

NORTHLAND REGIONAL COUNCIL

WHANGAREI DISTRICT COUNCIL

IN THE MATTER OF: the Resource Management Act 1991 (“RMA”)

AND a resource consent application by Northport Limited for port expansion at Marsden Point

APPLICATION NO: APP.005055.38.01 / LU220107

ORAL SUBMISSIONS ON APPLICATION FOR RESOURCE CONSENT

Bream Head Conservation Trust
310 Ocean Beach Road
Whangarei Heads 0174

The Bream Head Conservation Trust

1. The Bream Head Conservation Trust (the Trust) is a charity registered under the Charitable Trusts' Act 1957, committed under its deed to the environmental conservation and restoration of Bream Head (Te Whara) Scenic Reserve (the Reserve), and providing educational and recreational services on the Reserve.
2. The Trust is community-led by the members of the Whangarei Heads community, having recently celebrated its 20th anniversary. It maintains connections with tangata whenua, DOC, the Northland Regional Council and the Whangarei District Council, with the common aim of restoring the Reserve to its natural condition, as it was prior to human occupation.
3. The Trust contracts rangers for its conservation and restoration work, and has over 70 community volunteers that assist with its mahi. The Trust is a fierce advocate for the environment, recognising that the environment does not have a voice and is often overlooked in favour of economic development.
4. While the Trust's focus is on pest and weed control, the effectiveness of its mahi is measured by the recovery of the entire bio-diversity, both flora and fauna. The Trust's ongoing success, and the environmental health of the Reserve, is dependent on the health of its surrounding marine environment. The health of our people and communities is supported by these healthy environments.
5. The Trust accepts the philosophical approach to the environment that all elements of the five environmental domains are inter-dependent, resonating with Mātauranga Māori.

Northport Ltd and Bream Head Conservation Trust Relationship

6. The Trust and Northport Limited (**the Applicant**) have been in a collaborative relationship for several years. The Trust views the applicant as a responsible operator of a commercial business in an area of global, national, and local environmental significance.
7. The Trust previously recorded its position on the application as neutral, however in light of the current conditions proposed it now opposes the application, subject to any agreement arising out of these submissions.

Submission

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8. The Trust's submission is general in nature, but with a specific request for and addition to the Augier condition 51.
9. The Trust's position is that, in the current climate, it is not enough for a corporate entity to simply meet imposed conditions without further consideration for environmental impacts. An ongoing commitment to reducing environmental effects (including emissions) that arise out of ongoing operational activities should be made, particularly as environmental monitoring and restoration technology improves over time. Conditions should be somewhat flexible and include the ability to source additional financial resource from the applicant if there are changing approaches in how the environment is managed.
10. In its written submission the Trust sought as a condition that the applicant provide funding of 1% of the development cost of the Proposed Extension and ongoing operational net revenue for scientific research, monitoring, and spatial planning over all aspects of the harbour, Bream Bay entrance and proximate coastal area for ecological restoration.
11. The Trust also sought the applicant establish and make public its programme for reaching a net zero carbon footprint.
12. The Trust appreciates there is not a legislative mechanism to require either of these conditions, but it considers that what may generally be accepted is that the law and regulation cannot keep up with the speed of our changing environment.
13. There will inevitably be increased shipping frequency, human activity and pollution to the area over the period of the consent, and greater risk of an accident or event that significantly adversely affects the environment. The Trust's view is that all of these effects will impact an area greater than what is under consideration in the application.
14. Over the past 35 years our marine biodiversity has declined at rates that, if continued, it is feared many species will be unsustainable in 35 years time.
15. Removal of 30ha of the sea bed, loss of the marine organisms and pathways that once existed there, the shoreline behind, and the additional risks that the activities will inevitably bring, surely creates a benefit to the applicant that incurs a debt to the marine space.
16. And that is just the activities, what is our climate going to look like in 35 years time from other environmental pressures? The Trust does not have the scientific qualifications to speak to that, but again, its view is that the law and regulation cannot keep up.

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17. The Trust considers a responsible, community focussed and environmentally conscious port operator would, and in the Trust's view should, invest in:
 - a. mitigation and restoration of the surrounding environment that it profits from, and
 - b. aim to achieve a net zero carbon footprint.

18. The Trust is not aware of the cost of the development, but it expects that 1% is likely a high figure on paper. But it is still only 1%, and that is a small price to pay to the environment that is repeatedly sidelined and adversely affected because it has no voice in these matters. The applicant has a unique opportunity to lead change in what a responsible port operator looks like, and the Trust implores the applicant to be bold in this space.

19. The Trust appreciates the financial pressures an environmental contribution of 1% would put on the applicant. For that reason, the Trust has resolved to support the application for consent on the condition that the applicant agrees to the additional conditions proposed in the attached condition 51.

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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 and provide funding for community activities that promote the ecological wellbeing of the marine environment. The consent holder's obligations include, as a minimum:

(a) Inviting stakeholders to participate in a Steering Committee;

(b) Providing funding towards:

(i) the establishment, administration, and promotion of the roles and outcomes of, a Steering Committee ("the Steering Committee Funding");

The Steering Committee Funding will total not less than \$[??] per annum (plus GST, if any) for the period of [x] years, beginning the first full calendar year following the granting of consent. 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;

(ii) a community held contestable fund for activities that promote the ecological wellbeing of the marine and surrounding terrestrial environment ("the Community Fund");

The Community Fund will total not less than \$150,000 per annum (plus GST, if any) for the period of the consented activities, beginning the first full calendar year following the granting of consent. The Community Fund will be administered by the Northland Community Foundation subject to a Memorandum of Understanding between the consent holder and the Northland Community Foundation and in accordance with the terms of reference for the fund. A record of payments constituting the Community Fund for each 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

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(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 fund the Community Fund and 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 toward the wellbeing of the marine environment, information regarding Northport's aim in prompting and establishing a Steering Committee, including its proposed constitution, structure, functions and outcomes sought as 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 hapu/iwi/maori. As such, it is recognised that the obligations on Northport secured through these consent conditions need to be appropriately scoped.