



Please Quote File: **APP.005055.38.01** and **LU2200107**

5 July 2023

Northport Ltd
C/- Brett Hood
Reyburn and Bryant

Delivered via email at brett@reyburnandbryant.co.nz

Dear Brett,

NORTHPORT PORT EXPANSION PROJECT (APP.005055.38.01 AND LU2200107) - CLARIFICATIONS ON S92(1) RESPONSE AND FURTHER INFORMATION REQUESTED TO RESPOND TO MATTERS RAISED IN SUBMISSIONS

Thank you for the responses made to Council’s s92 Request for Information letters dated 21 February, 17 March, 21 and 27 April 2023. Following a review of those responses and the below expert meetings to clarify the responses and residual queries, the following clarifications are sought.

Expert meeting	Date
Avifauna	17 May 2023
Coastal Processes	22 May 2023
Navigation and Safety	23 May 2023
Marine Ecology	24 May 2023
Recreation	24 May 2023

Table 1 – schedule of expert meetings to clarify Section 92 responses and residual queries

The clarifications set out below include, in brackets, the numbering of the original s92 request for information letters for ease of reference.

Clarifications Sought on Applicant’s s92(1) Response

1. Terrestrial Vegetation (3)

On 8 May 2023 and in response to Council’s original s92 request, the Boffa Miskell Vegetation Assessment (dated 5 May 2023) was submitted to address the proposed removal of dune vegetation. Following an initial review of this assessment, Council’s terrestrial ecology specialist (Claire Webb, Beca) requests the following information:

- a) Please clarify what is defined as “predominantly native vegetation” in Section 5.4 of the Boffa Miskell Vegetation Assessment. It is unclear which areas have been defined as predominantly indigenous and whether it includes the vegetation type Buffalo grass – pohuehue – spinifex sward (which is described as a mix of native and exotic species).
- b) The report addresses the botanical value of the vegetation. Please provide detail on the proposal’s potential adverse effects and mitigation on ecosystem function and services, using the EIANZ guidelines and methodology (Roper-Lindsay et al., 2018), including the public trees to be removed, and addressing the following:



- i. Analyse and provide an assessment of ecological value of the indigenous (native) duneland vegetation, and the threatened / at risk flora (i.e., Pīngao) and significant areas present at the site.
 - ii. In addition to the magnitude of effect on 'Predominantly Indigenous Vegetation', provide a magnitude of effect on any other identified ecological effect.
 - iii. An evaluation of the vegetated duneland at the ecosystem level - the system created by the duneland and its vegetation as a whole (active sand dunes are considered a naturally uncommon and endangered in NZ (Holdaway et al. 2012)).
 - iv. Comment on the ecosystem services provided for coastal buffering, dune stabilisation and habitat provision for fauna.
 - v. If the vegetation provides habitat for indigenous fauna, any updated assessment against the significance criteria under Appendix 5 Regional Policy Statement; and
 - vi. Recommended management measures and/or offsite mitigation for the identified adverse effects.
2. Arboricultural report/assessment in the Boffa TV Assessment – removal of public trees (9a)

Further clarification on the proposed removal of Public Trees is made in point 1(b) above.
3. Deposition of material for beneficial purposes – beach, plan showing MHWS and MLWS (10c)

For the purpose of confirming the location of the proposed bird roost with regard to the intertidal area, please provide a plan showing the bird roost in relation to Mean High Water Springs (MHWS) and Mean Low Water Springs (MLWS).
4. Air discharge reasons for consent (10d)

With regard to construction activities, the PDP assessment notes dust is likely to be experienced beyond the boundary of the site during the construction of the reclamation, including within the CMA, Ralph Trimmer Drive car park, Marsden Bay beach, and nearby Channel Infrastructure facility (referenced as the import terminal).

Please expand on how the construction discharges to air comply with the permitted activity criteria of the PRP, both C7.2.5 and C.7.2.8.
5. Proposed s127 variation / surrender (23)

Please provide further detail regarding the proposed surrender of WDC land use decision #11 and #17 and if any changes to the consents for berth 4 are proposed.
6. Marine Oil Spill Risk Assessment (54)

Please provide further detail on the 'tier' systems relevant to the Northland Marine Oil Spill Contingency Plan and how the proposal relates to these and any proposed conditions to enable continuity of Marine Oil Spill management and response capability.
7. Demand (56)



- a) Based on the information in the Economics Assessment and the Issues and Options Report, it remains unclear how 500,000 TEU container terminal is justifiably arrived at. Further comment on the demand/necessity for the establishment of a 500,000 TEU container terminal is welcomed.
- b) It is unclear when construction of Berth 5 could reasonably be expected to commence (based on the economic scenario's). The applicants position on this would be helpful to inform the setting of a lapse date beyond 5 years.
- c) It is unclear what enabling infrastructure would be required to enable a 500,000 TEU port to connect to the wider Upper North Island Supply chain, and when this infrastructure would need to be in place to facilitate cargo movements. Further comment this matter is welcomed.

8. Site Plan

Please provide a site plan clearly showing all components of the proposal, including; reclamation extent, coastal port structures (both fixed and floating) including wharves and seawalls, tug facility, water taxi/fishing pontoon (if applicable), pocket park, 60m coastal occupation zone sought as part of the consent application (exclusive or otherwise), bird roost, and MHWS and MLWS.

For the purpose of addressing residual navigation/safety/recreation matters, it would be helpful if this plan (or another plan) also demarcated the existing Port and Refinery prohibited areas under the Navigation Safety Bylaw.

Further Information Sought, including in Response to Matters Raised in Submissions

Following a review of submissions received during the notification period, the following additional information is requested.

9. Avifauna

- a) The effect conclusions of the avifauna assessment are generally underpinned by the assumption that, as a result of the proposed reclamation, coastal waders will disperse to other accessible intertidal areas for foraging and high-tide roosting. Please identify likely alternative locations and provide comment on whether those areas are capable of absorbing/accommodating the displaced birds and any potential adverse effects that this additional pressure may place on those alternative intertidal areas (with regard to both foraging and roosting).
- b) To support an evaluation of cumulative avifauna effects, please expand on the cumulative effects assessment methodology utilised within the Avifauna Assessment. It would be helpful to understand Northport's specialists' opinion on whether any additional ecological pressures (beyond the coastal developments identified in Table 35 of the Avifauna Assessment) require consideration. These may include increased levels of human activity, recreational activities (dog walking etc.), vegetation removal and other disturbances of habitat/foraging resources

10. Coastal Processes



- a) Please provide the 2022b MOS Wave climate and shoreline sediment transport modelling report for the Marsden Bay and Blacksmiths Creek areas, as referenced within the T+T Coastal Processes Assessment (September 2022 report, Section 3.11)

Reason: Section 3.11 of the Coastal Processes Assessment appears to be based, to a fair extent, on historical aerial images and then morphological modelling based on currents only. As a result, only seabed changes have been addressed, not the finer details that affect the shoreline and Blacksmiths Creek access. The report mentions MOS wave modelling, but none is presented and no shoreline wave caused transport seems to be included. The report references sand accumulation on the eastern side (wave caused), but not near the proposed bird island/roost (T+T Section 5.3). Section 4 of the assessment is largely descriptive and deals with tidal processes rather than the shoreline processes that concern residents, as opposed to the Port Authority.

- b) Please provide further comment on potential impacts on the Marsden Bay channels and shorelines.

Reason: Several submissions were received by residents’ of the Marsden bay area, of which identify that shoreline changes are occurring now. Whilst it is acknowledged that these changes may be as a result of natural, existing processes, further assessment is sought to understand if/how the proposal may impact these.

- c) Please provide further comment on cumulative effects on coastal processes considering existing morphological changes in the general Marsden Bay area and any changes to those ongoing processes that would arise from Northport’s proposed expansion.

Reason: The Coastal Processes Assessment does not seem to have quantified existing morphological changes in the general Marsden Bay area, and any potential changes to those ongoing processes that may arise from the proposal – including ongoing maintenance for access to Blacksmiths Creek. With regard to shoreline and channel configurations, the Marsden Cove Limited submission (#165) notes:

“In terms of coastal processes, MCL are concerned that dredging and the proposed bird roost area may affect the access channel to Marsden Cove Marina... MCL seek assurance that the proposed port expansion will not adversely affect the marina access and MCL’s own monitoring and maintenance requirements... MCL have sought independent coastal processes advice and request that the proponent’s response to their submission be made before any hearing in order to allow time for resolution.”

11. Navigation and Safety

- a) Please provide the results of previous simulations and further assessment on potential conflicts with recreational/commercial vessels and recreational users, considering the increased shipping frequency and activity generated by the proposal.

Reason: The previous simulations lack detail with respect to assessment of impacts on existing users (including vessels utilising the Channel Infrastructure facility). At present recreational users can pass through the channels / navigational areas. In future, when shipping movements are taking place, it is unclear whether there will be restrictions (see below also) on activities/movements but at least the frequency of recreational traffic vs times of shipping movements and potential increased interaction and / or restriction should be addressed?



- b) Further assessment on impacts on International Ship and Port Security, particularly how other uses and transit through the port area will / can be monitored and controlled

Reason: As discussed above, under ISPS there would typically be exclusion of recreational activity in the Port, and in terms of vessels arriving or departing presumably some degree of exclusion zone or similar. This may or may not already require security vessel for example on transits but if not may require it in future and may involve changed behaviours for other users (fishing/recreational) for example.

12. Recreation

Council’s recreation specialist remains concerned that the proposed mitigation seeks to encourage too many potentially conflicting uses into an area not large enough to safely provide for those, and that off-site options are likely to provide a more beneficial outcome to recreational users. Please advise if any amends are proposed to the recreation mitigation (i.e. on-site via the Pock Park) following the initial s92 response.

Please contact the undersigned directly should you have any questions on the matters set out within this letter.

Yours faithfully,

Stacey Sharp and Blair Masefield
 Consultant Planners
Beca
 Email: Stacey.sharp@beca.com