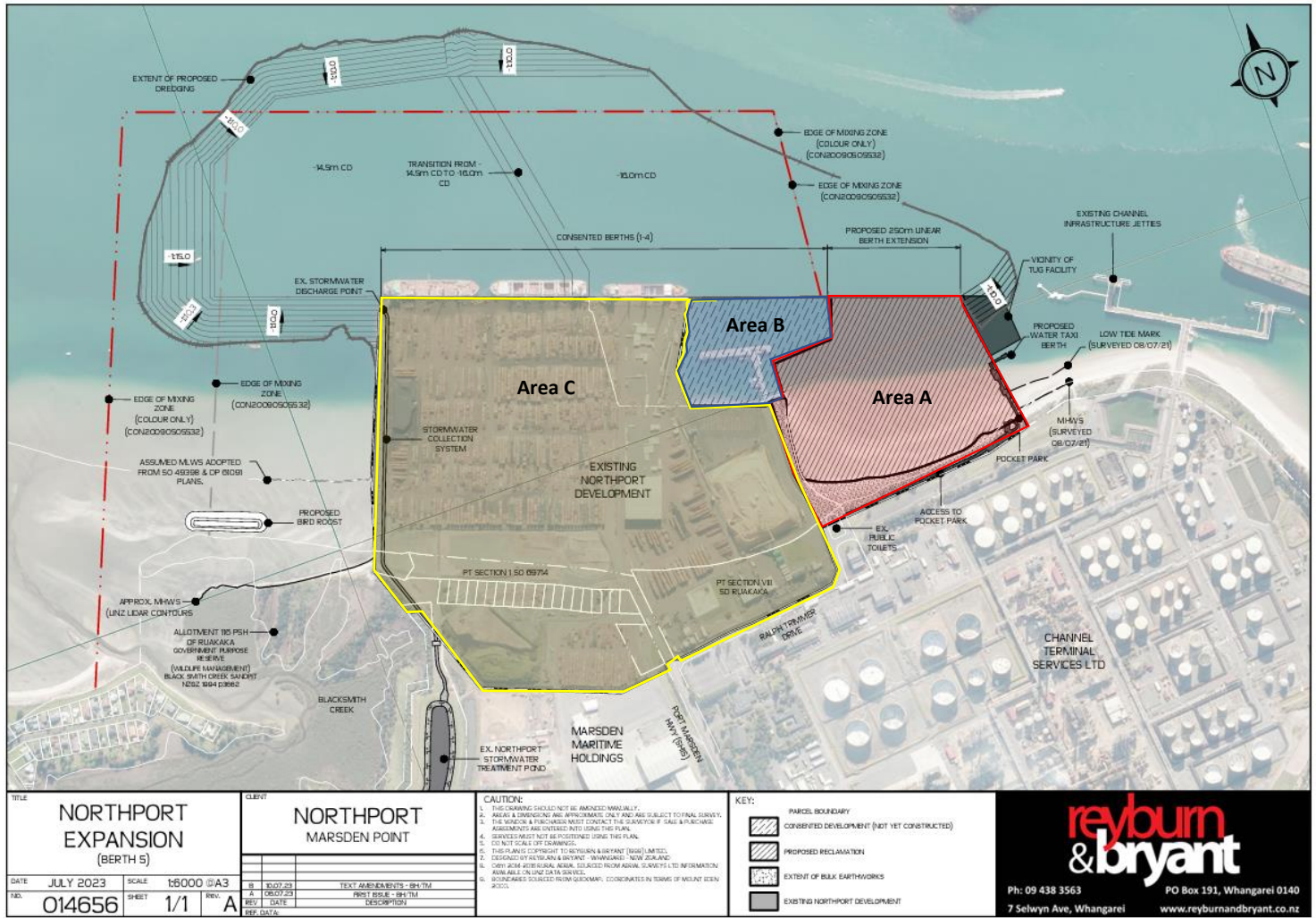
58. The consent holder must continue to maintain the landscape planting shown on the Stephen Brown Landscape Architecture Plan dated December 1999 and as amended on the Boffa Miskell Plan dated 31/01/2002 (copies of plans attached as **Appendix 2**) but excluding the Pohutukawa planting on the eastern side of the reclamation (area shown outlined in red on the plan in **Appendix 2**) which is to be removed.

Advice Note: *Any planting will be designed and maintained to meet the security requirements of Maritime Security Act 2004.*

APPENDIX 1: PLAN

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WDC recommended conditions (17.11.2023)



APPENDIX 2: LANDSCAPE PLANTING PLANS

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APPENDIX 3: FUTURE PORT NOISE MAP

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APPENDIX 4: OFF-SITE RECREATION MITIGATION OPTIONS

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