

**BEFORE AN INDEPENDENT HEARINGS PANEL APPOINTED BY NORTHLAND  
REGIONAL COUNCIL AND WHANGAREI DISTRICT COUNCIL**

**UNDER** the Resource Management Act 1991 (**RMA**)

**IN THE MATTER OF** of an application by Northport Limited for all necessary  
resource consents to enable the expansion of  
Northport's existing facilities and support Northport's  
transition into a high-density container terminal  
(application numbers WDC: LU2200107 and NRC:  
APP.040976.01.01) (**Application**)

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**MEMORANDUM OF COUNSEL FOR CHANNEL INFRASTRUCTURE NZ  
LIMITED IN RELATION TO HEARING**

**DATED 13 SEPTEMBER 2023**

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## MAY IT PLEASE THE PANEL

1. Channel Infrastructure NZ Limited (**Channel**) is a submitter on Northport Limited's (**Northport**) Application. I appear on behalf of Channel today, along with Mr Jack Stewart (GM Operations, Channel), to confirm Channel's position in relation to the Application and to answer any questions from the Hearings Panel.
2. By way of background, Channel owns and operates the largest fuel import terminal in New Zealand, which is located immediately to the east of Northport's existing port facility and proposed eastern expansion.
3. Channel's operations form part of the strategically important infrastructure supply chain for the distribution of diesel, petrol and jet fuel to the Auckland and Northland regions, through the Marsden Point to Wiri pipeline.
4. Most relevantly to this matter, Channel's import terminal system includes a turning basin and the following coastal structures:
  - (a) Three jetties; two large, deep-water jetties (jetty 1 and 2) used by internationally trading product tankers and a third shallower jetty (jetty 3) used by a bunker tanker;
  - (b) Mooring piles;
  - (c) A fire pump intake located on the main causeway extending to the jetties;
  - (d) A boat ramp located on the foreshore between Northport's existing port structures and Channel's jetties; and
  - (e) A stormwater spillway, located on the foreshore between Northport's existing port structures and Channel's jetties.
5. Channel filed a submission in relation to Northport's Application on 15 December 2022 raising some concerns it had identified with Northport's proposal.

6. Channel's primary concerns related to the potential for adverse navigation safety and other effects on Channel's existing coastal infrastructure and operations, including shopping movements to and from Channel's jetties.
7. Channel filed expert evidence on coastal processes and navigation safety matters on 18 September 2023 regarding these effects.
8. Since filing its submission, Northport and Channel have engaged in constructive discussions in relation to the Application and how to manage any potential adverse effects on Channel.
9. As a result of these discussions:
  - (a) Northport and Channel agreed on amendments to Northport's draft proposed conditions of consent which were proffered by Northport to the Hearings Panel on 25 September 2023, and are attached as **Appendix A**. The amendments are incorporated into the updated version of the conditions filed with the evidence of Mr Brett Hood on 3 October 2023;
  - (b) Channel withdrew its expert evidence on 26 September 2023; and
  - (c) Channel has updated its position in respect of the Application to one of support for the Application, subject to the imposition of the agreed conditions. A letter confirming Channel's updated position was provided to the Hearings Panel on 26 September 2023 and is attached as **Appendix B** for ease of reference.



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**Stephanie de Groot**  
Counsel for Channel Infrastructure NZ Limited

## **Appendix A: Agreed amendments to conditions**

# DRAFT PROPOSED NRC CONDITIONS: NORTHPORT LIMITED

## PORT EXPANSION, SH15, MARSDEN POINT

To undertake the following activities at or near Ralph Trimmer Drive, Marsden Point and/or within the Whangārei Harbour:

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

AUT[XXXXXXX]

[Activity description]

AUT[XXXXXXX]

[Activity description]

[...]

[...]

SUBJECT TO THE FOLLOWING CONDITIONS:

### DEFINITIONS

“Allowable Duration”

is the maximum number of hours in a rolling 30 day period during which the Intensity prescribed at a telemetered turbidity monitoring location in relation to turbidity trigger Tiers 1 and 2 or Tier 3 Compliance Level may be exceeded without a management action being required. The maximum number of hours for each Tier is as follows:

- (i) Tier 1: 144
- (ii) Tier 2: 36
- (iii) Tier 3 Compliance Level: 7.2;

“AQMP”

means the Air Quality Management Plan;

“BMP”

means the Biosecurity Management Plan(s);

“Capital DMP”

means the Capital Dredging Management Plan;

“CEMP”

means the Construction Environmental Management Plan;

“Certification”

has the meaning set out in condition 24;

“Channel Infrastructure”

means Channel Infrastructure NZ Ltd and its wholly-owned subsidiaries and any successor in title to some or all of its coastal structures including existing jetties (including the fire pump intake dolphin moorings and spillway) and other coastal structures including outfalls and a boat ramp;

“CIH”

means the Cultural Indicators Hub;

<b>“CMA”</b>	means the coastal marine area as defined in s2 of the RMA;
<b>“Commencement of these consents”</b>	means the date the last of the consents applied for by Northport for its Expansion Project commences according to s 116 of the RMA;
<b>“Council”</b>	means Northland Regional Council or its successor;
<b>“CRMS”</b>	means Craft Risk Management Standard;
<b>“Dredge Spoil”</b>	means seabed material that has been removed by a dredge;
<b>“Declared Depth”</b>	means the depth below Chart Datum that is required for navigational safety, therefore set as the minimum requirement for the dredge operator to achieve. This excludes the over dredge tolerance in both the vertical and horizontal planes;
<b>“DMMOZ”</b>	means the Dredging Marine Mammal Observation Zone;
<b>“EMMOZ”</b>	means the Extended Marine Mammal Observation Zone;
<b>“EMMP”</b>	means the Environmental Monitoring and Management Plan;
<b>“Exceedance”</b>	means the exceedance of an Allowable Duration;
<b>“Expansion Project”</b>	means the Northport expansion to the east of the existing port for the purpose of constructing, operating, and maintaining a container terminal as authorised by these consents (and associated district consents), including reclamation and wharf construction and all associated activities and works;
<b>“Intensity”</b>	means the turbidity level (in NTU) established for each Tier at each telemetered turbidity monitoring location using the methodology contained in the document titled <i>“Turbidity Monitoring for the Northport Expansion Project”</i> (1 June 2023, Environmetrics Australia) and the following percentiles: (i) Tier 1: 80% (ii) Tier 2: 95% (iii) Tier 3 Compliance Level: 99%;
<b>“KG”</b>	means the Kaitiaki Group;
<b>“Maintenance DMP”</b>	means the Maintenance Dredging Management Plan;
<b>“MMMP”</b>	means the Marine Mammal Management Plan;
<b>“MMOZ”</b>	means Marine Mammal Observation Zone;
<b>“NTU”</b>	means nephelometric turbidity unit;
<b>“Pocket Park”</b>	means the public park (recreational open space) area near the south-eastern corner of the Expansion Project site, as shown in Boffa Miskell <i>“Proposed</i>

Concept Plan", BM220519-201 (Revision B, 25.7.22) at **Appendix 1**.

<b>"Practical Completion"</b>	in relation to the reclamation, means the date that the completed reclamation (or any part thereof) is available for port activities;
<b>"Predicted Dredging Turbidity"</b>	means the TSS from the dredging that is predicted from the hydrodynamic modelling detailed in Appendix 9 of the Assessment of Environmental Effects supporting the application lodged in October 2022;
<b>"RMA"</b>	means the Resource Management Act 1991;
<b>"Sandbank Renourishment Area"</b>	means the additional avifauna roosting habitat (for the benefit of Tōrea pango <i>Variable oystercatcher</i> and Tūturiwhatu <i>New Zealand dotterel</i> ) that is authorised by these consents to be established through the deposition of sand within the CMA to the west of the Expansion Project (as generally shown in Tonkin+Taylor " <i>Bird Roost Concept</i> ", DWG No. 1017349-02 (Revision 1, August 2022));
<b>"SCMP"</b>	Means the Stakeholder and Communications Management Plan described in condition 15;
<b>"Suitably Qualified and Experienced"</b>	means a person or persons with a recognised qualification and/or more than five (5) years relevant experience relevant to the topic being assessed;
<b>TAG</b>	Means Technical Advisory Group;
<b>"Tier 3 Compliance Level"</b>	Means the turbidity compliance level for each of the telemetered turbidity monitoring locations established in accordance with condition 156 and the document titled " <i>Turbidity Monitoring for the Northport Expansion Project</i> " (1 June 2023, Environmetrics Australia);
<b>"TSS"</b>	means Total Suspended Solids, measured in mg/L;
<b>"Water Taxi Pontoon"</b>	means the pontoon adjacent to the eastern end of the proposed reclamation which is proposed to be used for water taxi services, as shown in "Northport relocated tug facility – eastern end concept plan", D60-X (Issue R0, September 2022) at <b>Appendix 1</b> .
<b>"Working Day"</b>	Means any day of the year other than: (a) A Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Matariki, and Labour Day; and (b) If Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday; and (c) A day in the period commencing on 20 December in any year and ending with 10 January in the following year.

<b><u>"Wharf"</u></b>	<u>means the wharf structure to be constructed within the proposed</u>
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## GENERAL CONDITIONS

1. The consent holder must undertake all activities authorised by these consents in general accordance with the descriptions and plans submitted with the application or as modified through the hearing/decision process. In the event of any inconsistency between this information and these conditions, the conditions must prevail.
2. The location of the activities authorised by these consents must be in general accordance with the plans at **Appendix 1**.
3. 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 a Council compliance officer 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) The intended date of the CEMP and any other management plans being submitted for certification.
  - (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 CEMP and works.
4. The consent holder must keep the CMA free of litter and other debris arising from the exercise of these consents.
5. The consent holder must maintain all structures and the reclamation authorised by these consents in good order and repair. Maintenance works authorised by these consents must be routine maintenance and repair, including to the exterior walls of the reclamation consistent with the scale and form of the initial approved reclamation.
6. 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 all persons undertaking activities authorised by these consents.
7. The consent holder must notify the Council in writing within five (5) working days of Practical Completion of the reclamation.
8. The consent holder must notify the Council in writing within ten (10) working days following the date of the completion of all construction works authorised by these consents.
9. All monitoring/sampling required under these consents must be undertaken by or under the supervision of a Suitably Qualified and Experienced person(s).



## Review under s128 of the RMA

10. 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, 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.
11. The consent holder shall meet all reasonable costs of any such review.

## Accidental discovery protocol

12. If subsurface archaeological evidence is unearthed 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 and the Council must be notified as soon as reasonably practicable.
13. 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.
14. In the event of koiwi tangata (human remains) being uncovered, work in the immediate vicinity of the remains must cease. Heritage NZ Pouhere Taonga, NZ Police, iwi, hapū and Māori 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. For the avoidance of doubt, the accidental discovery protocol conditions apply to works undertaken within land and CMA.*

## Stakeholder and Communications Management Plan

15. 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 container terminal.
16. The SCMP shall set out, prior to construction, how the consent holder will:

- (a) Inform the community of project process and likely commencement of construction works and programme;
  - (b) Engage with the community and stakeholders to foster good relationships and provide opportunities for learning about the project;
  - (c) Utilise the project website to provide updates to the community;
  - (d) Communicate with tangata whenua regarding construction of the project;
  - (e) Respond to queries and complaints; and
  - (f) Provide updates on progress with management plans.
17. 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, affected landowners, tangata whenua, community groups, local businesses and representative groups, residents' organisations, other interested groups or individuals, network utility operators, Whangarei District Council and associated local authorities, 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.
18. 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**

19. 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.
20. Prior to Commencement 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.
21. From Commencement of these consents to Practical Completion, the website must include the following information:

- (c) Copies of these resource consents;
- (d) A summary of real-time data collected from the telemetered turbidity monitoring stations required under these conditions;
- (e) Quarterly monitoring reports prepared under condition ~~153153~~;
- (f) A record of all Tier 3 Compliance Level Exceedances that are correlated with identification of any extraordinary natural events;
- (g) Any Tier 3 Compliance Level Exceedance report prepared under condition ~~165165(a)(a)~~;
- (h) All certified management plans required by these conditions and any certified variations;
- (i) All written reports prepared under these consent conditions;
- (j) 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 22 below) ; and
- (k) 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.

## Complaints

22. 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;
  - (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.
23. The consent holder shall provide a copy of the complaints register to the Council's Compliance Manager within five working days of receiving a request to do so from the Council.

## Certification

24. Where any condition requires the consent holder to submit design 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 ~~a~~ design plans, ~~reports~~ or ~~a~~ management plans to the Council, and the Council assesses the documentation submitted. The certification process for design 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, 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/management plan/report for certification;
  - (d) A design plan, management plan or report cannot be subject to a third-party approval. The Council in deciding whether to certify the management plan or report, however, may also obtain advice from other qualified person(s).
25. This process in condition 24 must be repeated until the Council is able to provide written confirmation that the requirements of the applicable condition(s) have been satisfied.

## Lapse

26. These consents shall not lapse until their expiry.

## UNAUTHORISED DISCHARGES / HAZARDOUS SPILLS

27. During construction the consent holder must take all practicable measures to prevent unauthorised discharges of hazardous substances into the CMA. Such measures must include:
- (a) Measures to prevent oil and fuel leaks from vehicles and machinery, including maintaining machinery and equipment in good working order;
  - (b) Refuelling of land-based machinery and vehicles not occurring within 20 metres of the CMA where practicable, and occurring under supervision throughout the whole activity;
  - (c) All refuelling equipment having a shut-off valves;
  - (d) The stationary land-based storage of fuel and other hazardous substances not occurring within 20m of the CMA;
  - (e) All vehicles and/or works areas having a spill kit capable of absorbing the quantity of fuel and other hazardous substances that may leak or be spilt; and
  - (f) Spill containment equipment being immediately available and kept on-site at all times.

*Advice Note: nothing in condition 27 is intended to affect existing obligations under other legislation, including the Maritime Transport Act and associated statutory instruments such as marine protection rules.*

28. The consent holder must, on becoming aware of any discharge and/or spill associated with the consent holder's operations that is not authorised by these consents:
- (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain the discharge/spill;
  - (b) Immediately notify the Council by telephone of the discharge/spill;
  - (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the discharge/spill; and
  - (d) Report to the Council in writing within one (1) week on the cause of the discharge and the steps taken or being taken to effectively manage the discharge and prevent any recurrence.

During Council's opening hours, telephone contact with the Council must be via the Council's landline. If the relevant person cannot be spoken to directly, or it is outside of the Council's opening hours, then the Environmental Emergency Hotline must be contacted.

**Advice Note:** *The Environmental Emergency Hotline is a 24 hour, seven day a week, service that is free to call on 0800 504 639.*

29. In addition to the requirements in condition 28, for any spill of a hazardous substance into the CMA that is greater than 20 litres, the consent holder must provide the Council with the following information within 24 hours:
- (a) The date, time, location and estimated volume of the spill;
  - (b) The cause of the spill;
  - (c) The type of contaminant(s) spilled;
  - (d) Observations of any spilt material within the marine environment;
  - (e) Clean up procedures undertaken;
  - (f) Details of the steps taken to control and remediate the effects of the spill on the receiving environment;
  - (g) An initial assessment of the potential ecological effects of the spill; and
  - (h) Measures to be undertaken to prevent a recurrence.

## **DESIGN AND CONSTRUCTION OF RECLAMATION, MARINE STRUCTURES, SANDBANK RENOURISHMENT AREA AND STORMWATER INFRASTRUCTURE**

### **Engineering Plans**

30. The consent holder must submit detailed engineering plans (including drawings and calculations if applicable) prepared in accordance with an appropriate design standard / guideline, to Council prior to works commencing. These can be submitted in stages. The plans shall include:
- (b) Berth 5 reclamation, wharf, revetment, sea wall, and associated coastal structures;

- (c) Tug facility;
  - (d) Water taxi and public fishing pontoon;
  - (e) Sandbank Renourishment Area;
  - (f) Stormwater infrastructure, including:
    - (i) Floatables trap at weir-controlled-spillways; and
    - (ii) Any new or upgraded canals, weirs, spillways and associated stormwater infrastructure servicing proposed Berth 5 or Berths 1 – 4; and
31. The design and engineering plans must be independently peer reviewed by a Suitably Qualified and Experienced person and when submitting the plans, the consent holder shall provide to Council written evidence of this review and how the review comments have been responded to.
  32. The structures and infrastructure related to the container terminal must be designed to the relevant Importance Level to provide lifeline utility services. The consent holder when submitting the plans, shall provide written evidence from the Ministry of Civil Defence (or Equivalent) of the necessary Importance Level.
  33. The engineering plans must include details to demonstrate how the terminal at a later date can be modified to enable new infrastructural and/or technological changes to increase throughput capacity of terminal operations.

**Advice note:** *Specific design requirements relating to each of these components are set out in conditions below.*

#### **Reclamation design and construction**

34. The reclamation must be constructed within the area marked 'Proposed Reclamation' on plan C03 contained in Appendix 1.
35. The reclamation must be designed by a suitably experienced Chartered Professional Engineer, with input from other relevant specialists.
36. A Chartered Professional Engineer with relevant experience in reclamation construction must oversee the construction of the reclamation to ensure it complies with the design. A statement shall be provided by the engineer to Council confirming the construction was undertaken in accordance with the design (by way of a Producer Statement 4 or equivalent).
37. Any material deposited into the reclamation areas for bulk filling must only consist of the following:
  - (a) Dredge Spoil; and/or
  - (b) Imported material, including sand, soil, rock, gravel, and crushed concrete; and/or
  - (c) Construction materials, including stabilising agents such as cement or lime.

#### **Marine structures design and construction**

38. The design of the wharf, tug berthing facility, and Water Taxi Pontoon must ~~be~~:

- (a) ~~be designed-prepared~~ by a suitably experienced Chartered Professional Engineer; ~~and~~
- (b) ~~not give rise to any navigation or safety issues, including in respect of the operation of the adjacent Channel Infrastructure jetties (including shipping movements to and from Channel Infrastructure's jetty 3) and potential recreational conflicts.~~
- (a)(c) ~~be the design-reviewed approved~~ by an independent Suitably Qualified and Experienced person to confirm that there are no navigation or safety issues associated with the design including, ~~but not limited to, in respect of~~ the operation of the adjacent Channel Infrastructure jetties ~~including shipping movements to and from Channel Infrastructure's jetty 3 and~~. ~~This safety assessment will take account of, and~~ potential recreational conflicts. The ~~design shall be~~ review shall have regard to and incorporate where appropriate to:
- (i) ~~any recommended changes to the design to manage predicted changes to hydrodynamics and minimise effects on the Channel Infrastructure structures (including berth pockets) and turning basin, including the mooring of commercial vessels frequenting the Channel Infrastructure structures set out in the report required by condition 107107105(a)(ii)(iii)(iv); and~~
  - (ii) ~~any outcomes and recommendations of the Full Mission Bridge Simulations required by condition 110110108; to be provided to Channel Infrastructure at the same time as the independent Suitably Qualified and Experienced person; and~~
- (d) ~~be provided to Channel Infrastructure, along with the results of the independent review required by condition 38(c), with an opportunity for Channel Infrastructure to make comment within 20 working days on navigation or safety issues associated with the operation of the adjacent Channel Infrastructure jetties including shipping movements to and from Channel's jetty 3, and including in relation to successive versions of the design before it is finalised;~~
- (e) ~~be updated to address any issues identified in the independent review required by condition (c) above and respond to and reasonably incorporate any comments provided by Channel Infrastructure pursuant to (d) above;~~
- (f) ~~be submitted to Council for certification at least two (2) months prior to construction of the structures the design, along with including the results of the independent review required by condition (c) above, any updates to respond to the independent review required by condition (c) above, and/or any comments provided by Channel Infrastructure pursuant to (d)(e) above, shall be submitted to Council for certification at least two (2) months prior to construction of these structures.~~

39. ~~The consent holder will notify Channel Infrastructure when it engages the Suitably Qualified and Experienced person in accordance with condition 38(c) so that Channel Infrastructure may prepare internally for its review of the design in accordance with condition 38(d).~~

**Advice note:** ~~The design of the wharf, tug berthing facility, and Water Taxi Pontoon, includes the design detail, as well as the extent and location of each structure. In addition, the requirement for the design to have no navigation or safety issues (as noted in condition 38 (c) above) applies in all existing operable weather conditions and should not take into account any changes that could potentially be made to a third parties' structures or operations to mitigate any navigation or safety issues (unless their permission is obtained).~~

~~38-40.~~ A Chartered Professional Engineer with relevant experience must oversee the construction of the wharf, tug berthing facility, and Water Taxi Pontoon structures to ensure they comply with the design. A

statement shall be provided by the engineer to Council confirming the construction was undertaken in accordance with the design (by way of a Producer Statement 4 or equivalent).

39.41. The tug berthing facility must be located at the general location shown in “Northport relocated tug facility – eastern end concept plan”, D60-X (Issue R0, September 2022) at **Appendix 1**.

40.42. The Water Taxi Pontoon must be located at the general location shown in plan **[insert plan reference]**.

**Advice note:** *Public access to the Water Taxi Pontoon will be via the public Pocket Park.*

### **Sandbank Renourishment Area**

41.43. The consent holder shall provide confirmation from a Suitably Qualified and Experienced person that the material used in the Sandbank Renourishment Area construction contains no contaminants above background levels, based on the average of no less than five sediment sample locations within the western intertidal area of Marsden Bay.

42.44. The final design of the Sandbank Renourishment Area must be in general accordance with Tonkin+Taylor “Bird Roost Concept”, DWG No. 1017349-02 (Revision 1, August 2022) and the Avifauna section of the CEMP.

43.45. Before the commencement of construction works on the proposed reclamation, the consent holder must construct the Sandbank Renourishment Area.

**Advice note:** *The purpose of the Sandbank Renourishment Area is to provide additional roosting habitat for key avifauna species, namely Tōrea pango (Variable oystercatcher) and Tūturiwhatu (New Zealand dotterel)*

44.46. The sand renourishment area plans when submitted for certification must be accompanied by:

- (a) Minimum roost size performance standards;
- (b) Construction methodology; and
- (c) Maintenance monitoring, methods, and schedule.

45.47. A Chartered Professional Engineer with relevant experience must oversee the construction of the sandbank to ensure it complies with the design. A statement shall be provided by the engineer to Council confirming the construction was undertaken in accordance with the design (by way of a Producer Statement 4 or equivalent).

### **ENVIRONMENTAL MITIGATION**

#### **Public access**

46.48. Prior to commencement of the works, the consent holder must provide or facilitate an alternate location for the Te Araroa trail and Water Taxi to connect from Reotahi to Marsden Point, and must maintain this facility until Practical Completion of the replacement Water Taxi Berth.



47-49. The consent holder must maintain existing public access to and along the foreshore and public reserve areas to the greatest extent practicable, except where these consents authorise exclusive occupation and/or where necessary for operational requirements or to ensure public safety.

### Contribution to Indigenous Duneland Vegetation

48-50. Before the commencement of construction works on the proposed reclamation, the consent holder must make a donation of \$[XXXX] to an established group(s) with conservation experience, for works to protect indigenous duneland vegetation communities in the Ruakaka area.

**Advice note:** *While not directed at managing particular effects associated with the implementation of these consents, the consent holder agrees to this condition for the purposes of s 108AA(1)(a) of the RMA. It is intended that the funds will be utilised for planting, pest control or other practical works to restore and enhance indigenous duneland vegetation in the district.*

### Integrated marine planning initiative

49-51. The consent holder shall use reasonable endeavours to establish a Steering Committee to examine and promote Integrated Marine Planning and Governance for Bream Bay in accordance with the draft Discussion Document dated 28 July 2023. The consent holder's obligations include, as a minimum:

- (a) Inviting stakeholders to participate in a Steering Committee;
- (b) Providing funding towards the establishment, administration, and promotion of the roles and outcomes of, a Steering Committee ('Steering Committee Funding'). The Steering Committee Funding will total not less than [XXXX] per annum (plus GST, if any) for a period of [x] years, beginning the first full calendar year following commencement of these consents. A record of payments constituting the Steering Committee Funding for each full calendar year is to be provided by the consent holder to the Council's Compliance Manager not later than 31 March the following year; and
- (c) Generally promoting the Steering Committee to assist it to carry out its functions and achieve the outcomes sought.

**Advice Note:** *The consent holder has offered, on an Augier basis, to use its reasonable endeavours to establish and promote a Steering Committee to examine integrated co-governance of Bream Bay, including the promotion of an Integrated Marine Planning Framework that provides for the integration of all interests towards the wellbeing of the marine environment. Information regarding Northport's aim in promoting and establishing a Steering Committee, including its' proposed constitution, structure, functions, and outcomes sought is set out in the Statement of Intent.*

*It is acknowledged that the likely constitution of a Steering Committee will include representatives of central and local government, quasi-governmental bodies, interest groups, industry, and hapū/iwi/Māori. As such, it is recognised that the obligations on Northport secured through these consent conditions need to be appropriately scoped.*

## CONSTRUCTION MANAGEMENT

AUT[XXXXXXXX]

[Activity description]

AUT[XXXXXXXX]

[Activity description]

[...]

[...]

### Construction noise

50-52. Construction noise from activities within the CMA, including from capital and maintenance dredging, must not exceed the noise limits in the following table:

#### **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 <sub>Aeq</sub>	L <sub>AFmax</sub>
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

#### **INDUSTRIAL OR COMMERCIAL AREAS:**

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

Time period	Noise limits (dB L <sub>Aeq</sub> )
0730-1800	70
1800-0730	75

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

51-53. Construction noise must be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise".

## Construction dust

52-54. The consent holder must manage dust associated with construction works to avoid having an offensive or objectionable effect beyond the boundary of the land or structures owned or occupied by the consent holder.

**Advice note:** *There is potential for discharges to air in the form of dust from at least the following activities:*

- a) *The stockpiling, crushing or handling of material;*
- b) *The loading and unloading of material and the movement of vehicles associated with the handling of material;*
- c) *Transport of material;*
- d) *Vehicle movements;*
- e) *The deposition of material associated with the construction of the reclamation; and*
- f) *Fugitive dust from unconsolidated surfaces.*

53-55. If dust from site activities results in any form of nuisance effect beyond the boundary of land or structures owned or occupied by the consent holder, the consent holder must immediately review the dust mitigation measures and amend or implement additional dust control methods necessary to prevent a reoccurrence.

## Avifauna

### *Kororā Little Penguin*

54-56. Within 24 hours prior to any works resulting in the disturbance of existing revetment rock, the consent holder must undertake surveys by a Suitably Qualified and Experienced coastal ornithologist and a certified penguin detector dog to determine the presence or absence of kororā *Little Penguin* within the existing eastern boundary riprap revetment.

55-57. If an active burrow or moulting penguin is discovered under condition 56, until such time that nesting or moulting is complete, the following applies:

- (a) No rock removal or piling activities shall be undertaken within 10 m of the active burrow or moulting penguin; and
- (b) No other construction activity may occur in proximity to an active burrow or moulting penguin unless that activity can achieve a maximum sound level of 75 dB LAeq(15min) as measured outside of the entrance of a burrow containing an active burrow or moulting penguin.

56-58. If kororā *Little Penguin* are present within 10 m of a proposed reclamation works area, any rock removal works must be undertaken in the presence of a Suitably Qualified and Experienced coastal ornithologist.

57-59. The consent holder must ensure that no kororā *Little Penguin* are trapped by reclamation construction works.

**Advice note:** *Catching, holding, and/or releasing kororā Little Penguin will require authorisation from the Department of Conservation under the Wildlife Act 1953.*

**Advice note:** “Active burrow” is defined as a kororā burrow containing, or suspected to contain, a nesting bird, viable nest contents (i.e. eggs and / or chicks) or moulting bird based on the time of the year and other evidence observed at the burrow location by a Suitably Qualified and Experienced coastal ornithologist.

#### *Tōrea pango Variable oystercatcher*

**58-60.** If reclamation construction works are to occur during September to March inclusive (being Tōrea pango *Variable oystercatcher* breeding season), surveys must be undertaken by a Suitably Qualified and Experienced coastal ornithologist to determine potential Tōrea pango *Variable oystercatcher* nesting habitat within the proposed works footprint(s).

**59-61.** If reclamation construction works are to occur during the Tōrea pango *Variable oystercatcher* breeding season and within 20m of an area identified as potential Tōrea pango *Variable oystercatcher* nesting habitat, a Suitably Qualified and Experienced coastal ornithologist must survey for the presence of active nests.

**60-62.** If an active nest is detected, a 20m exclusion zone must be implemented for all reclamation construction machinery and personnel.

**Advice note:** Refer also the requirements in these conditions for constructing and maintaining the Sandbank Renourishment Area to provide additional avifauna roosting habitat.

#### **Marine mammals**

##### *Marine Mammal Observation Zone (MMOZ)*

**61-63.** Before commencing any pile driving activity, the consent holder must establish a MMOZ and an Extended Marine Mammal Observation Zone (EMMOZ) within which personnel having appropriate training and experience must act as observers to search the MMOZ for marine mammals as far as reasonably practicable, including pre-start and during works observations.

- (a) The MMOZ extent shall be any CMA within 200m of the pile driving.
- (b) The EMMOZ extent shall be any CMA within 800m of the pile driving.

**62-64.** The default MMOZ extent must be confirmed (or adjusted) following the verification of in-situ pile driving sound levels and model verification in accordance with the procedures set out in the Condition 68-74.

##### *Pile driving prohibition requirements*

**63-65.** If:

- (a) dolphin, toothed whale or pinniped (other than a leopard seal) is sighted in waters within the MMOZ;  
or
- (b) a baleen whale or popoianore leopard seal is sighted in waters within the EMMOZ;
- (c) pile driving must not commence or must immediately cease; and must only commence or re-commence once all marine mammals have left the relevant location(s) specified in (a) and (b) above and in accordance with (4) below.

~~64-66.~~ if a baleen whale or popoiangore leopard seal passes through the EMMOZ and continues westward up the harbour:

- (a) An additional MMO shall be stationed at One Tree Point and that MMO shall observe the waters to the west of a line between One Tree Point and Manganese Point as shown on Plan [xxx] attached to this consent and the waters between the EMMOZ and the line between One Tree Point and Manganese Point.
- (b) Piling shall remain ceased whilst the sighted baleen whale or popoiangore leopard seal is observed to be west of the EMMOZ but east of the line between One Tree Point and Manganese Point
- (c) Piling can recommence if:
  - ~~(i)(iii)~~ The sighted baleen whale or popoiangore leopard seal crosses the line between One Tree Point and Manganese Point in a westerly direction
  - ~~(ii)(iv)~~ The sighted popoiangore leopard seal enters the Marsden Cove Marina
  - ~~(iii)(v)~~ The sighted baleen whale or popoiangore leopard seal exits the eastern edge of the EMMOZ
- (d) If a baleen whale or popoiangore leopard seal is observed crossing the line between One Tree Point and Manganese Point in eastward direction towards the port, piling shall cease and can only recommence if the mammal is visually confirmed to exit the eastward edge of the EMMOZ or has not been sighted for 1 hour.

~~65-67.~~ The distances in condition 63 must be confirmed (or adjusted) following the verification of in-situ pile driving sound levels in accordance with condition 68-74.

#### *Pile-driving sound level verification*

~~66-68.~~ The Consent Holder shall carry out acoustic monitoring during Pile Driving to measure the unweighted twenty-four hour cumulative Sound Exposure level (SELcum(24h)) at the point shown on Plan [XXXXX], attached to this consent. The unweighted SELcum(24h) shall be derived from the impact driven and vibro-driven piling operations over a twenty-four hour period.

~~67-69.~~ The acoustic monitoring required under Condition 68 shall include, but not be limited to, measurement work undertaken within two weeks of commencing pile driving activities for the wharf and during normal operating conditions on each of the different pile diameters for a minimum of three days each.

~~68-70.~~ The monitoring results collected in accordance with Condition 68 and 69 shall be compared to the unweighted twenty-four hour cumulative Sound Exposure level (SELcum(24h)) and shall not exceed 180dB re 1µPa2s (SELcum(24 hour)) during the first year of piling

~~69-71.~~ Within 2 weeks of completion of the measurements work completed under condition 68 and 69, an acoustic monitoring report shall be prepared by the Consent Holder. The report shall detail the acoustic monitoring undertaken, the piling activity during the monitoring and a comparison of the monitoring results to the criteria in condition 70. A copy of the report shall be provided to the NRC.

~~70-72.~~ If piling activities are to extend into a second successive winter, the monitoring set out in Condition 68 and 69 shall be repeated in June of that year. The unweighted twenty-four hour cumulative

Sound Exposure level (SEL<sub>cum</sub>(24h)) measured during this monitoring shall be not exceed 170 dB re 1µPa<sub>2s</sub> at the measurement point shown on Plan [XXXX], attached to this consent.

~~71-73.~~ The radius of the MMOZ and the EMMOZ in Condition 63 may be reduced in size to if the acoustic monitoring and subsequent model verification carried out in accordance with Condition 68 to 70 establishes that:

- (a) the unweighted 190 dB re 1µPa<sub>2s</sub> SEL<sub>cum</sub>(24h) contour which sets the MMOZ is less than 200m from the Pile Driving unit.
- (b) the unweighted 176 dB re 1µPa<sub>2s</sub> SEL<sub>cum</sub>(24h) contour which sets the EMMOZ is less than 800m from the Pile Driving unit.

~~72-74.~~ Any reduction in the size of the MMOZ must be approved in writing by the Consent Authority Manager acting in a technical Certification capacity, on the basis of provision of the results of representative acoustic monitoring in accordance with Condition 73.

#### *Pile driving timing and scheduling*

~~73-75.~~ Pile driving must only be undertaken during daylight hours (half hour after sunrise and half hour before sunset).

~~74-76.~~ To the extent practicable, pile driving must be scheduled and carried out to minimise the potential impact on marine mammals. This includes scheduling commencement of pile driving at a time which minimises the need for it to occur over successive marine mammal “seasons” (i.e. back-to-back winters).

**Advice note:** *Conditions 63-74 are for the purposes of minimising any risk of hearing impairment to marine mammals from pile-driving activities. Refer also the various controls required by the Marine Mammals section of the CEMP.*

#### **Discharge of reclamation decant water**

~~75-77.~~ Reclamation construction decant water must be discharged to coastal water via pipeline with an outlet(s) that is:

- (a) adjacent to the active reclamation edge; and
- (b) at least 1 (one) metre below Mean High Water Springs.

~~76-78.~~ Monitoring of the reclamation construction decant discharge must occur as follows:

- (a) On a daily basis during decant discharge, the consent holder must measure the outlet discharge turbidity in NTU and compare this value with the turbidity trigger value in NTU that equates to a TSS of 300mg/l. The NTU equivalent must be established following contemporaneous TSS and turbidity testing of the discharge in the first week of operations.
- (b) If the measured turbidity exceeds the trigger value in (a), the consent holder must:
  - (i) Implement management practices to reduce the turbidity of the discharge;
  - (ii) Collect a sample of discharge from the outlet pipe at a point prior to discharge into the CMA; and
  - (iii) Analyse the sample for TSS concentration and compare it with the TSS trigger value in (a) above.

77-79. The consent holder must provide the results of sampling completed under condition 78 upon request.

78-80. If a discharge sample collected in accordance with condition 78 exceeds the TSS concentration limit the following must occur:

- (a) The consent holder must immediately cease the discharge and implement any management practices required to reduce the TSS concentration of the decanted discharge, after which the discharge may recommence;
- (b) Within one (1) hour of resuming the discharge, the consent holder must measure the outlet discharge turbidity in NTU to reassess for compliance with condition 78; and
- (c) If compliance with 78 is not achieved, the consent holder must undertake further management measures to reduce the TSS concentration of the decanted discharge and inform the Council within 48 hours.

#### **Discharge of stormwater during construction**

79-81. The discharge of stormwater from the reclamation and/or wharf area while under construction must only be:

- (a) into the decant discharge system;
- (b) directly into coastal water; or
- (c) into the existing canal and pond-based stormwater system.

80-82. Any construction stormwater discharge system(s) discharging directly to coastal water must be designed to achieve a NTU concentration of equivalent to 300mg/l TSS using the relationship established in accordance with condition 77(s) at the point of discharge for all rainfall events up to and including the 1 in 20-year storm event.

#### **Construction and Environmental Management Plan (CEMP)**

81-83. At least two (2) 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.

82-84. The CEMP must include the following sections:

- (a) Construction phase roles and responsibilities protocols;
- (b) Environmental Risk Assessment;
- (c) Dust;
- (d) Hazardous Substances;
- (e) Erosion and Sediment Control;

- (f) Marine Works;
- (g) Wildlife, including:
  - (i) Avifauna;
  - (ii) Lizards; and
  - (iii) Marine Mammals;
- (h) Archaeology;
- (i) Construction Noise; and
- (j) Complaints Procedures and incident reporting.

83-85. 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*).

84-86. The CEMP must be certified in writing by the Council's Compliance Manager 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).

85-87. The CEMP may be submitted in stages to reflect the design and construction programme. If staging is proposed and any of the matters in condition 84 are not relevant, a statement shall be provided of why management of these effects are not relevant to the particular stage of works.

86-88. Any variation to the CEMP must be subject to certification by Council's Compliance Manager.

87-89. Specific requirements for certain sections of the CEMP are set out in the conditions below.

#### *Dust*

88-90. The dust section must set out dust management practices during construction to achieve the outcomes of conditions 54-55, and to minimise the risk of dust discharges having an offensive or objectionable effect beyond the boundary of land or structures owned or occupied by the consent holder, and must include:

- (a) A description of the potential Expansion Project construction dust sources;
- (b) The methods to be used for controlling dust at each source including:
  - (i) Stabilisation of unconsolidated surfaces using water, wetting agents, chemical dust suppressants, and/or other surface modification methods;
  - (ii) Assessing meteorological conditions in advance to determine whether dust minimisation measures need to be activated or adjusted;
  - (iii) Regular sweeping of sealed surfaces;
  - (iv) Minimising vehicle speeds to 20km/h on unsealed surfaces; and
  - (v) Handling and stockpiling practices, including guidelines for removal and stockpiling during windy conditions.
- (c) A description of inspection and monitoring procedures;



- (d) A system of training for employees and contractors to make them aware of the requirements of the dust management section of the CEMP;
- (e) A method for recording and responding to dust complaints from the public; and
- (f) Procedures for managing dust when staff are not on site.

#### *Erosion and Sediment Control*

**89-91.** The erosion and sediment control section of the CEMP must include measures for managing the decant discharge and any other construction stormwater discharges during reclamation, including the following information:

- (a) A plan of the location of the discharge;
- (b) A description of the best practice methods that will be used to manage the quantity and quality of the discharge, so that the discharges achieve the turbidity conditions standards;
- (c) Methods to avoid and contain spillages during pumping; and
- (d) Methods to monitor, report on, and manage the decant discharge in accordance with conditions 78-80; and
- (e) Methods to establish whether contaminants are present in sediment that could pose an unacceptable risk to the health of marine organisms (that is, if they are above the relevant Interim ANZECC Guidelines for Sediment (ISQG-Low)), and if contaminants are observed above those guideline values, a strategy to manage the risk to a point that is deemed acceptable.

#### *Avifauna*

**90-92.** The Avifauna section of the CEMP must be written by a Suitably Qualified and Experienced ornithologist and must address the measures required to ensure compliance with conditions 56-62, set out construction protocols to avoid injury/mortality of coastal avifauna, and include:

- (a) Detailed descriptions and methodologies setting out how adverse effects on Kororā *Little Penguin* and Tōrea pango *Variable oystercatcher* will be managed, including:
  - (i) For Kororā *Little Penguin*, to ensure compliance with conditions 56 to 59 (relating to pre-construction surveys, implementation of construction works exclusion zones, and measures to reduce underwater noise from pile driving); and
  - (ii) For Tōrea pango *Variable oystercatcher*, to ensure compliance with conditions 60 to 62 (requiring protocols for pre- and during-constructions surveys, and implementation of exclusions zones around active nests and nesting birds).
  - (iii) Low impact sediment controls and dredging methodology as specified in the Coastal Avifauna Assessment; and
  - (iv) Piling methodology for protection of Kororā as specified in the Coastal Avifauna Assessment.
- (b) Measures to minimise the effects of artificial construction lighting on avifauna, including a description of the outdoor lighting to be used during construction to reduce the potential for bird strike, and may include:
  - (i) targeting of luminaires;
  - (ii) use of shields or baffles;
  - (iii) use of light dimmers and/or timers for areas that are not constantly in use; and

- (iv) use of coloured and/or LED lights to reduce overall light intensity.

#### *Lizards*

91-93. The Lizards section of the CEMP must be prepared by a Suitably Qualified and Experienced person, and should include:

- (a) Protocols of a comprehensive lizard survey prior to construction;
- (b) Protocols of lizard salvage and vegetation clearance management during construction (if required); and
- (c) Protocols of an ongoing programme of mammalian pest control post-development (if required).

#### *Marine Mammals*

92-94. The Marine Mammals section of the CEMP must include (as an attachment) a Marine Mammal Management Plan (MMMP) which must detail:

- (a) The potential for adverse effects of noise produced by construction activities on marine mammals that may be present within Whangarei Harbour.
- (b) Procedures for the verification of the in-situ noise levels produced from pile-driving activities by measuring the underwater noise of these activities as soon as practicable once pile-driving has commenced, and a process for identifying and implementing any corresponding adjustments to mitigation actions, if required (including revised Marine Mammal Observation Zones (MMOZs) and associated pile driving prohibition procedures).
- (c) Underwater noise management, including passive acoustic monitoring where appropriate, and implementation measures for the MMOZs provided in condition 94(f).
- (d) Procedures for the continuation of acoustic monitoring at the established baseline stations across the Whangārei Harbour during pile-driving activities.
- (e) Piling methodology procedures for the reduction of noise levels at source, which may include:
  - (i) The use of vibro-driving where practicable;
  - (ii) “Soft start” or “ramping up” procedures over a ten minute period in accordance with best practice for impact and vibro-piling where practicable;

**Advice note:** “Soft start” and “ramping up” are procedures whereby pile-driving energy is gradually increased to normal operating levels to give nearby marine animals an opportunity to move away from the area before sound levels increase to an extent that may cause discomfort or injury.

- (iii) The use of a sacrificial non-metallic (e.g. wooden) hammer cushion caps or dollies for impact piling to reduce underwater noise where practicable;
- (iv) Modifications to pile striking by changing the contact time of the hammer (to reduce the noise generated by impacts through a reduction in the amplitude of the pile vibration) where practicable;
- (v) Available technologies to reduce noise at source and their implementation where practicable (for example bottom-driven piles, air balloons inflated within open piles to reduce ringing, and/or bubble curtain technology); and/or

- (vi) The use of available technologies to reduce underwater noise propagation (e.g. bubble curtains).
- (f) Protocols for the implementation of Marine Mammal Observation Zones (MMOZs) and associated pile driving prohibition procedures, including:
  - (i) Establishment of MMOZs, including relevant procedures, within which personnel having the necessary training and experience will act as observers to search the MMOZ for marine mammals;
  - (ii) Reporting and logging of marine mammal sightings; and
  - (iii) Establishment of pile driving prohibition procedures if a marine mammal is cited within an MMOZ.
- (g) Protocols for the implementation of a Dredging Marine Mammal Observation Zone (DMMOZ) located 50m all around an actively dredging dredge vessel and associated dredging prohibition procedures including:
  - (i) Establishment of the DMMOZ, including relevant procedures, within which personnel having the necessary training and experience will act as observers to search the DMMOZ for marine mammals;
  - (ii) Reporting and logging of marine mammal sightings; and
  - (iii) Establishment of dredging prohibition procedures if a marine mammal is cited within an DMMOZ.
- (h) Protocols for marine mammal training of construction staff.
- (i) Vessel operating guidelines to minimise the risk of vessel strike (including compliance with the Marine Mammals Protection Regulations 1992), equivalent to the Hauraki Gulf Transit Protocol with relation to speed limits, watch keeping, and reporting.
- (j) Protocols for reducing risk of entanglement of marine mammals in construction equipment.
- (k) Protocols for the control of construction-related debris and waste, including waste management protocols for the secure onboard storage of items such as lines, nets and waste to avoid entanglement of marine mammals or their ingestion of waste material.
- (l) Protocols for the maintenance and inspection of marine-based construction equipment having the potential for effects on marine mammals (for example the inspection and maintenance of marine silt curtains, if used).
- (m) Procedures for the liaison with:
  - (i) the Department of Conservation *Te Papa Atawhai* to request up-to-date regional sighting information for the duration of construction works (excluding maintenance dredging), particularly for visiting baleen whales; and
  - (ii) Marsden Cove marina staff to request up-to-date sighting information for Leopard seals *Popoia ngore* in the Marina for the duration of construction works (excluding maintenance dredging). This might include, subject to agreement, installing appropriate signage at the marina with a contact telephone number for the Northport Service Centre; and
  - (iii) Iwi and/or hapū.
- (n) Procedures, including timeframes, for reviewing management actions to ensure their continuing efficacy during operations.

- (o) Incident reporting procedures.

93-95. The MMMP must be in general accordance with the draft MMMP provided as part of the resource consent application (*Enviser, Draft Marine Mammal Management Plan, September 2022*).

## COMMERCIAL SHIPPING

### Safety Management Plan ('SMP')

94-96. The consent holder must prepare a draft SMP and, following consultation on the content of the draft SMP with representatives from Channel Infrastructure, North Tugz Limited, Seafuels, the Whangarei Harbour Safety Committee, and the Harbourmaster (including provision of at least fifteen (15) working days for feedback to be provided), the consent holder must no later than three months prior to the commencement of Expansion Project capital dredging provide the draft SMP to the Council for Certification.

95-97. The objective of the SMP is to specify procedures for the management of Expansion Project capital dredging, reclamation, and construction operations to ensure that any actual or potential adverse effects of capital dredging and reclamation on other commercial shipping operations in the Whangarei Harbour, with respect to harbour safety and vessel navigation, are appropriately managed.

96-98. In order to achieve the objective set out in condition 97, the SMP must, as a minimum, include:

- (a) The processes and procedures, including real-time communication protocols, that will be implemented to manage-minimise disruption to commercial shipping schedules, including for ships visiting Channel Infrastructure and Northport;
- (a)(b) The process and procedures, including real-time communication protocols, that will be implemented to avoid, as far as reasonably practicable, disruption to commercial shipping movements to / from Channel Infrastructure's jetties 1 and 2;
- (b)(c) The measures/procedures that will be implemented in relation to Expansion Project capital dredging and reclamation operations to manage any potential conflicts between the capital dredging and reclamation programmes and other commercial shipping, including ships visiting Channel Infrastructure and Northport;
- (e)(d) The measures/procedures that will be implemented in relation to Expansion Project capital dredging, and reclamation operations to maintain the safety of all commercial shipping in Whangarei Harbour;
- (e) Any changes required to the existing Dynamic Under Keel Clearance System as a result of the Expansion Project, and the necessary implementation processes for any such changes;
- (d)(f) The training and/or information regarding the above matters that will be provided to dredge vessel crews.

97-99. The consent holder must undertake all activities authorised by these resource consents in accordance with the Certified SMP.

98-100. Any amendments to the Certified SMP proposed by the consent holder must be supported by a report from a Suitably Qualified and Experienced person, following consultation by the consent holder with representatives from Channel Infrastructure, Seafuels, North Tugz Limited, the Whangarei Harbour Safety Committee, and the Harbourmaster. Any amendments to the MSP must be Certified by the Council.

## Potential sedimentation at Channel Infrastructure jetties and turning basin

~~99-101.~~ In order to inform the coastal process shoreline monitoring required by conditions ~~196196-197197~~, the consent holder must undertake an initial pre-Expansion Project baseline sub-tidal, inter—tidal, and dry beach survey of the shoreline from Northport to Mair Bank (inclusive), including the Channel Infrastructure jetty area. The pre-Expansion Project baseline bathymetry survey must be completed prior to commencement of Expansion Project capital dredging and must expressly consider the bathymetry in the vicinity of the following areas:

- (a) the Channel Infrastructure jetty structures, including the berth pockets and turning basin, and
- (b) other marine structures owned/operated by Channel Infrastructure (and existing as at 1 January 2023), including the firepump intake, outfall locations, [boat ramp](#) and spillway.

~~100-102.~~ A report on the outputs of the pre-dredging baseline survey required by condition 101 must be provided to Channel Infrastructure within 4 months of the completion of the survey.

**Advice Note:** *The consent holder agrees to also make available to Channel Infrastructure copies of all reports required by conditions [196196-197197](#) (reporting on the coastal process shoreline monitoring required to be undertaken by the consent holder) immediately after they are provided to Council in accordance with those conditions.*

~~101-103.~~ The consent holder must procure an [independent](#) Suitably Qualified and Experienced person to review any reports or other data provided to the Council in accordance with conditions [101 and 196196-197197](#), and to prepare a further report that, as a minimum:

- (a) Describes the levels of sedimentation or erosion in the areas in the ~~immediate~~-vicinity of the Channel Infrastructure structures and turning basin, and outlines any changes that have occurred since the pre-Expansion Project baseline bathymetry survey, and/or any preceding report produced under this condition; and
- (b) Based on the monitoring undertaken, assesses whether it is possible to ~~conclusively~~ determine that any materially increased sedimentation or erosion at the Channel Infrastructure structures or turning basin has been caused by the Expansion Project and to quantify the relative contribution of the Expansion Project to the observed changes to other processes (and, if so, whether the Expansion Project has in fact caused the increased sedimentation or erosion).

~~102-104.~~ The consent holder must no later than 18 months following the completion of Expansion Project capital dredging submit the report required by condition 103 to Channel Infrastructure. Thereafter, reports must be submitted annually to Channel Infrastructure for a further five years. At the end of that five year period, if the opinion of the independent Suitably Qualified and Experienced person is that material changes to levels of sedimentation or erosion in the areas in the immediate vicinity of the Channel Infrastructure structures and turning basin continue to be observed, then monitoring and reporting in accordance with condition 103103 shall be reviewed and updated to reflect the observed changes and establish a new monitoring regime and timeframe. at that particular location shall continue for a further period of five years, or until material changes cease to be observed, whichever is the earlier.

~~103-105.~~ Where a report produced under condition 103 concludes that the Expansion Project has ~~conclusively caused~~significantly contributed to materially increased sedimentation or erosion at the Channel Infrastructure structures or turning basin, the consent holder must engage with

Channel Infrastructure to determine an appropriate mechanism to fund the actual and reasonable costs for any:

- (a) measures including maintenance dredging required to be undertaken to return the levels of sedimentation at the Channel Infrastructure structures or turning basin to pre-Expansion Project levels, and/or
- (b) monitoring and/or scour protection works required to be undertaken to manage erosion at the Channel Infrastructure structures or turning basin due to the Expansion Project.

104-106. The consent holder will contribute funding for the actual and reasonable costs to implement the measures and works in condition 105 (a) and (b) proportionate to the consent holders' contribution to increased sedimentation or erosion at the Channel Infrastructure structures or turning basin.

**Advice Note:** *The above conditions do not require the consent holder to obtain any authorisations required for any maintenance dredging or scour protection works at the Channel Infrastructure structures or turning basin. It is anticipated that potential maintenance dredging and/or scour protection works will be able to be carried out pursuant to existing resource consents held by Northport and Channel Infrastructure. If additional resource consents are required, obtaining such consents shall be the responsibility of the consent holder.*

#### Potential changes to mooring forces

105-107. The consent holder must ~~within three months after Practical Completion~~ engage an independent Suitably Qualified and Experienced person(s) to:

- (a) prior to finalising the design of the wharf, tug berthing facility, and Water Taxi Pontoon in accordance with condition 38:
  - (i) confirm that the model used to inform the report 'Hydrodynamic Modelling Additional Output Locations: of Proposed Reclamation and dredging Layout on Hydrodynamics' (MetOcean Solutions, April 2023) accurately reflects the actual (i.e. constructed/existing) format and extent of structures within the study area, and if necessary to update the model's parameters relied on in that report to reflect the environment as it exists; and
  - (ii) using the model referenced in (i) above, prepare a report describing the changes in hydrodynamics in the immediate vicinity of the Channel Infrastructure structures (including berths) and turning basin resulting from the Expansion Project; and
  - (iii) using the information obtained from (ii) above, ~~to~~ determine whether any changes to the design of the wharf, tug berthing facility, and Water Taxi Pontoon are required in order to manage predicted changes to hydrodynamics and minimise effects on the Channel Infrastructure structures (including berths) and turning basin including the mooring of commercial vessels frequenting Channel Infrastructure structures ;
- (b) prior to construction commencing, review the modelled changes in current velocities predicted in the report in condition (a)(ii) above and either:
  - (i) confirm that the modelled changes in hydrodynamics will not materially change mooring of commercial vessels frequenting the Channel Infrastructure structures (including berths), or
  - ~~(+)(ii)~~ if appropriate, recommend that instruments be deployed to quantify the ~~undertake a review of~~ post-construction changes in hydrodynamics in the immediate vicinity of the Channel Infrastructure structures (including berths) and turning basin and prepare a report in accordance with (c) below and to compare these to the modelled changes predicted in

the report 'Hydrodynamic Modelling Additional Output Locations: of Proposed Reclamation and dredging Layout on Hydrodynamics' (MetOcean Solutions, April 2023); and

~~(a)(c)~~ produce a report which must, as a minimum:

- (i) Describe the changes in hydrodynamics in the immediate vicinity of the Channel Infrastructure structures (including berths) and turning basin, and whether those changes are materially different to the modelled changes predicted in ~~the MetOcean 2023~~ report required by condition (a)(ii) above; and
- (ii) If the changes in hydrodynamics are materially different to the modelled changes predicted in the ~~MetOcean 2023~~ report required by condition (a)(ii)(ii) above, assess whether it is possible to ~~conclusively~~ determine that any such changes in hydrodynamics at the Channel Infrastructure structures (including berths) or turning basin have been caused by the Expansion Project; and
- (iii) assess whether any changes ~~conclusively~~ determined in condition ~~(c)(ii)(ii)~~ above will give rise to a material change to the way affect mooring of commercial vessels frequenting the Channel Infrastructure ~~structures~~ jetties.

~~106-108.~~ The consent holder must provide the reports produced pursuant to condition 107 (a)(ii) and 107(c), any confirmation pursuant to condition 107(b)(i) to Channel Infrastructure within one month of ~~its~~ their completion.

~~107-109.~~ Where a report produced pursuant to condition 107 concludes that the Expansion Project has ~~conclusively caused~~ significantly contributed to changes in hydrodynamics at the Channel Infrastructure structures (including berth pockets) or turning basin which are materially different to predicted in the ~~MetOcean 2023~~ report required by condition 107 (a)(ii)(ii) above and which will materially affect mooring of commercial vessels frequenting the Channel Infrastructure structures, the consent holder must (i) engage with Channel Infrastructure to determine an appropriate mechanism to ~~(i) identify~~ upgrade the existing mooring equipment to accommodate the changed hydrodynamics and ensure that the mooring capability of Channel Infrastructure's structures (including berth pockets) is maintained; and (ii) contribute funding for the actual and reasonable costs necessary to upgrade the existing mooring equipment proportionate to the consent holders' contribution to changed hydrodynamics affecting the mooring equipment ~~to safely accommodate the changed hydrodynamics.~~

**Advice Note:** The above conditions are in addition to the other design requirements in these conditions, and the other coastal process monitoring for geomorphological changes in these conditions. They are specifically aimed to provide assurance for Channel Infrastructure that any actual effects associated with the Expansion Project on mooring forces at its jetties will be consistent with the predicted (modelled) effects, and further, to ~~assist~~ facilitate ~~tion of~~ a management response in the unlikely event that the actual effects are materially different than predicted.

#### Full mission bridge simulation

~~108-110.~~ Prior to construction of the port expansion, the consent holder must provide to Council results of Full Mission Bridge Simulations (FMBS) with outcomes and recommendations ~~(e.g.i.e. ship size, environmental conditions, tug capacities and emergency response)~~ agreed by an independent Suitably Qualified and Experienced independent observer ~~/ Maritime New Zealand, or their delegated representative, observers to agree findings.~~ The FMBS are to include:



- (a) Navigation to and from pilot boarding through to berthing at the extended berth associated with the resource consent application, all tide conditions, agreed limiting conditions (i.e. Harbourmaster limits for wind, waves, currents) with real time / model inputs into simulator;
- (b) Assessment of passing ship, swing safety, emergency planning / procedures and minimum towage requirements;
- (c) Manoeuvres into/out of Channel Infrastructure's jetty 3 bunker facility with new facility berths occupied / passing effects and safety / emergency procedures and risk assessment.

**Advice Note:** *The FMBS's are to include independent verification / observer as well as representation from other industry (i.e. CINZ and Seafuels). The comprehensive inclusion of MetOcean modelling and limiting criteria for navigation, together with suitable sized (design) vessels and support vessels (tugs) to enable a range of arrival and departure manoeuvres as well as ad-hoc (unplanned) emergencies such as loss of steerage and / or loss of propulsion. The FMBS must also include a comprehensive full-scale mock-up of the simulated ships' bridge including a high-resolution, full-scale display of the relevant ship and surrounding area (as seen from the ship's bridge), the relevant controller hardware such as telegraph, thrusters, independent helm and Azi Pods, together with other instruments required for navigation and manoeuvring.*

## Oil spill risk assessment

109-111. At least six months prior to Practical Completion, the consent holder must provide an Oil Spill Risk Assessment (OSRA) to Council for certification. The OSRA shall be for the purpose of informing any required updates or changes to the Northland Marine Oil Spill Contingency Plan and associated spill response procedures and equipment requirements. The OSRA shall, at a minimum, consider all navigation (i.e. whole transit from boarding to departure of Pilot), emergency procedures, and potential sources and scale of oil spill and response times.

## DREDGING

### Capital dredging

110-112. Conditions 113-113-173-173 apply to capital dredging only.

#### General

111-113. At least ten (10) working days in advance of the date of the commencement of capital dredging associated with these consents, the consent holder must:

- (a) notify the Council of the commencement of capital dredging; and
- (b) advertise the anticipated dredging in the Northern Advocate (or equivalent); and
- (c) advise the anticipated location and timing of the dredging on its website.

112-114. Capital dredging must:

- (a) be undertaken only within the area marked "Extent of Proposed Dredge Area" on the plan C04 contained in Appendix 1; and



- (b) result in a Declared Depth of no deeper than 14.5m for **Area G** on and 16.0m for **Area H** on plan C04 contained in Appendix 1.

~~113-115.~~ The consent holder must record the locations and periods of all dredging, the method of dredging, and the quantities of in situ material dredged (in cubic metres) and must provide these records to the Council within 20 working days after the dredging work is completed.

~~114-116.~~ Except for incidental dredging discharges, all seabed material dredged during the capital dredging programme must be:

- (a) Placed in the reclamation associated with the Expansion Project; or
- (b) Deposited on land at Marsden Point presently owned by the consent holder or Marsden Maritime Holdings Ltd; or
- (c) Deposited in any other authorised location.

~~115-117.~~ The consent holder must notify the Council within ten (10) working days following the date of the completion of capital dredging works associated with these consents.

~~116-118.~~ As soon as practicable following completion of the capital dredging, the consent holder must provide a bathymetric plan defining the location and depth of the dredging area and batters within the CMA to the entities listed below. The plan must include GPS co-ordinate data (using Transverse Mercator 2000 or an equivalent system).

Hydrographic Surveyor

Toitū Te Whenua Land Information New Zealand

PO Box 5501

Wellington 6145

Maritime New Zealand

PO Box 25620

Wellington 6140

Northland Regional Council

Private Bag 9021

Whangarei Mail Centre

Whangarei 0148

Channel Infrastructure

Private Bag 9024

Whangarei 0148

*Timing of capital dredging with respect to capital dredging authorised by AUT.037197.01-13*

~~117-119.~~ Capital dredging under these consents must not commence:

- (a) during capital dredging authorised under consents AUT.037197.01-13; or
- (b) within a 6 month period following the completion of a capital dredging event authorised under consents AUT.037197.01-13 –

in each case only where the capital dredging event undertaken pursuant to consents AUT.037197.01-13 is within Harbour Area A (inner), as described in those consents.

**Advice note:** Channel Infrastructure holds resource consents AUT.037197.01-13 for the deepening and realignment of the Whangārei Harbour shipping channel and associated works. Condition 78 of those resource consents requires the consent holder to notify the Council, and other parties, of each dredging event at least two (2) weeks before commencing dredging.

*Condition 79 also requires the consent holder to publicly advertise the location and timing of dredging in the Northern Advocate at least one (1) week, but not more than two (2) weeks, in advance of commencing dredging operations on each occasion.*

**Advice note:** Condition 119 is for the purpose of managing potential cumulative marine ecological effects associated with capital dredging under these resource consents and consents AUT.037197.01-13 held by Channel Infrastructure.

#### *Capital Dredging Management Plan (Capital DMP)*

~~118-120.~~ The consent holder shall, at least two months prior to capital dredging commencing, submit to the Council a Capital Dredging Management Plan (Capital DMP) for certification.

~~119-121.~~ The objective of the Capital DMP is to describe the capital dredging plant, work methodologies, and environmental management systems to be used for the delivery of the capital dredging to ensure that any actual or potential adverse effects associated with capital dredging are appropriately managed and are in accordance with the assessments accompanying the resource consent applications. The Capital DMP may cross reference or include relevant sections of the CEMP, particularly those relating to Wildlife.

~~120-122.~~ The plan must provide the following information:

- (a) A description of proposed works, together with drawings;
- (b) A description of the number and types of dredges to be used;
- (c) A dredging programme including a timetable, sequence of events and expected duration of all proposed works;
- (d) A description of dredging methodology to be used;
- (e) A description of how the location and quantities of Dredge Spoil and/or in situ seabed material are to be recorded;
- (f) A description of the maintenance of equipment and systems that are to be used during dredging;
- (g) Community liaison arrangements, including arrangements for liaising with Channel Infrastructure;
- (h) A description of the storage and handling of hazardous substances during dredging;
- (i) Protocols for managing accidental discharge of sediments or other contaminants into the CMA;
- (j) A description of the outdoor lighting to be used to reduce the potential for bird strike, for example targeting of luminaries and the use of shields or baffles;
- (k) A description of measures to manage any conflicts between the dredging program and organised sporting events in Whangārei harbour;
- (l) A description of a turbulence reducing (green or environmental) valve to be incorporated with the overflow system (if a TSHD is used);
- (m) A description of all other relevant measures, systems, and training that will be implemented to manage adverse effects on the receiving environment during the operation of the dredge vessel; including measures relating to biofouling, management of waste, and refuelling.

- (n) Details of the training for personnel involved in the operation of the dredge so that they may recognise any potential archaeological material including koiwi tangata or taonga, and to ensure compliance with the conditions of these consents and the DMP;
- (o) Measures required to ensure compliance with relevant terrestrial noise limits, including the following matters:
  - i) Procedures for noise monitoring at the commencement of capital dredging for each dredge used to determine actual noise emissions;
  - ii) Ongoing monitoring methods and procedures to ensure compliance with the noise limits;
  - iii) Procedures for the promotion of the awareness of noise management for the crew of each dredging vessel, including maintenance of noisy plant or equipment; and
  - iv) A procedure for the receipt, response and management of any noise related complaints received during the dredging period.
- (p) Procedures to be implemented to manage underwater dredging noise within the noise limits specified in these consents, including how any noise complaints are to be received and actioned;
- (q) Other relevant requirements specified in these conditions of consent (including other management plans); and
- (r) A Contingency response plan.

121-123. The Capital DMP must be certified in writing by the Council prior to capital dredging first commencing, and the consent holder must undertake capital dredging in accordance with the certified Capital DMP.

122-124. Any variation to the Capital DMP must be subject to certification by Council's Compliance Manager.

123-125. The consent holder must provide the Capital DMP, and any variations to the Capital DMP, to Channel Infrastructure within ten (10) working days of the document's certification by the Council.

124-126. Appropriate navigation signals shall be shown at all times during dredging activities.

#### *TAG formation*

125-127. The consent holder shall offer to establish, at its own cost, a TAG to give technical advice to the consent holder on matters of individual member expertise in relation to the capital dredging environmental monitoring and management.

126-128. The role of the TAG is to:

- (a) Review reports prepared by the consent holder and where necessary provide advice to the consent holder in writing.
- (b) Provide advice on any technical matters as sought by the Consent Holder.
- (c) The TAG will not direct the nature or specifics of dredge management responses.
- (d) Where the TAG does not have the expertise in any of the areas it is required to report on, it may engage the services of an appropriate expert on a relevant matter to the TAG.

127-129. The group shall consist of no more than 12 members as follows:

~~128-130.~~ The Consent Holder shall provide any administrative support necessary for the TAG to carry out its functions. The Consent Holder shall establish the TAG at least 2 months prior to the first commencement of dredging.

~~129-131.~~ The Consent Holder shall offer to hold meetings at a frequency appropriate for the dredging programme and reporting intervals.

#### *Environmental Monitoring and Management Plan (EMMP)*

~~130-132.~~ At least two (2) months prior to the commencement of marine ecology assurance monitoring required by these consents, the consent holder must provide an EMMP to the Council for certification.

~~131-133.~~ The objectives of the EMMP are:

- (e) *Turbidity monitoring and management*: to detail how capital dredging turbidity monitoring and management actions are implemented to minimise the risk of elevated turbidity that can be attributed to capital dredging causing adverse effects on sensitive receptors; and
- (f) *Marine ecology assurance monitoring*: to facilitate the comparison of changes in the marine receiving environment caused by Expansion Project capital dredging with those predicted in the information filed in support of the resource consent application, including by:
  - (i) Characterising the responses of surrounding sub-tidal and inter-tidal habitats and benthic communities to sediments suspended and deposited offsite during channel dredging, and subsequent changes after dredging is complete.
  - (ii) Confirming whether benthic habitats and communities similar to those currently existing re-establish on the dredged basin once dredging is complete.
- (g) *Bathymetric and shoreline surveys*: to collect spatial data on the seabed and shoreline to assess any physical changes to the coastline and seabed that may result from the Expansion Project.

~~132-134.~~ The EMMP must include the following topics:

#### *Turbidity monitoring and management*

- (a) The monitoring of turbidity plumes, including roles and responsibilities of groups involved in monitoring;
- (b) Management actions to be undertaken in response to an exceedance of a turbidity trigger or Tier 3 Compliance Level;

#### *Marine ecology assurance monitoring*

- (c) Detailed assurance monitoring survey methodologies providing for:
  - (i) sub-tidal marine ecology assurance monitoring in accordance with conditions 167-168;
  - (ii) inter-tidal marine ecology assurance monitoring in accordance with conditions 169-171;
  - (iii) the collection of assurance monitoring data on the following key physical and ecological indicators:
    - sediment grain size;

- the composition of sub-tidal and inter-tidal infaunal communities (including diversity, abundance, evenness);
  - the distribution and cover of seagrass and macroalgae beds; and
  - the presence (and/or abundance) and distribution of sub-tidal epifauna (or indicator species).
- (d) Where relevant, methodologies for the analysis of marine ecology assurance monitoring data collected;
- (e) A process for the refinement of the Marsden Bay seagrass monitoring area pursuant to condition 171;

*Bathymetric and shoreline surveys:*

- (f) The methodologies for the bathymetric and shoreline surveys required by conditions 196 and 197; and

*Miscellaneous*

- (g) The EMMP content requirements specified in other conditions of these consents;
- (h) Reporting requirements specified in these conditions of consent and otherwise needed to achieve the objectives of the EMMP;
- (i) Identification of any other relevant management plans (for example the CEMP, Capital DMP, Maintenance DMP) and the linkages with those plans; and
- (j) Documentation procedures for handling complaints relating to capital dredging.

*Monitoring of Turbidity*

~~133-135.~~ As part of the EMMP, the consent holder must detail how the capital dredging turbidity plumes are to be monitored to:

- (a) Confirm whether or not turbidity plumes exceed the turbidity triggers and Tier 3 Compliance Level that are to be specified under condition 138;
- (b) Assess whether a turbidity event is determined to be an extraordinary natural event; and
- (c) Assess the relative contributions of dredging and non-dredging sources to observed turbidity.

~~134-136.~~ The EMMP must include the following details:

- (a) The monitoring equipment to be used, including the use of nephelometers;
- (b) The location of the monitoring equipment;
- (c) The setting up and maintenance of monitoring equipment;
- (d) The establishment of real-time monitoring; and
- (e) Data management;
- (f) Quality assurance /quality control methods including management of missing and aberrant data.

### Management Actions in Response to Turbidity Plumes

~~135-137.~~ As part of the EMMP, the consent holder must detail the management actions to be carried out in response to elevated turbidity as defined by the turbidity Tier 1 and Tier 2 triggers.

~~136-138.~~ To achieve condition 137, the EMMP must include the following:

- (a) Details of the rationale for classifying the turbidity observations into two (2) tiers of turbidity triggers and one (1) Tier 3 Compliance Level;
- (b) Details of how the Tier 1, and Tier 2 turbidity triggers and Tier 3 Compliance Level are determined using the methodology referred to in condition 158;
- (c) Setting out the Intensity values for Tier 1, and Tier 2 turbidity triggers and Tier 3 Compliance Level which are based on the 80<sup>th</sup>, 95<sup>th</sup>, and 99<sup>th</sup> percentile of baseline plus Predicted Dredging Turbidity respectively; and
- (d) Description of the management actions set out in condition 140 and how they may be applied by the dredge operator when a Tier 1, or Tier 2 turbidity trigger or Tier 3 Compliance Level is exceeded.

~~137-139.~~ The EMMP must also include procedures on:

- (a) Investigating whether the exceedance of the trigger is caused by capital dredging; and
- (b) Where necessary, increasing monitoring effort to better understand the characteristics of the turbidity causing an Exceedance, such as carrying out manual turbidity measurements in the vicinity of the monitoring station.

~~138-140.~~ The EMMP must include a suite of management response measures that may be undertaken in response to an Exceedance of a turbidity trigger, including:

- (a) A change in the location of dredging;
- (b) A change in the dredging process, including timing of dredging within the tidal phase; and/or
- (c) The cessation of dredging in the vicinity of a telemetered turbidity monitoring station.

~~139-141.~~ The EMMP must be in general accordance with the draft EMMP provided as part of the resource consent application [insert ref].

~~140-142.~~ The EMMP must be certified in writing by the Council prior to commencement of pre-dredging marine ecology assurance monitoring required by these conditions, and the consent holder must undertake capital dredging, and pre-, during-, and post-dredging marine ecology assurance monitoring and reporting, in accordance with the certified EMMP (including any certified variation).

~~141-143.~~ Any variation to the EMMP must be subject to certification by Council.

~~142-144.~~ A copy of the EMMP and all amended EMMPs must be provided to iwi, hapū, and Māori as soon as practicable, and in any event not more than five (5) Working Days following certification.

### *Capital dredging turbidity monitoring*

~~143-145.~~ The consent holder must undertake a capital dredging monitoring and reporting programme in accordance with conditions 146 to 155.

~~144-146.~~ The purpose of the capital dredging monitoring programme is to:

- (a) Provide baseline water quality information sufficient to enable the effects of capital dredging to be determined; and
- (b) Monitor during capital dredging so that any management actions can be carried out in a timely manner.

~~145-147.~~ The consent holder must carry out baseline water quality monitoring required by conditions 148 to 150 over a period of at least one (1) year, prior to the first commencement of capital dredging authorised by these consents.

~~146-148.~~ There must be no fewer than three (3) stations carrying out telemetered monitoring of turbidity (NTU) for the purposes of baseline water quality monitoring and capital dredging management.

~~147-149.~~ For the purposes of the baseline water quality monitoring, the consent holder must

- (a) monitor for turbidity (in NTU) at all locations and salinity at one location. Each parameter must be monitored at a frequency of not less than once every 15 minutes. The specific location of the water quality monitoring stations, the parameters to be monitored at each station, and the methodology and equipment to be used are to be detailed in the EMMP.
- (b) At each monitoring location, monthly water sampling shall be undertaken to contemporaneously record the TSS and NTU levels at that location.

~~148-150.~~ The monitoring programme contained in the EMMP must be designed and carried out by a person(s) who is suitably experienced in marine environment monitoring.

#### Reporting

~~149-151.~~ The consent holder must prepare a baseline water quality monitoring report. The report must:

- (c) Present and discuss the results of baseline water quality monitoring; and
- (d) Recommend any amendments to the EMMP for the purposes of future water quality monitoring required by these consents to change the location of a station(s) within the relevant zone or the monitoring parameters at each station, provided that the amended locations or monitoring parameters at the station better achieve the purpose of the EMMP.

~~150-152.~~ The baseline water quality monitoring report must be provided to the Council at least two (2) months prior to the first commencement of capital dredging.

~~151-153.~~ During and after capital dredging, the consent holder must provide to the Council, at least quarterly, a report that summarises the:

- (a) Water quality monitoring data from the previous quarter and any monitoring or equipment issues that occurred during that period;
- (b) Collation of other monitoring undertaken; and
- (c) Details of any Exceedance(s), the management response measures carried out and the results of monitoring after the management response measures have been completed.

~~152-154.~~ There must be no fewer than two (2) quarterly reports prepared immediately after capital dredging is completed.

~~153-155.~~ Within nine (9) months of the completion of capital dredging, the consent holder must provide the Council a Dredging Turbidity Monitoring and Management Report. The report must provide a summary of the turbidity monitoring and management response measures carried out during the capital dredging (excluding for marine ecology assurance monitoring, the requirements for which are set out below) and must include, but not be limited, to the following:

- (a) Summary of the turbidity monitoring undertaken; and
- (b) Summary of the management actions carried out and the results of monitoring after the management actions have been completed.

#### *Turbidity Triggers and Tier 3 Compliance Level*

##### *Establishment of turbidity triggers and Tier 3 Compliance Level:*

~~154-156.~~ The consent holder must establish turbidity triggers and a Tier 3 Compliance Level for each of the telemetered turbidity monitoring locations. There must be two (2) tiers of turbidity triggers and one (1) Tier 3 Compliance Level, each with an Intensity and Allowable Duration value.

~~155-157.~~ The purpose of turbidity triggers is to:

- (a) Initiate a management action(s), as detailed in the EMMP and required under condition 137, in the event of a Tier 1 or 2 turbidity trigger Exceedance;
- (b) Initiate requirements for compliance in the case of an Exceedance of the Tier 3 Compliance Level as set out in conditions 162 to 166.

~~156-158.~~ Turbidity triggers and Tier 3 Compliance Levels must be established in accordance with the methodology (including the modified-Intensity-Frequency-Duration approach) in the document titled “*Turbidity Monitoring for the Northport Expansion Project*” (1 June 2023, Environmetrics Australia).

~~157-159.~~ Upon completion of the baseline water quality monitoring, the Intensity component of the turbidity triggers and Tier 3 Compliance Level for each telemetered turbidity monitoring location must be calculated using the baseline turbidity data referred to in condition 147 plus the Predicted Dredging Turbidity at that location, using the methodology referred to in condition 158.

~~158-160.~~ The consent holder must provide to the Council, at least two (2) months prior to commencement of capital dredging, a written report prepared by a Suitably Qualified and Experienced person which demonstrates that the turbidity triggers and Tier 3 Compliance Level have been established in accordance conditions 157 and 158.

~~159-161.~~ The report prepared under condition 160 must be certified in writing by the Council’s Compliance Manager prior to the first commencement of capital dredging authorised by these consents.

##### *Tier 3 Compliance Levels and Exceedance Events*



~~160-162.~~ The telemetered turbidity monitoring stations required under condition 148 are to be used to determine whether there has been a Tier 3 Compliance Level Exceedance.

~~161-163.~~ If a monitoring station records an Exceedance of the Tier 3 intensity value for more than 7.2 hours over a rolling 30-day period, capital dredging must cease in the vicinity of that monitoring station and only recommence in the following circumstances:

- (a) The number of Tier 3 “exceedance hours” has fallen below the 7.2 hours available at that station over a rolling 30-day period, or
- (b) The turbidity recorded at that station is less than the Tier 3 NTU intensity value calculated for that station; or
- (c) The exceedance is due to an extraordinary natural event as detailed in condition 165.

~~162-164.~~ The consent holder must ensure that methods for managing and achieving compliance with the requirements of condition 163 must be set out in the EMMP.

~~163-165.~~ Notwithstanding condition 163, capital dredging may continue in the vicinity of a telemetered turbidity monitoring location provided that:

- (a) The consent holder provides the Council a written report, within 24 hours of a Tier 3 Compliance Level Exceedance referred to in condition 163 which demonstrates that the elevated turbidity is due to an extraordinary natural event and not attributable to dredging; and
- (b) If the Council, acting in its technical capacity, disagrees with the findings of the report the capital dredging must cease at the relevant location(s) and only recommence in accordance with condition 163(a) and 163(b). If the Council provides no written response after two (2) working days then it is deemed that the Council agrees with the findings of the report prepared under condition 165(a) and dredging may continue.

**Advice note:** *An extraordinary natural event should be a significant and self-evident natural event that has clearly caused an Exceedance of the Tier 3 Compliance Level at one (1) or more of the turbidity monitoring stations. The high-concentration turbidity plumes would have been generated from events such as a tsunami, a weather event causing significant flooding, extreme swells, or a land slip.*

~~164-166.~~ The consent holder must place a copy of the report prepared under condition 165(a) on its website.

#### *Marine ecology assurance monitoring*

##### *Sub-tidal monitoring*

~~165-167.~~ The consent holder must undertake marine benthic ecology assurance monitoring of sub-tidal biota and sediments:

- (a) in accordance with the certified EMMP; and
- (b) in general accordance with the following table and plan:

Timing requirements of each sub-tidal sampling round (✓ means sampling is required; ✕ means no sampling is required)

Area	Within a one year period within 18 months prior to dredging commencing		During dredging (except in the dredge basin)		One year after dredging is complete		Three years after dredging is complete	
	Spring / summer	Autumn / winter	Spring / summer	Autumn / winter	Spring / summer	Autumn / winter	Spring / summer	Autumn / winter
Existing Dredge	✓	✓	✕	✕	✓	✓	✓	✓
West Impact	✓	✓	✓	✓	✓	✓	✕	✕
East Impact	✓	✓	✓	✓	✓	✓	✕	✕
North Impact	✓	✓	✓	✓	✓	✓	✕	✕
Reference	✓	✓	✓	✓	✓	✓	✓	✓

Plan showing indicative sample areas for sub-tidal benthic ecological monitoring



**166-168.** The spring/summer and autumn/winter sampling rounds required in condition 167 must be as close to six (6) months apart as practicable.

#### Inter-tidal monitoring

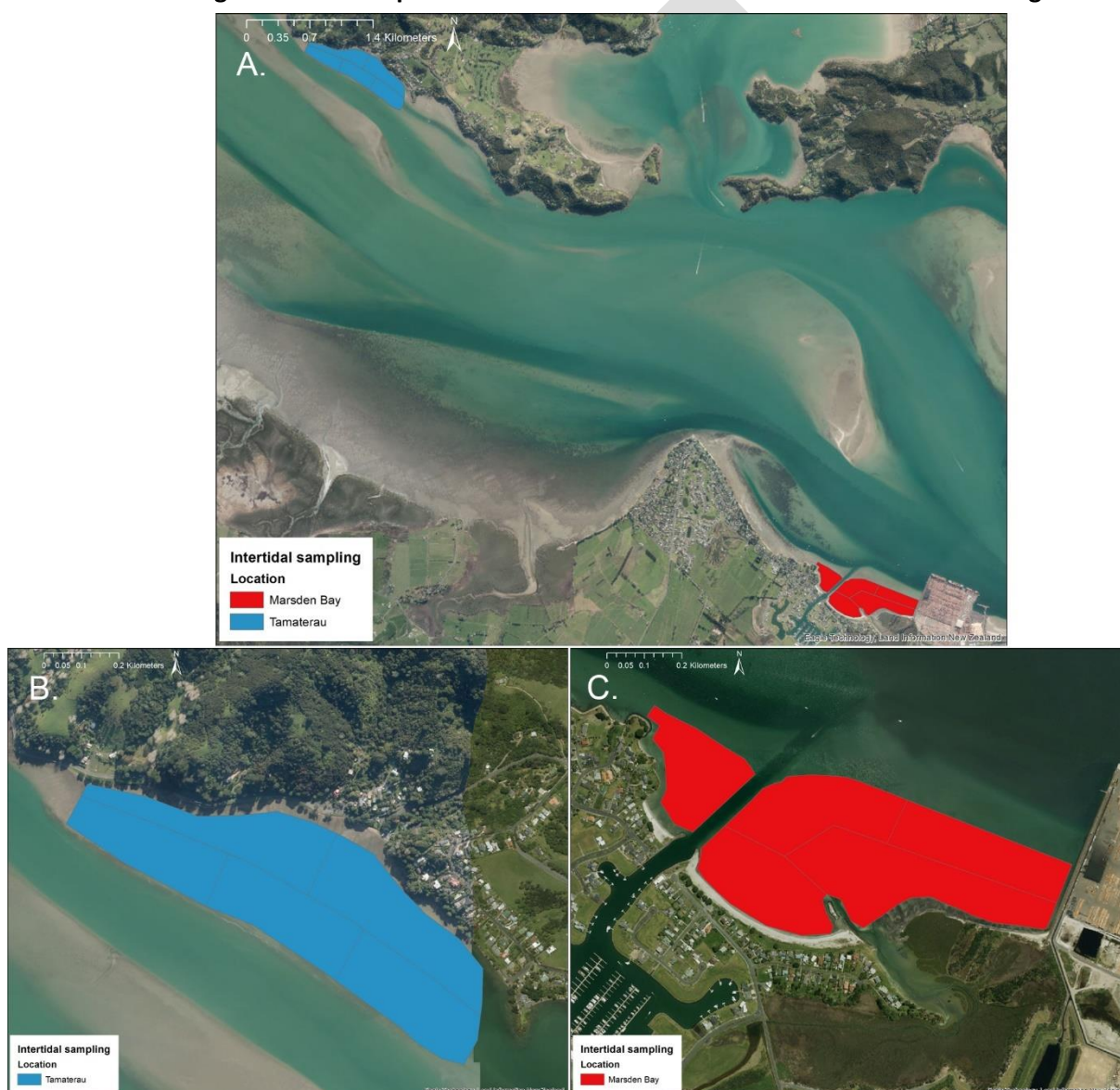
**167-169.** The consent holder must undertake marine ecology assurance monitoring of inter-tidal infauna, sediments, and seagrass:

- in accordance with the certified EMMP; and
- in general accordance with the following table and plans:

Timing requirements of each inter-tidal sampling round (✓ means sampling is required;; ★ means sampling is required if the previous monitoring round shows that scientifically significant adverse effects have occurred).

	Within a one year period within 18 months prior to dredging commencing		During dredging		One year after dredging is complete		Three years after dredging is complete	
Area	Spring summer	Autumn/ winter	Spring summer	Autumn/ winter	Spring summer	Autumn/ winter	Spring summer	Autumn/ winter
Marsden Bay benthic sediments and ecology	✓	✓	✓	✓	✓	✓	★	★
Tamaterau benthic sediments and ecology (reference location)	✓	✓	✓	✓	✓	✓	★	★
Marsden Bay seagrass	✓	✓	✓	✓	✓	✓	★	★

Plan showing indicative sample areas for inter-tidal sediment and infauna monitoring

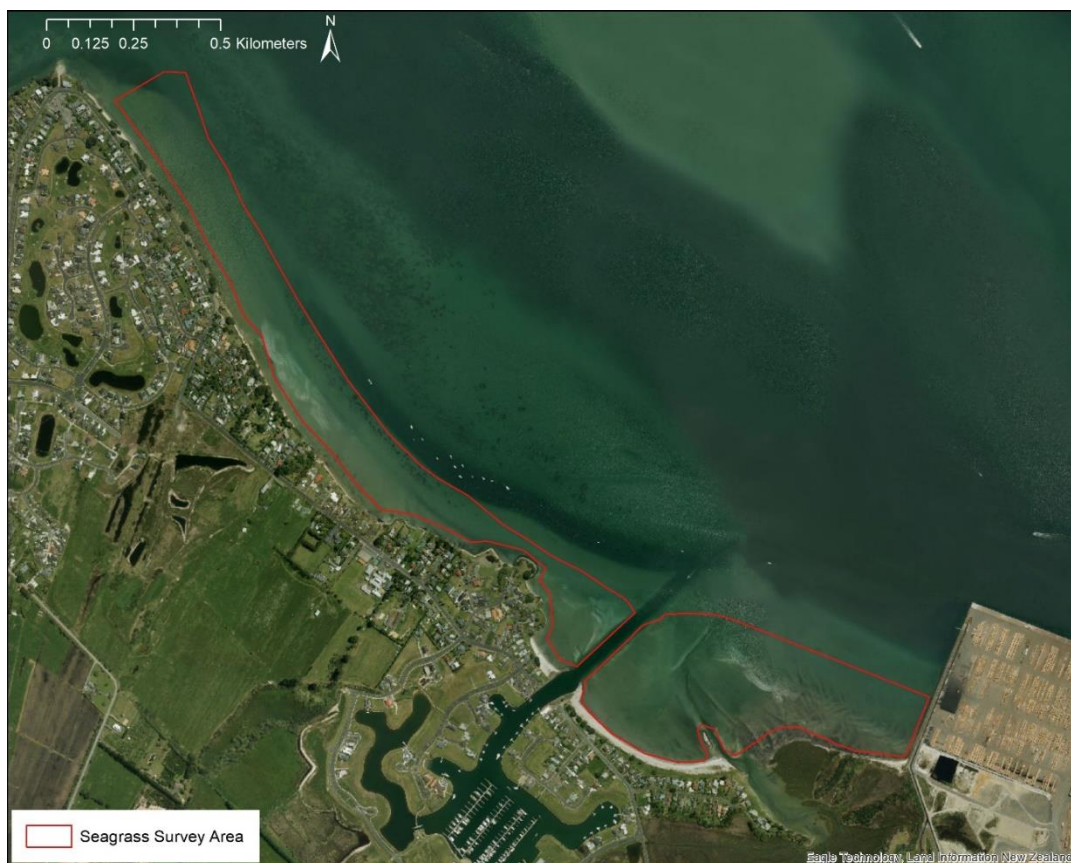


~~168-170.~~ The spring/summer and autumn/winter sampling rounds required in condition 169 must be as close to six (6) months apart as practicable.



169-171. The Marsden Bay seagrass monitoring required by condition 169 must include the mapping of seagrass at Marsden Bay using georeferenced and orthorectified photogrammetry obtained by low-tide UAV (drone) survey. The initial survey area must be in general accordance with the below plan. Subsequent survey areas may be refined following the process to be set out in the EMMP.

**Indicative area for Marsden Bay inter-tidal seagrass monitoring**



**Marine ecology assurance monitoring reporting**

170-172. After the completion of each set of annual (i.e. spring/summer and autumn/winter) marine ecology assurance monitoring required by these consents, the consent holder must engage a Suitably Qualified and Experienced marine ecologist to produce a report detailing the assurance monitoring undertaken during that period, including with reference to any previous assurance monitoring in order to illustrate any relevant trends over time.

171-173. Each monitoring report required under condition 172 must be provided to the Council within three (3) months of the completion of the relevant set of annual marine ecology assurance monitoring.

**Advice note:** *The marine ecology assurance monitoring conditions above are consistent with the document titled “Ecological Assurance Monitoring Plan” attached to the Draft EMMP submitted during the resource consent hearing for the expansion Project. The above conditions are intended to set out the key requirements and standards of the marine ecology assurance monitoring that is required under these consents, with the EMMP to set out the detailed monitoring methodologies.*

## Maintenance dredging

~~172-174.~~ Conditions ~~175-175-189-189~~ apply to maintenance dredging only.

~~173-175.~~ Maintenance dredging must:

- (a) only be undertaken within the area marked "Extent of Proposed Dredge Area" on the plan C04 contained in Appendix 1; and
- (b) result in a Declared Depth of no deeper than 14.5m for Area G and 16m for Area H on plan C04 contained in Appendix 1.

~~174-176.~~ Except for urgent dredging required for navigational safety or stability of structures, at least ten (10) working days in advance of the date of the commencement of a maintenance dredging programme associated with these consents, the consent holder must:

- (a) Notify the Council of the intended maintenance dredging;
- (b) Advertise the intended maintenance dredging in the Northern Advocate (or equivalent); and
- (c) Advise the anticipated location and timing of maintenance dredging on its website.

~~175-177.~~ The consent holder shall ensure that a copy of this consent is provided to the person who is to carry out the dredging, prior to any work commencing. A copy of the consent shall be held on the dredger.

~~176-178.~~ When any maintenance dredging is carried out, the consent holder must record the periods of dredging, the method of dredging and the quantities of material dredged (in cubic metres) and must provide these records to the Council within twenty (20) working days after the maintenance dredging work is completed.

~~177-179.~~ Maintenance dredging must not cause any of the following effects on the quality of the receiving waters, as measured at or beyond a 100 metre distance from the marked "Dredge Area" on [plan]:

- (a) The turbidity of the water (NTU) must not be increased by more than 50% of the background turbidity at the time of measurement;
- (b) The production of any conspicuous oil or grease film, scums or foams, or floatable or suspended materials, or emissions of objectionable odour; and
- (c) The destruction of natural aquatic life by reason of a concentration of toxic substances.

~~178-180.~~ During periods of maintenance dredging, visual checks must be carried out daily and in the event that such a check shows evidence of conspicuous change in visual clarity in the water column, testing must be carried out and reported in accordance with condition ~~179-179~~.

~~179-181.~~ The results of each monitoring campaign must be reported to the Council within one (1) week of monitoring being completed, or within 24 hours of any non-compliance.

~~180-182.~~ Except for incidental dredging discharges, all material dredged during maintenance dredging must be:

- (a) Placed in the reclamation associated with the Expansion Project; or
- (b) Deposited on land at Marsden Point presently owned by the consent holder or Marsden Maritime Holdings Ltd; or
- (c) Deposited in any other authorised location.

~~181-183.~~ The consent holder must notify the Council within ten (10) working days following the date of the completion of a maintenance dredging programme associated with these consents.

~~182-184.~~ On completion of a maintenance dredging programme, the consent holder must provide to the Council a bathymetric plan defining the location and depth of the dredging area and batters within the CMA. The plan must include GPS co-ordinate data (using Transverse Mercator 2000).

*Maintenance Dredging Management Plan (Maintenance DMP)*

~~183-185.~~ At least twenty (20) working days prior to maintenance dredging commencing, the consent holder must submit to the Council a Maintenance Dredging Management Plan (Maintenance DMP) for certification. The objective of the Maintenance DMP is to describe the maintenance dredging plant, work methodologies, and environmental management systems to be used to ensure that potential adverse effects associated with maintenance dredging are appropriately managed.

~~184-186.~~ The plan must provide the following information:

- (a) A description of proposed works, together with drawings;
- (b) A description of the number and types of dredges to be used;
- (c) A dredging programme including a timetable, sequence of events and expected duration of all proposed works;
- (d) A description of dredging methodology to be used;
- (e) A description of how the location and quantities of Dredge Spoil are to be recorded, and (if necessary) evidence that the dredge spoil disposal location is appropriately authorised;
- (f) A description of the maintenance of equipment and systems that are used during dredging;
- (g) Community liaison arrangements, including arrangements for liaising with Channel Infrastructure;
- (h) A description of the storage and handling of hazardous substances during dredging;
- (i) Protocols for managing accidental discharge of sediments or other contaminants into the CMA;
- (j) A description of the outdoor lighting to be used to reduce the potential for bird strike, for example targeting of luminaries and the use of shields or baffles;
- (k) A description of measures to manage any conflicts between the dredging program and organised sporting events in Whangārei harbour;
- (l) A description of a turbulence reducing (green or environmental) valve to be incorporated with the overflow system;
- (m) A description of all other relevant measures, systems, and training that will be implemented to manage adverse effects on the receiving environment during the operation of the dredge vessel; including measures relating to biofouling, management of waste, and refuelling.
- (n) Details of the training for personnel involved in the operation of the dredge so that they may recognise any potential archaeological material including koiwi tangata or taonga, and to ensure compliance with the conditions of these consents;
- (o) Procedures to be implemented to manage underwater dredging noise within the noise limits specified in these consents, including how any noise complaints are to be received and actioned; and

- (s) Other relevant requirements specified in these conditions of consent (including other management plans); and
- (p) A Contingency response plan and incident reporting.

~~185-187.~~ The Maintenance DMP must be certified in writing by the Council prior to maintenance dredging first commencing, and the consent holder must undertake maintenance dredging in accordance with the certified Maintenance DMP (including any certified variation).

~~186-188.~~ Any variation to the Maintenance DMP must be subject to certification by Council.

~~187-189.~~ The consent holder must provide the Maintenance DMP, and any variations to the Maintenance DMP, to Channel Infrastructure within ten (10) working days of the document's certification by the Council.

~~188-190.~~ Appropriate navigation signals shall be shown at all times during dredging activities.

#### **SANDBANK RENOURISHMENT AREA GEOMORPHOLOGICAL MONITORING AND MAINTENANCE**

~~189-191.~~ The consent holder must commission inter-tidal and sub-tidal geomorphological surveys of the Sandbank Renourishment Area and the CMA within 200m of the Sandbank Renourishment Area.

~~190-192.~~ The monitoring required by condition 191 must be undertaken every two years for the first ten (10) years following the construction of the Sandbank Renourishment Area, and thereafter every five years.

~~191-193.~~ Within three (3) months of each survey required by condition 191, the consent holder must provide to the Council for certification a report by a Suitably Qualified and Experienced coastal processes expert addressing the following:

- (a) the geomorphological performance of the Sandbank Renourishment Area; and
- (b) the efficacy of potential periodic renourishment "top-up(s)" through the deposition of additional sand/material, including a recommendation on whether such top-up(s) are necessary to achieve the purpose of the Sandbank Renourishment Area; and, if so, the proposed details for such top-up(s) or any changes to a current top-up(s) regime (including the location, volume, and frequency of proposed additional sand deposition).

~~192-194.~~ Where a report certified under condition 193 recommends Sandbank Renourishment Area top-up(s), top-up(s) to the initial Sandbank Renourishment Area must be undertaken in accordance with the latest certified report.

~~193-195.~~ Conditions 191-194 apply on an ongoing basis unless an alternative initiative to the Sandbank Renourishment Area is implemented for the purpose of providing additional roosting habitat for Tōrea pango (Variable oystercatcher) and Tūturiwhatu (New Zealand dotterel), in which case conditions 191-194 shall cease to apply.

**Advice note:** Any alternative initiative for the purpose of providing additional roosting habitat for Tōrea pango (Variable oystercatcher) and Tūturiwhatu (New Zealand dotterel) may require additional resource consents.

## COASTAL PROCESSES: BATHYMETRIC AND SHORELINE MONITORING

~~194-196.~~ The consent holder must commission an independent and Suitably Qualified and Experienced person to undertake sub-tidal, inter-tidal, and dry beach surveys of the following areas to monitor for potential long-term coastal geomorphological changes associated with the development authorised by these consents:

- (a) Marsden Bay including the Marsden Cove Marina channel and Blacksmiths Creek channel; and
- (b) The shoreline from Northport to Mair Bank (inclusive), including the Channel Infrastructure jetty area as described in condition 101-

**Advice note:** *The detailed methodologies for the surveys required by condition 196 are required to be set out in the EMMP (see the above EMMP conditions).*

~~195-197.~~ The monitoring required by condition 196, and associated reporting, must be undertaken in accordance with the frequencies in the following table. Reporting must include:

- (a) a comparison between the most recent surveys and surveys undertaken in previous project phases to identify any trends over time; and
- (b) observations based on the results of the analysis, including in the context of ambient conditions such as wind speed and direction, water level variations, and any significant climate events; and
- (c) any recommendations around proposed mitigation measures such as sand back-passing, beach nourishment, groynes and other structures.

### Bathymetric and shoreline monitoring and reporting frequencies

Project Phase	Monitoring frequency	Reporting frequency
Within a one year period within 18 months prior to <u>capital</u> dredging commencing	Two surveys over the 12 month period	Nil
During dredging and in the first year post <u>capital</u> dredging	6 monthly (biannual) surveys	One report within six (6) months of the final survey completion
1-5 years post-completion of <u>capital</u> dredging	One survey annually	One report within six (6) months of the final survey completion

## MARINE BIOSECURITY

~~196-198.~~ At least one (1) month prior to the arrival of a dredge or reclamation vessel in New Zealand, the consent holder must submit a Biosecurity Management Plan(s) (BMP(s)) to the Council for certification.

~~197-199.~~ The objective of the BMP(s) is to specify how the risk of a biosecurity incursion via introduction by Expansion Project construction vessels is to be primarily avoided, and to ensure effective treatment of all plant and equipment used in association with the works authorised by these



consents to ensure that these do not become a vector for the spread of any unwanted or risk species. The BMP must include:

- (a) A description of the construction vessel(s) and its (their) attributes that affect biosecurity incursion risk, including key operational attributes (e.g. voyage speed, periods of time idle), maintenance history (including prior inspection and cleaning undertaken), and voyage history since last dry-docking and antifouling (e.g. countries visited and duration of stay);
- (b) A description of the key sources of potential marine biosecurity risk from ballast water, sediments and biofouling. This must cover the hull, niche areas, and associated equipment, and consider both submerged and above-water surfaces;
- (c) Findings from previous inspections, if available;
- (d) If Northport is the first New Zealand destination since the latest hull cleaning, a description of the risk mitigation that has been or will be taken prior to arrival in New Zealand, including:
  - (i) Routine preventative treatment measures and their efficacy, including the age and condition of the antifouling coating, and marine growth prevention systems for sea chests and internal sea water systems;
  - (ii) Any specific treatments for submerged and above-water surfaces that will be undertaken to address the Import Health Standards and CRMS requirements prior to departure for New Zealand. These could include, for example, in-water removal of biofouling, or above-water cleaning to remove sediment;
  - (iii) Any additional risk mitigation planned during transit to New Zealand, including expected procedures for ballast water management;
  - (iv) Expected desiccation period of above-water surfaces on arrival to New Zealand (i.e. period of air exposure since last dredging operations);

~~198-200.~~ The BMP(s) must be prepared by a suitably experienced person.

~~199-201.~~ The BMP(s) must be certified in writing by the Council's Compliance Manager 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 BMP(s) (including any certified variation).

~~200-202.~~ Any variation to the BMP(s) must be subject to certification by Council's Compliance Manager.

~~201-203.~~ Prior to dredging commencing, the consent holder must provide written certification from a Suitably Qualified and Experienced person to the Council's Compliance Manager to confirm that all plant and equipment entering the CMA associated with the exercise of these consents is free from unwanted or pest marine species.

## **OCCUPATION AND USE OF THE CMA FOR PORT CONSTRUCTION, OPERATION, AND MAINTENANCE**

~~202-204.~~ These consents authorise the consent holder to occupy, on an exclusive basis, and use for the purposes of these consents (including port construction, operation, and maintenance):

- (a) those parts of the Whangārei Harbour being the proposed reclamation area (for the period such occupation is necessary); and

- (b) those parts of the Whangārei Harbour containing all approved port structures, including batter slopes, as shown on plan C03 contained in Appendix 1.

~~203-205.~~ These consents authorise the consent holder to occupy, on a nonexclusive basis, and use for the purposes of these consents (including port operation and maintenance) an area generally within a line [60] metres seaward of all approved port structures and the proposed reclamation area, as shown on plan C03 contained in Appendix 1.

~~204-206.~~ The Water Taxi Pontoon is to be completed within twelve (12) months of Practical Completion.

~~205-207.~~ Notwithstanding condition ~~204-204~~, the consent holder must allow for reasonable public recreational access on the Water Taxi Pontoon, except as required to ensure operational or public safety, or in an emergency response scenario.

**Advice note:** *Public access to the Water Taxi Pontoon will be via the public Pocket Park.*

## **EARTHWORKS (TERRESTRIAL)**

~~206-208.~~ Before commencement of earthworks (terrestrial), final engineering plans must be prepared and provided to the Council and Whangārei District Council. The plans must include:

- (a) The finished interface between the spatial extent of the port and the adjoining esplanade reserve.
- (b) A demonstration of how public access has been facilitated to the residual beach area to the east.

## **STORMWATER DISCHARGES (OPERATIONAL)**

~~207-209.~~ The consent holder must submit a Stormwater Operations and Maintenance Plan for the proposed stormwater system prior to Practical Completion. The Stormwater Operations and Maintenance Plan must include operational and maintenance details to demonstrate compliance with the following conditions and for:

- (a) Pond and Associated Pumps;
- (b) Channels;
- (c) Spillways;
- (d) Removal of silt and any contaminants settled in spillways;
- (e) Isolation and removal of any spills on the port apron entering a canal;
- (f) Repair of any erosion; and
- (g) Removal of blockages.

~~208-210.~~ Conditions ~~211-211~~ to ~~221-221~~ apply to all operational stormwater discharges from Northport from Practical Completion of the reclamation.

**Advice Note:** *It is intended that the consent holder will surrender the existing resource consent for the current stormwater collection, treatment, and disposal system (CON20090505532 issued on 13 April 2010) concurrently with the commencement of the application of conditions 211 to 221 in accordance with condition 209. This will consolidate the stormwater resource*

*consents and conditions applying to the expanded Northport, meaning that a single consent and single set of conditions will apply to all Northport operational stormwater.*

**209-211.** Operational stormwater must be treated either:

- (a) via connection to the existing canal and pond-based stormwater system discharging to the CMA at co-ordinate location 1733997E 6033711N; and/or
- (b) via alternative proprietary stormwater treatment systems/devices prior to discharge to the CMA, subject to prior certification by Council that they are capable of meeting the compliance parameters in these consent conditions.

**210-212.** The consent holder must make an underwater examination of diffuser(s) and pipelines at least once every two (2) years, and take such measures as are necessary to ensure that diffuser(s) operate as designed and that all the stormwater discharges, except for the emergency overflow(s), pass through diffuser(s).

**211-213.** A report on all such examinations and action taken to remedy defects, as required under condition 212, must be forwarded to the Council's Compliance Manager within once month of the examination being completed.

#### **Mixing zone trigger thresholds**

**212-214.** IF any of the following effects on coastal water quality occur at the mixing zone boundary, as shown on plan 014656 contained in **Appendix 1**, then the "at source" stormwater quality attributable compliance parameters in condition 215 apply:

- (a) A temperature change of more than 3°C;
- (b) A pH change of more than 0.2;
- (c) A reduction in the concentration of dissolved oxygen below 80% saturation;
- (d) A reduction in visual clarity of more than 20% of the median background visual clarity at the time of measurement, as measured by black disk or an accepted alternative method;
- (e) A change in hue of more than 10 Munsell units compared to the median background hue at the time of measurement;
- (f) Production of conspicuous oil or grease films, scums or foams, floatable suspended materials, or emissions of objectionable odour;
- (g) The destruction of natural aquatic life by reason of a concentration of toxic substances; or
- (h) Concentrations exceeding the following determinants:

DETERMINAND	CONCENTRATION IN MILLIGRAMS PER CUBIC METRE
Total copper	1.3
Total lead	4.4
Total zinc	15

**Advice Note:** The mixing zone trigger thresholds in condition 214 above apply at the relevant mixing zone boundary. They are informed by an extensive body of compliance, monitoring, and

*enforcement (and other scientific) evidence, data, and experience gathered over time with respect to several marine discharges/resource consents at the Whangārei Harbour entrance. However, exceedances of the mixing zone trigger thresholds in condition 214 above may be caused by a range of parties and/or events, some of which are outside the scope of these resource consents and the control of the consent holder (for example another party's nearby marine discharge). The mixing zone trigger thresholds in condition 214 are therefore not enforceable compliance metrics under these consent conditions. Their function is to identify a water quality effect(s) of potential environmental concern in order to trigger the application of the stormwater quality attributable compliance metrics in condition 215 (i.e. IF a threshold(s) in condition 214 is exceeded, then the consent holder must comply with the attributable compliance parameters in condition 215).*

#### **Attributable compliance parameters**

213-215. IF a mixing zone trigger threshold(s) in condition 214 is exceeded:

- (a) the consent holder must, as soon as practicable, undertake water quality testing in the location identified in (b) below; and
- (b) for the period the threshold(s) in condition 214 remains exceeded water within the Northport site stormwater network directly upstream of the confluence with discharges from the Marsden Maritime Holdings site (i.e. at the downstream limit of the Northport 525mm gravity pipework), or prior to discharge from any proprietary system, must not exceed the following:
  - (i) 15 mg/L Total Petroleum Hydrocarbons;
  - (ii) 10 mg/L of total copper;
  - (iii) 10 mg/L of total lead;
  - (iv) 100 mg/L of total zinc; or
  - (v) 100 mg/L of suspended solids.

**Advice Note:** *The compliance parameters in condition 215 impose enforceable limits on Northport's "at source" stormwater discharges in the event – and for the duration that – a water quality effect(s) of potential environmental concern occurs at the mixing zone boundary (as evidenced by an exceedance of a threshold(s) in condition 214). For the avoidance of doubt, the stormwater quality attributable compliance parameters in condition 215 apply only in the event a mixing zone trigger threshold(s) in condition 214 is exceeded, in which case the compliance parameters in condition 215 apply only for the duration of the condition 214 threshold exceedance(s). The compliance parameters in condition 215 do not incorporate a mixing zone dilution effect.*

214-216. The compliance location specified in condition 215 may be changed if the Council, following receipt of a report from the consent holder, certifies that a proposed alternative location is equally or more suitable for the purpose of measuring Northport's stormwater discharge quality.

215-217. The quality of stormwater discharged from the canal and pond-based stormwater system at the pumps must meet the following:

- (a) A pH within the range of 6.5 to 9.0;

- (b) A total suspended solids median concentration not greater than 50 grams per cubic metre and a 95 percentile concentration not greater than 100 grams per cubic metre.

~~216-218.~~ The operational port area must, as far as practicable, be maintained free of accumulation of wood debris and other organic product such that it is limited in its ability to be conveyed to the stormwater drains and cause objectionable odours beyond the site boundary.

~~217-219.~~ The consent holder must undertake the following measures to minimise adverse effects associated with operational stormwater discharges:

- (a) Removal of bark and wood debris.
- (b) Routine sweeping of the operational port area.
- (c) Dust suppression measures.
- (d) Regular cleaning of catchpits.

~~218-220.~~ Sediment collected from the maintenance of the stormwater system, including internal drains and any debris traps, must be disposed of at a site that is authorised to accept such wastes.

#### **Monitoring**

~~219-221.~~ The consent holder must undertake stormwater monitoring in accordance with the monitoring programme at **Appendix 2**. Any changes to **Appendix 2** must be certified by the Council.

**Advice Note:** *The monitoring programme at **Appendix 2** sets out monitoring and reporting requirements only. It does not include stormwater quality compliance parameters.*

#### **PORT ACTIVITIES AIR DISCHARGES (OPERATIONAL)**

~~220-222.~~ Conditions ~~223-225~~ to ~~225-225~~ apply to all Northport port operations from Practical Completion of the reclamation.

~~224-223.~~ An Air Quality Management Plan (AQMP) must be prepared and submitted to the Council for certification. The objective of the AQMP is to detail dust management procedures that will be implemented by the consent holder to minimise discharges of dust from port operations and to ensure that effects are in accordance with the assessments accompanying the resource consent applications. The plan must include guidelines to control dust associated with the handling of bulk material and stockpiles, including regarding the following:

- (a) Use of appropriate equipment when transferring material, such as hoppers.
- (b) The use of covers.
- (c) Limiting drop heights.
- (d) Undertaking work in favourable wind conditions.
- (e) Having a method available to apply water to dampen material when required and as appropriate.
- (f) The regular sweeping of sealed surfaces.
- (g) Restrictions on activities during strong winds.

- (h) Limitations on the height of stockpiles.
- (i) Installation of wind breaks.
- (j) Minimising vehicle speeds to 20km/h on unsealed surfaces.
- (k) Inclusion of procedures to minimise emissions.

222-224. The AQMP must be certified in writing by the Council prior to the commencement of port operations on the reclamation or wharf authorised by these consents, and the consent holder must undertake port operations in accordance with the certified AQMP (including any certified variation).

223-225. Any variation to the AQMP must be subject to certification by Council. The consent holder is to review the AQMP at no greater than three yearly intervals.

## CULTURAL

### Kaitiaki Group

224-226. The Consent Holder shall, not later than 24 months prior to commencement of construction works, provide a written offer to the relevant representative entities of tangata whenua groups of Poupouwhenua and Whangārei Te Rerenga Parāoa to establish and maintain a Kaitiaki Group ('KG').

- (a) For the purposes of these resource consents the 'relevant representative tangata whenua groups' are: Patuharakeke, Te Parawhau, and Ngātiwai;
- (b) The entities nominated to represent the tangata whenua groups listed in clause (a) of this condition shall be identified by tangata whenua. Tangata whenua shall advise both the Consent Holder and the council as to whom their representative entities will be; and
- (c) Other tangata whenua groups may be invited to join the KG where they have been endorsed by the majority of the members of the KG and confirmed by the council.

**Advice Note:** *There are existing groups exercising various roles aimed at improving the health of Whangārei Te Rerenga Parāoa, including for example the "Kaitiaki Roopu" which was established under previous resource consents granted to Northport for its port expansion. The KG is intended to be distinct from the existing Kaitiaki Roopu.*

225-227. Each of the above parties listed in Condition 226 who accepts the Consent Holder's offer may nominate one representative and an alternate representative to the KG. If invited in writing by the KG, the Consent Holder may also nominate one representative and an alternative representative to the KG.

226-228. As soon as practicable after acceptance of the Consent Holder's above offer by one or more parties, a Charter establishing the KG shall be executed by the Consent Holder and the accepting parties, following which the KG shall be constituted. The Charter shall set out/include the following, as a minimum:

- (a) The name by which the KG shall be formally known;

- (b) The functions of the KG in accordance with Condition 229 below, and how such functions shall be exercised by the KG;
- (c) The composition of the KG and the process by which membership may be amended;
- (d) How the KG intends to carry out its functions, including the frequency and format of KG meetings, and methods for decision-making;
- (e) A dispute resolution process whereby any differences that may arise in establishing and/or operating the KG may be resolved by direct discussions between the parties in dispute, and failing that, by reference to mediation by an AMINZ affiliated mediator (the costs of the mediator to be met by the Consent Holder);
- (f) The rates of remuneration for members of the KG; and
- (g) The period the KG shall operate for; which shall be no shorter than is necessary to fulfil the KG's functions under these resource consents.

#### *Functions of the KG*

227-229. The functions of the KG are to:

- (a) Recognise and provide for the importance of Poupouwhenua and Whangārei Te Rerenga Parāoa as a taonga to tangata whenua, within the framework of these resource consents;
- (b) Recognise and provide for the kaitiakitanga of Māori who have a kaitiaki relationship with Poupouwhenua and Whangārei Te Rerenga Parāoa, within the framework of these resource consents;
- (c) Facilitate the involvement of Māori who have a kaitiaki relationship with Poupouwhenua and Whangārei Te Rerenga Parāoa in the exercise of these resource consents;
- (d) Facilitate the incorporation of kaitiaki responsibilities and values in the exercise of these resource consents; and
- (e) Provide a forum for engagement between Māori who have a kaitiaki relationship with Poupouwhenua and Whangārei Te Rerenga Parāoa, the Consent Holder and the council regarding the exercise of these resource consents.

#### *Roles of the KG*

228-230. In fulfilling its functions, the roles of the KG shall be to:

- (a) Identify initiatives to develop expertise and capacity building for mana whenua. These could include, for example, establishing educational scholarships, providing post-graduation research funding, identifying opportunities for professional training (e.g. Directors Institute course), apprenticeships, and/or port operator training (e.g. forklift licence), and/or proposing suitable candidates for employment opportunities.
- (b) Naming roads and areas within the reclamation area and operating port;
- (c) Provide design input to the construction authorised by these consents, including but not limited to scoping, consultation and design of aspects of:
  - (i) A new entranceway display at the principal entrance to Northport, and

- (ii) The accessway to the Pocket Park, which is intended to facilitate access to the remaining beach area at Poupuwhenua. This might include, for example, construction and installation of pou or waharoa;
- (d) Design of the Pocket Park itself, for example landscaping, planting plans, and cultural artwork/storytelling to provide information on cultural history of the area, mahinga kai (broadly, the practices involved in producing, procuring, and protecting traditional food resources and ecosystems), and taonga species;
- (e) Nominate up to two people with knowledge of mātauranga Māori to train as marine mammal observers;
- (f) Nominate up to two people with knowledge of mātauranga Māori to train as field technicians for collection of samples of water/substrate/shellfish as required by these consents or more generally for Northport's operations;
- (g) Receive draft reports and information from the Consent Holder required pursuant to these resource consents, including but not limited to notification of any discovery of archaeological material;
- (h) Review and comment, as necessary, on the following (amongst other things): the draft CEMP; the draft EMMP; the draft MMMP; and the draft Capital DMP and draft Maintenance DMP;
- (i) Review and comment, as necessary, on the draft monitoring reports produced by the Consent Holder prior to them being submitted to the council to ensure the KG views are made known to council prior to any review;
- (j) Work collaboratively with the council and the Consent Holder to determine and implement appropriate procedures to control any adventive pests and weeds present within any disturbed area;
- (k) Take an active role in reviewing and reporting using the Cultural Indicators Hub ('CIH') as the primary reporting tool as defined in condition 239 below;
- (l) Receive from the Consent Holder notification of any receiving water quality limit exceedances; and consult with the council's Compliance Manager regarding any receiving water quality limit exceedances;
- (m) Provide advice on enhancing access to mahinga kai sites;
- (n) Receive requests from Māori who have a kaitiaki relationship with Whangārei Te Rerenga Parāoa for the undertaking of any cultural ceremonies relating to the exercise of these resource consents, including without limitation in the event of discovery of kōiwi; and for facilitating the provision of any such cultural ceremonies the KG reasonably deems to be appropriate; and
- (o) Identify, develop, establish and/or approve suitable studies or projects designed to improve water quality, coastal processes, environmental, ecological, and cultural health of the Whangārei Harbour entrance (including its shores) and northern Bream Bay.

#### *Consent Holder's obligations*

229-231. The Consent Holder's obligations in respect of the KG shall be to:

- (a) Provide a venue for KG meetings;
- (b) Give members at least three weeks' advance notice of the date, time and location of KG meetings;



- (c) Resource a Secretariat for the Committee whose role shall include taking Minutes of KG meetings, which shall be forwarded to KG members and the council within three weeks of each meeting;
- (d) Consult with the KG on matters of detailed design, including by providing draft design drawings and seeking feedback on matters of design and landscape treatment of the Pocket Park which is intended to facilitate access to the remaining beach area at Poupouwhenua;
- (e) Explore and discuss with the KG opportunities to engage persons nominated by the KG to undertake roles as marine mammal observers and/or field technicians for collection of samples of water/substrate/shellfish as required by these consents or more generally for Northport's operations;
- (f) Identify external business opportunities for mana whenua where they arise, including in associated or ancillary businesses. Examples might be providing services to cruise ship operators and/or passengers; or preferential purchase of specimen plants for landscaping requirements;
- (g) Provide copies of the relevant draft management plans, reports and documentation required by the conditions of this resource consent to the KG;
- (h) Consider and, if requested by the KG, provide a written or other agreed appropriate response to recommendations made by the KG, to the extent detailed in these conditions or otherwise agreed by the KG;
- (i) To make available any staff members or independent experts engaged by the Consent Holder to appear before the KG, with the costs of the experts' attendances and any necessary preparation to be met by the Consent Holder;
- (j) Subject to any operational or health and safety constraints, provide reasonable ongoing opportunities for mana whenua to walk the site before works commence to observe, categorise and discharge their obligations as kaitiaki;
- (k) Be involved in the development, implementation and monitoring of cultural indicators as contemplated by condition 240 below; and
- (l) Provide monthly email updates to the KG during construction works to advise of:
  - (i) key progress milestones,
  - (ii) the outcomes of monitoring conducted in accordance with these resource consents, and
  - (iii) any exceedances of relevant conditions of these resource consents.

230-232. The Consent Holder must fund the KG as follows:

- (a) *Pre-construction:* An annual payment of \$25,000 (plus GST, if any) is to be made from the date of the site meeting required by condition 3 of these consents until commencement of construction works;
- (b) *During construction:* An annual payment of \$50,000 (plus GST, if any) is to be made from commencement of construction works until Practical Completion; and
- (c) *Post construction:* An annual payment of \$25,000 (plus GST, if any) is to be made from Practical Completion for a period of three years (totalling three (3) payments).

**Advice note:** Where the above payments relate to a period of less than a full year, they will be pro-rated.

~~231-233.~~ The Kaitiaki Fund is intended to be utilised for the following purposes:

- (a) To meet the reasonable costs incurred by the KG in fulfilling its functions under these resource consents, including KG meetings and remuneration of KG members; subject to normal business practices, including invoicing and accounting, and in accordance with the Charter produced under Condition 228;
- (b) To provide working capital for the KG to assess the effects of the dredging, reclamation and construction works authorised by these resource consents on Poupouwhenua and Whangārei Te Rerenga Parāoa. This includes the development and implementation of the CIH in accordance with Conditions 239 to 244 below.
- (c) To enable the KG to undertake harbour restoration and enhancement projects in Poupouwhenua and Whangārei Te Rerenga Parāoa consistent with the broad purposes described in Conditions 245 and 246 below.

**Advice note:** *the Kaitiaki Fund payments shall not bear interest, and a default shall not attract a financial penalty under these conditions.*

~~232-234.~~ Nothing in condition 232 above is intended to limit the use of the Kaitiaki Fund, provided such use is consistent with the KG's Charter.

#### *General*

~~233-235.~~ The Consent Holder shall provide written confirmation to the council's Compliance Manager within two weeks of execution of the Charter establishing the KG pursuant to Condition 228.

~~234-236.~~ The first KG meeting shall be held as soon as practicable after execution of the Charter establishing the KG. The KG shall determine how it conducts/administers its functions under these resource consents.

~~235-237.~~ The Consent Holder shall provide written verification to the Council and Whangarei District Council of all payments made in accordance with Condition 232 within five working days of each payment being made.

~~236-238.~~ Except where expressly provided in Conditions 240(a) or 247, or where the context requires otherwise, all of the Consent Holder's obligations with respect to the KG under these resource consents are conditional on the KG being validly constituted, including execution of the KG Charter through agreement by the relevant parties.

#### **Cultural Monitoring Framework**

##### *Cultural Indicators Hub ('CIH') – overview*

~~237-239.~~ For the purposes of these conditions, the CIH is an online monitoring and reporting platform that:

- (a) facilitates the visualisation of monitoring data and other information recorded by the consent holder during construction and operation of the expanded container port, as authorised by these consents;

- (b) demonstrates the performance of the expanded container port against any cultural indicators developed and implemented by mana whenua, incorporating mātauranga Māori as appropriate, and as further described in conditions 240-244 below;
- (c) can be used as a tool for mana whenua to support the exercise of its kaitiakitanga; with authorised independent access to the online platform;
- (d) can be used to inform recommended changes to any management plans, including those specified in condition 230(h), as part of any annual update, or as part of any more comprehensive review; and
- (e) subject to restrictions requested by mana whenua, is otherwise publicly visible thereby providing real time information on the performance of the construction and operation of the expanded container port when measured against the conditions of consent.

#### *Development of cultural indicators*

238-240. The consent holder shall, as early as possible but no less than 6 months prior to the date of the commencement of works authorised by these consents, invite the KG to develop cultural indicators that assess the effects of the dredging, reclamation and construction works authorised by these resource consents on Poupouwhenua and Whangārei Te Rerenga Parāoa. The cultural indicators are to be incorporated into the CIH described in Condition 239, provided that:

- (a) if the cultural indicators are not developed by the KG prior to the commencement of works authorised by these consents, the CIH shall be constructed in a manner that allows the cultural indicators to be added at a later date, and until that time the CIH shall be operated and display other key information as described in condition 239 above;
- (b) The KG may review and amend the cultural indicators from time to time and the consent holder shall update the CIH to incorporate any such amendments as soon as practicable following any new or amended cultural indicators.

#### *Cultural Monitoring Framework - obligations*

239-241. The Consent Holder shall ensure all monitoring data as required by these consents and agreed by KG is visualised on the CIH.

240-242. The methodology of the cultural monitoring and assessment shall be determined following consultation with the KG. Any assessments shall be carried out by persons with knowledge of mātauranga Māori appointed by the KG, or by Suitably Qualified and Experienced person(s) appointed by the consent holder on the recommendation of the KG.

241-243. The cultural indicators referred to in condition 239 may include, but are not limited to, assessing changes in water quality, the health of taonga species and culturally significant flora and/or fauna, and the health of Poupouwhenua and/or Whangārei Te Rerenga Parāoa.

242-244. In addition to the CIH, the KG shall commission an appropriate person(s) to undertake and provide a written report on the cultural indicators monitoring on an annual basis during construction of the Expansion Project. The written report will be submitted to Council on an annual basis, for their information.

**Advice note:** Reasonable actual costs associated with commissioning external person(s) to establish cultural indicators will be the responsibility of the consent holder, rather than the KG.

**Advice note:** Nothing in these conditions compels the consent holder to engage any person(s) for the delivery of monitoring under these consents.

## Harbour restoration and enhancement initiatives

### *Cultural and recreation community projects*

243-245. The Kaitiaki Fund may be applied towards scoping, designing and implementing specific and targeted cultural and/or community recreation projects in Poupouwhenua and Whangārei Te Rerenga Parāoa.

### *Cultural ecological restoration and enhancement*

244-246. The Kaitiaki Fund may be applied towards scoping, designing and implementing initiative(s) for cultural and/or ecological restoration and enhancement of Poupouwhenua and Whangārei Te Rerenga Parāoa, and may include (but is not limited to):

- (a) Steps to improve water quality in Whangārei Harbour, including relating to land use within, and discharges from relevant catchments;
- (b) Monitoring effects associated with dredging and reclamation;
- (c) Initiatives to better understand and provide for avifauna and/or marine mammal species (e.g. nesting boxes for little penguin);
- (d) Shellfish relocation and monitoring; or
- (e) Seagrass restoration and/or enhancement.

245-247. If for any reason the KG is not validly constituted by the commencement of construction works, then notwithstanding conditions 232 and 238 above, the Consent Holder shall be responsible for carrying out works in lieu of the Kaitiaki Fund until such time as the KG is validly constituted. The works shall be of equivalent value as required by condition 232, for the purposes set out in conditions 245 and 246. The Consent Holder shall consult with the Council prior to undertaking the works; and following completion of the works shall inform the Council. To avoid doubt, if the Consent Holder undertakes works pursuant to this clause, it shall not be responsible for also making the Kaitiaki Fund payments pursuant to condition 232.

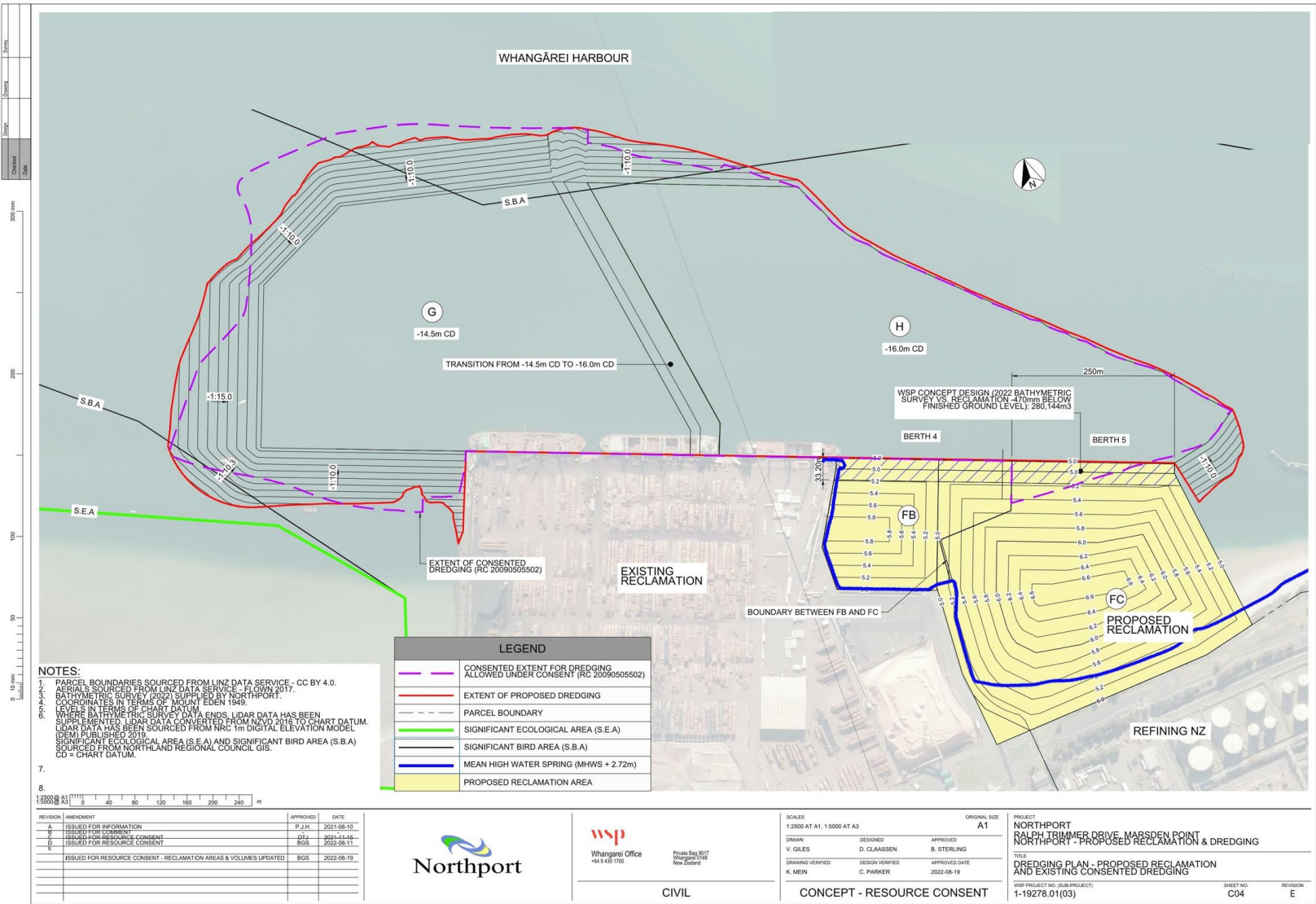
EXPIRY DATES:     **UNLIMITED**

**[INSERT DATE 35 YR FROM COMMENCEMENT]**

AUT[XXXXXX] (Reclamation)

All other consents

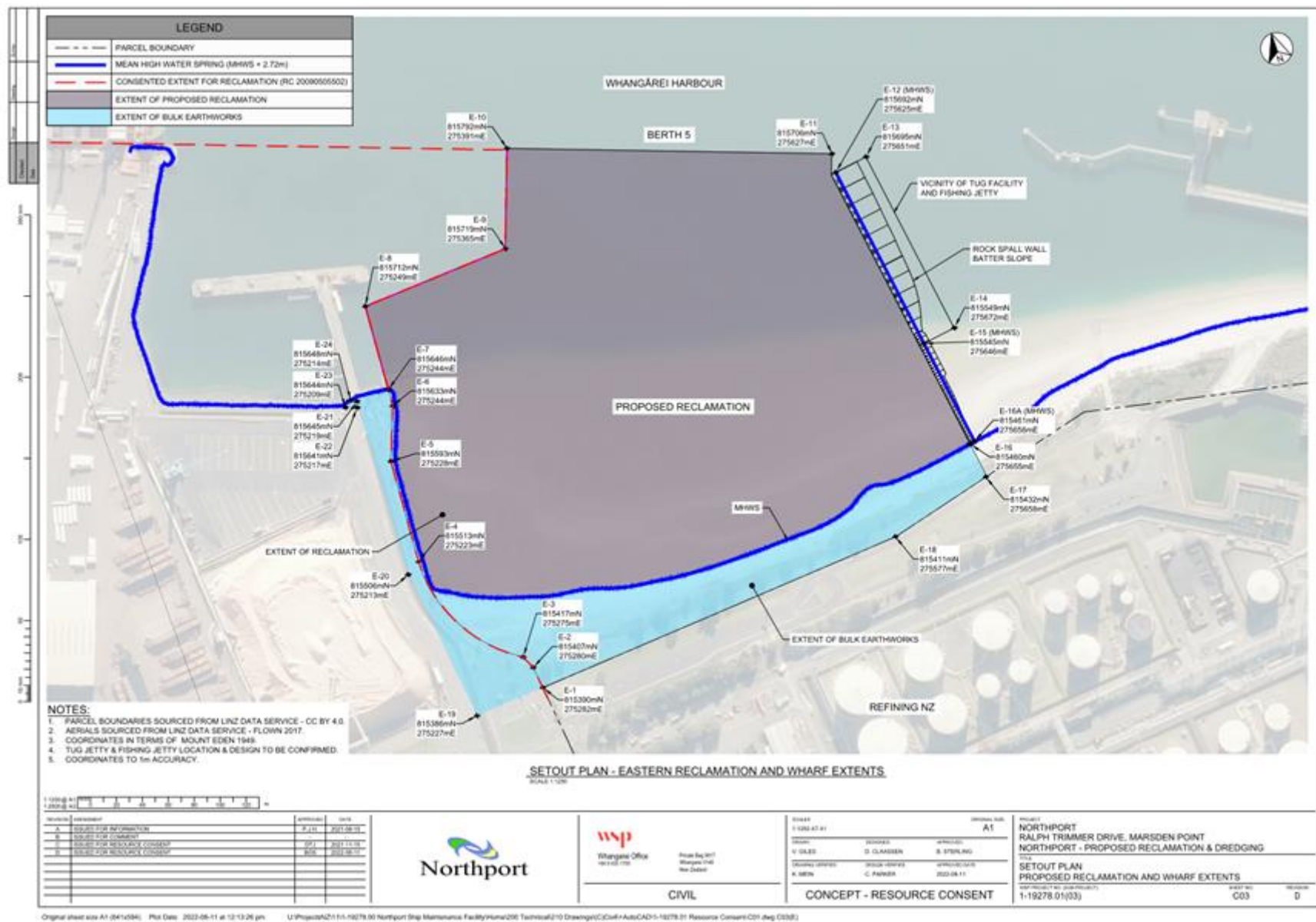
APPENDIX 1: PLANS

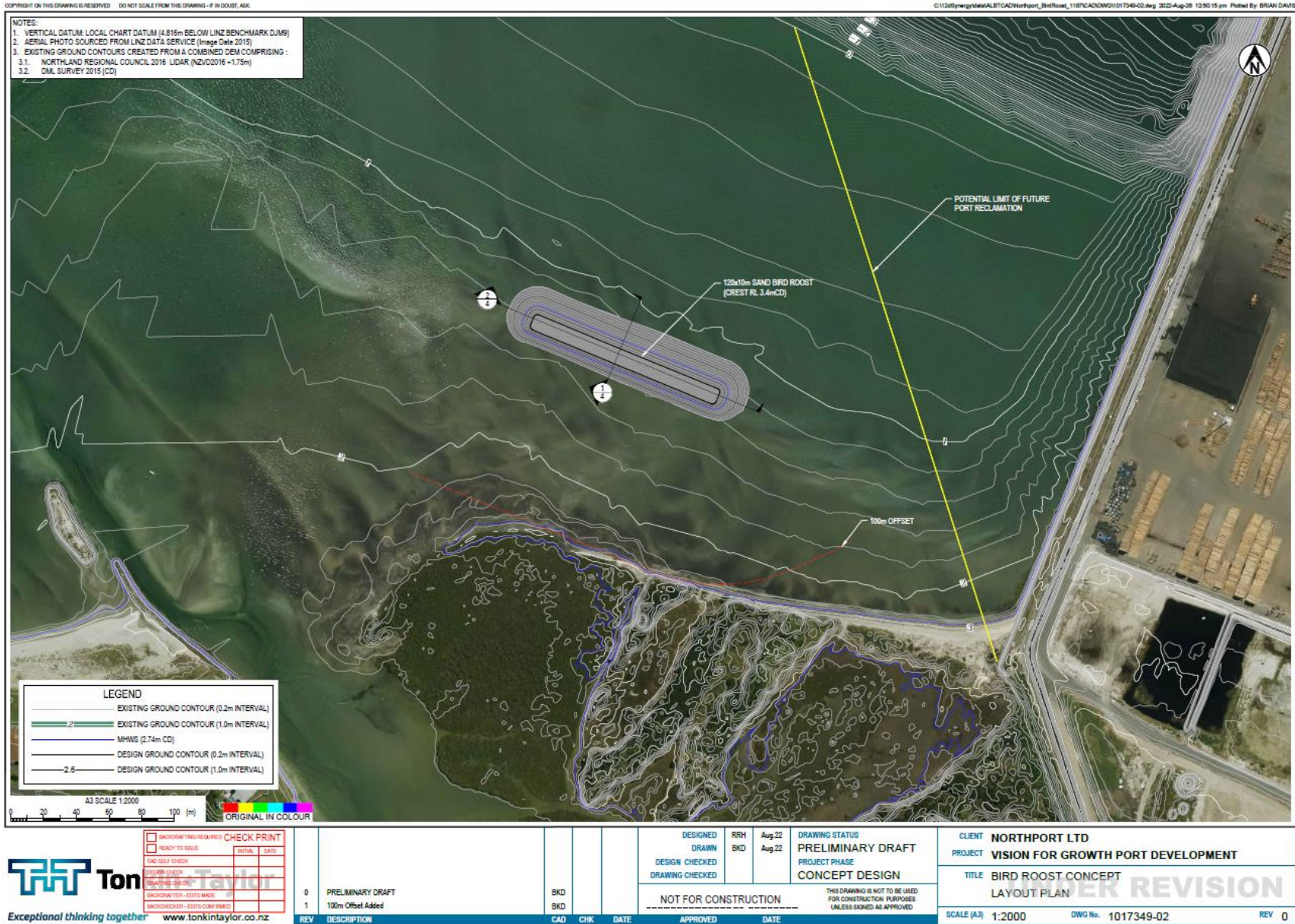


Original sheet size A1 (841x594) Plot Date 2022-08-19 at 8:20:02 am U:\Projects\NZ\111-19278.00 Northport Ship Maintenance Facility\Home\200 Technical\210 Drawings\Civil\AutoCAD\1-19278.01(03) Proposed Reclamation & Dredging-C04.dwg C04

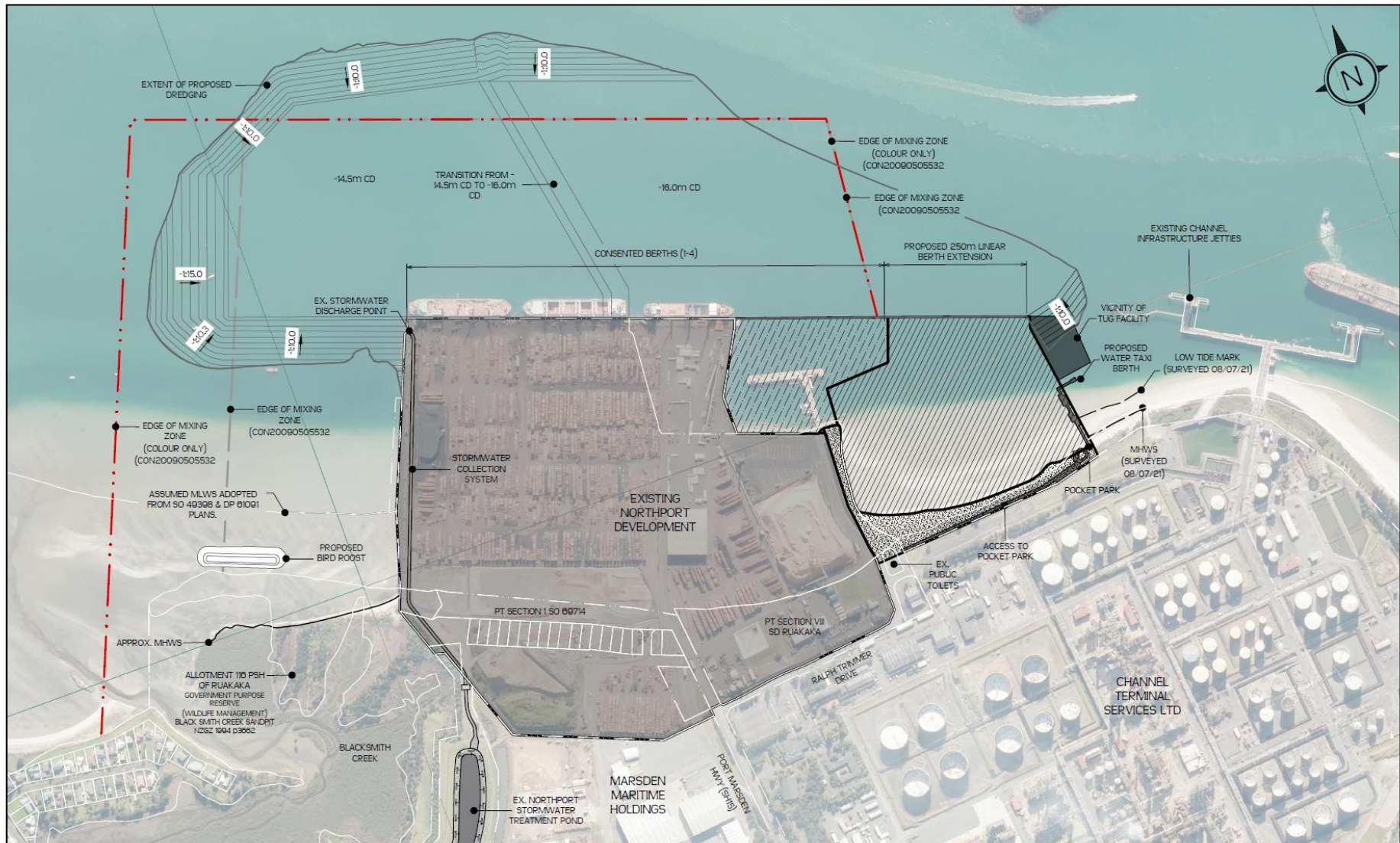
Conditions proposed by Northport (NRC) (25.8.23)











TITLE		CLIENT	
NORTHPORT EXPANSION (BERTH 5)		NORTHPORT MARDEN POINT	
DATE	JULY 2023	SCALE	1:6000 @A3
NO.	014656	SHEET	1/1
REV.	A	REV. DATE	08.07.23
		DESCRIPTION	FIRST ISSUE - B4/TM
		REF. DATA	

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

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	CONSISTENT DEVELOPMENT (NOT YET CONSTRUCTED)
	PROPOSED RECLAMATION
	EXTENT OF BULK EARTHWORKS
	EXISTING NORTHPORT DEVELOPMENT

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PO Box 191, Whangarei 0140  
www.reyburnandbryant.co.nz







## **Appendix B: Updated position letter**

26 September 2023

Northland Regional Council and Whangarei District Council

c/- Alissa Sluys

Consents and Hearing Administrator

Northland Regional Council

By email: [alissas@nrc.govt.nz](mailto:alissas@nrc.govt.nz)

**Northport application (LU2200107 / APP.040976.01.01)**

**UPDATE TO POSITION OF CHANNEL INFRASTRUCTURE**

1. Channel Infrastructure NZ Limited ("Channel") filed a submission on the above application (submission dated 15 December 2022). That submission broadly outlined certain concerns Channel had identified with the proposal by Northport to expand its port operations, including the potential for adverse navigation safety and other effects on Channel's infrastructure and operation, including shipping movements to and from Channel's jetties.
2. Since filing that submission, Channel and Northport have engaged extensively in constructive discussions about the application, and how to manage any potential effects on Channel. As a result of that continued engagement, Northport and Channel agreed on revisions to Northport's draft proposed consent conditions (which were attached to Brett Hood's statement of evidence) to address the matters raised by Channel in its submission.
3. Based on this agreement, Channel wishes to advise the consent authority of its updated position, being one of support for the application, subject to the imposition of the agreed conditions – which we understand Northport has, or will, present in advance of the hearing.
4. Should the consent authority have any questions regarding Channel's updated position, please do not hesitate to contact me.



Jack Stewart

**GM – Operations**

**Channel Infrastructure NZ Limited**

Copy to: Jon Moore, CEO of Northport, [Jon.Moore@northport.co.nz](mailto:Jon.Moore@northport.co.nz)