

BEFORE THE WHANGAREI DISTRICT COUNCIL AND NORTHLAND REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

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

APPLICATION NO. APP.005055.38.01

LU2200107

STATEMENT OF EVIDENCE OF DAVID WILLIAM LAMASON

8 SEPTEMBER 2023

INTRODUCTION

Qualifications and Experience

1. My name is David William Lamason. I am a resource consent and planning consultant and hold the qualification of Bachelor of Resource and Environmental Planning from Massey University. I have over 25 years' experience working within various local authorities and private consultancies. I am a full member of the New Zealand Planning Institute and a member of the Resource Management Law Association. I have been a director of Planners Plus Limited (Whitianga) for over 20 years.
2. Throughout my career I have worked on a wide range of projects throughout New Zealand. I have been actively involved with preparing subdivision and land use consent applications including coastal related consents.

Involvement

3. I have been engaged by submitters Marsden Cove Limited (Submitter 165) and Marsden Cove Canals Management Limited (Submitter 179) to the Northport Limited port expansion application to review the application and expert reports in relation to any potential adverse effects the proposal may have on the activities and consented environment administered and managed by the submitters.

Code of Conduct

4. I confirm that I have read the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note (2023) and I agree to comply with it. In that regard, I confirm that this evidence is written within my expertise, except where I state that I am relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.

Background

5. Marsden Cove Ltd (MCL) is one of the major developers of the Marsden Bay area. MCL has constructed and developed a unique and comprehensively planned marine village located just within the mouth of the Whangarei Harbour. Marsden Cove includes a world-class 230 berth Marina at its centre. The surrounding residential development comprises waterfront and near-waterfront sections around a canal

system. Incorporated into the development is a retirement village, waterfront apartments and waterfront retail.

6. Marsden Cove Canals Management Limited (MCCML) enables the governance, upkeep, beautification and administration of the canal environment and compliance with any associated regulations and consent conditions.
7. MCL and MCCML supported in part the joint application to the Northland Regional Council (APP.005055.38.01) and Whangarei District Council (LU2200107) for resource consent by Northport Limited for the Port Expansion project at Marsden Point.
8. The submitters requested that the Port Expansion project at Marsden Point be approved provided the applicant can confirm and provide evidence and undertake monitoring of the expansion activity and the future use of the site to ensure that there will be no adverse effects on the nearby Marsden Cove residential development and main channel access. The key considerations for MCL and MCCML are noise, coastal processes, and marine ecology.
9. The submitters have engaged the services of the following expert consultants, who have each reviewed the proposal and the relevant expert evidence, and prepared their own expert evidence:
 - Nevil Hegley – Hegley Acoustic Consultants (Noise)
 - Craig Davis – Davis Coastal (Coastal Effects)
 - Simon West – Bioresearches (Marine Ecology)

SCOPE OF EVIDENCE

10. My evidence refers to the advice and recommendations outlined in the evidence of the submitters' experts and provides confirmation of proposed changes to the NRC and WDC recommended conditions 18 August 2023 (Appendix D to the S42A Staff Report).

RECOMMENDED CONDITIONS OF CONSENT

Noise Effects

11. The submitters seek to ensure that appropriate conditions of consent are placed on the decision to ensure that noise associated with the port expansion and port activity does not result in noise levels that exceed 55dBA L_{dn} at any point within the boundaries of the Marsden Cove development area and that appropriate monitoring conditions are imposed.
12. Noise expert, Nevil Hegley, confirms that the proposed noise conditions will provide good acoustic protection for dwellings in the Marsden Cove area, but also recommends that:
 - The conditions should be made compatible with the recommendations of NZS6809 Acoustics – Port Noise Management and Land Use Planning. This will not change the intention of the noise levels as proposed; it will simply satisfy the recommendation of NZS6809.
 - The night time ventilation noise limit in bedrooms should be compatible with the recommendations of AS/NZS 2107:2016 “Acoustics- Recommended Design Sound Levels and Reverberation Times for Building Interiors” as adopted in proposed condition 73.
13. Nevil Hegley concludes that by adopting the requirements of NZS6809 to control noise (proposed condition 70) and including noise contours (preferably the 55/65dBA L_{dn} contours) in the condition then the noise at Marsdon Cove will be well within a reasonable noise limit at all times.

Marine Ecology and Coastal Process Effects

14. The submitters seek assurance that the proposed port expansion activities will not adversely affect Marsden Cove’s current position and the ability for MCL and MCCML to meet their monitoring conditions and requirements of their own resource consents if the port expansion and bird roost changes the ecology of Marsden Bay. The submitters also hold a resource consent to divert the adjacent Blacksmiths Creek.

15. Marine ecologist, Simon West recommends that:

- Effects trigger levels be defined for the dredging ecological monitoring, and that mitigation measures should be defined depending on levels of effects detected.
- Alternative bird roost sites should be considered, investigated, and compared before consenting, particularly if reclamation is required to create the bird roost. A rock armoured more durable and contained bird roost would seem to be a better option, potentially negating the need for some of the monitoring.
- Any alternative bird roost locations should be investigated and shown by the applicant that there are no adverse effects on the Marsden Cove development channel (coastal processes) and that there are no adverse effects on avifauna or marine ecology.
- Conditions of consent should be amended to protect all threatened or at risk bird species in the port reclamation area during construction, and where possible, construction during bird breeding seasons should be avoided.

16. Coastal engineer, Craig Davis' main concerns from a coastal perspective relate to the building of the proposed bird roost and its location. Mr Davis considers the bird roost to effectively be a new sediment source of indeterminate volume which will be placed in Marsden Cove to be reworked in a manner that has yet to be assessed. The primary risk of placing sediment at the bird roost is for the sediment to move to areas where it either:

- a) Impacts on local biota or
- b) Disrupts the flow or channel direction of the Marsden Cove channel or the Blacksmiths Creek.

17. Mr Davis recommends that:

- The potential adverse effects of the bird roost associated with sediment transport causing filling or diversion of Blacksmiths Creek and/or the Marsden Cove outlet channel and sediment inundation or contamination of shellfish be identified and addressed.
- While the application proposes monitoring it does not assess the effects that the monitoring may detect and what actions will be taken if the monitoring

captures adverse effects. An assessment of trigger levels should be made, and monitoring conditions imposed to include remedial actions that will be required if trigger levels are reached.

CONCLUSION

18. In conclusion, as the proposal currently stands, the submitters are concerned that the potential effects of the reclamation project and proposed bird roost have not been fully considered nor sufficiently addressed in terms of its effect on:
 - the adjacent coastline and the main access channel to the Marsden Cove development;
 - the effect the proposal may have on the ongoing and existing maintenance requirements for the dredging of the main access channel and the ability for the submitters to meet their obligations under their own resource consents; and
 - the ability to maintain the position of the adjacent Blacksmiths Creek flowpath diversion consent.
19. The submitters request that the applicant, Northport Limited, investigate alternative options for the proposed bird roost, and that the consenting authorities amend the draft conditions of consent to reflect the recommendations made in the evidence presented by the submitters' experts to ensure that the proposal will have no adverse effects on the nearby Marsden Cove residential development from a noise, coastal processes, and marine ecology perspective.
20. Furthermore, I recommend that enforceable and appropriate conditions be imposed to ensure the ongoing monitoring of conditions, the maintenance of the main access channel to the Marsden Cove residential development, and the remediation of adverse effects.

David Lamason

September 2023