

Oral submission at Northport Hearing, October 2023

General statement

I am Clinton Heath Jack Craw, of Whangarei. I am a second-term Northland Regional Councillor and currently Deputy Chair of NRC but wish to stress that this is a personal submission unrelated to my role as a Councillor and I will have no part in any decisions with regard to this application. I am a Life Member and past Chair of the Friends of Matakohē-Limestone Island Society, and am a current Committee Member (unpaid) of this charitable society. I am a biosecurity consultant with 40 years experience in all matters biosecurity, with much experience in conservation and biodiversity protection in New Zealand and the Pacific, including research, planning, programme design and management. I was the Group Manager Biosecurity at Auckland Regional Council and Auckland Council from 2003 to 2014 and was a Ministerial appointee to the Northland Conservation Board 1996-98. I have been an expert witness at 7 Environment Court hearings and appellant at 2, both successful.

I support the development because it will add greatly to the economic wellbeing of Northland and Northlanders. And also because it will add a great deal of economic, social, aesthetic benefits to Auckland when most port activities are moved from the inner Auckland harbour. And these benefits will accrue to New Zealand as a whole. So we need to consider the regional, inter-regional and national benefits in totality. I find the economic case for the Port to be compelling.

My written submission and oral submission to you today will not focus on the engineering, hydrographical, and construction aspects of the consent. Rather I will highlight the ecological and social impacts as identified, and call for meaningful mitigation. This consent application is easily the largest I ever seen that offers essentially no mitigation for considerable loss of values, other than minor sandbank creation and an unstated degree of assistance to the Bream Bay Duneland Trust. In this regard my submission may be considered as supporting the position of Patuharakeke Hapu.

In my opinion the summary of ongoing ie post-construction impacts on ecological (especially shorebird), aesthetic, noise, transport, recreation and access values is manifestly understated. I do not seek that the construction methodologies be changed, rather I seek a level of mitigation commensurate with the impacts of the completed port with regard to these values. I note that there is a Construction Environmental Management Plan (CEMP) but no ongoing environmental management plan.

Draft NRC Conditions (17 August 2023)

- The conditions are very heavily weighted towards amelioration of impacts of the construction phase and are almost totally bereft of any actions in mitigation of the completed port expansion, which should rightly be demanded.
- The Environmental Mitigation and Compensation Section (sec 54-58) is pitiful, lacking inclusion of most values. The evidence of Dr Beauchamp (sec15), Craig Davis (sec41) and Simon West all support this view.
- The duneland protection measure (s57-58) should include funding for long term (suggested 50 year) dune protection. As written it could merely mean a once-only contribution which might be fully spent within 2-5 years. It is suggested that either the contribution be made as a significant sum that the Bream Bay Coastal Care Trust can invest, or a binding agreement for Northport to make future contributions as required for works agreed to be necessary, using a formula agreeable to the Trust.
- Ecological protection for lizards (sec 78) contains no provision for replacing lost habitat, merely for lizard relocation.
- Similarly the proposed measures for protection of avifauna (secs 79-86) include nothing but relocation and minimisation of impacts during construction, ie no provision for loss of habitat. The evidence of Clair Webb is salient here.
- Sec 162: If current shoreline condition (ie baseline) data does not exist, the consent should require shoreline monitoring before dredging commences, to establish a baseline.
- Sec164 commits the consent holder only to propose mitigation of beach sand erosion. It should commit the consent holder to a level commensurate at least with the present condition.
- Sec 190 Avifauna Management Plan relates only to minimising impacts during construction.

I support the formation of the Kaitiaki Group and Fund, but note that the funding amounts appear very insufficient. I would suggest a tenfold increase in contribution, or an endowment fund, refer below.

I don't feel any need to repeat the absolute necessity of completion of the rail spur before significant construction commences. This has been well covered elsewhere.

Economic impacts

The Akehurst- Market Economics Report is supported in as far as it addresses the positive economic impacts. However this report and others do not address the

negative economic, social and property asset value impacts that would accrue to local residents due to disruption, noise, traffic, increased proximity to industrial activity etc.

Marine Biosecurity

The ongoing measures are supported, which in essence are the NRC statutory Regional Pest Management Plan rules. However the construction provisions rely on good faith statements by the participants. The consent needs to include hull inspection of all vessels and craft arriving from overseas. There have been recent examples of oil rigs and other construction vessels arriving in New Zealand from overseas with significant biofouling. The industry globally does not adhere to New Zealand biosecurity regulations and several vessels have been turned back, causing delays and additional costs. Hull inspection well before docking will obviate risks and lower costs.

It is also noted that in the Summary of Planning Provisions, there is no reference to the Regional Pest Management Plan which is a statutory document under the Biosecurity Act.

Recommendation: that the consent conditions (sec 5.11.4) include hull inspection of all vessels arriving from overseas during the construction phase.

Mitigation

- A fund or guarantee to deal with any foreshore erosion at One Tree Point
- Construction of a wetland or combined wetlands of at least 20 ha in the general area. This need not be like-for-like as this is not possible i.e. we cannot create new beaches, however salty or freshwater wetlands could easily be created west of the Port, or east of Takahiwai, or south of Marsden Point north of Ruakaka, or at Uretiti-Ruakaka, or even on part of the ex-refinery land. With the right planting plan this/these could become significant bird habitat, ecological and lifestyle assets and tourist destinations.
- Bolstering shorebird protection works at other Whangarei Harbour beach sites, preferably on the south side, either by funding tangata whenua or local trust. This should include fencing, protection planting and pest control for at least 30 years. This would be cheap and effective. I refer you to Dr Beauchamp's evidence here.
- The project perimeter (as much as possible) and all road and rail corridors include significant buffer planting on raised mounds and be at least 10m wide

on each side. This will add to natural character, aesthetics and lessen noise impacts. And it will add to neighbouring asset values.

- A Community Environmental Endowment Fund be established, of 2% of the total build cost, administered by an appropriate trust, and the interest be used in perpetuity to fund programmes of environmental, ecological and community value in the area affected by the project. This would include Reotahi and environs, and Oakleigh to Waipu.

Submission document A (to be read with the submission form)

(submission by C Jack Craw)

The application contains no mitigation measures (other than a small artificial temporary sandbank) to offset the considerable negative impacts of the construction and ongoing management of the facility. This is unusual and unacceptable given the size and extent of the ecological, social, environmental and cultural impacts which will be permanent. Possible mitigation measures are listed below.

I am concerned that the negligible mitigation offered for permanent impacts will cause opposition that will further delay the project whilst solutions are found and agreed upon. Delays caused by appeals will also add considerable costs, which could have been obviated by inclusion of acceptable mitigation measures.

In addition, granting the application should be contingent on budget for the rail spur line being confirmed (currently this is not guaranteed). Lack of rail would create unsustainable pressures on SH15, SH1 and local roads. I note that local tangata whenua oppose the application in total at present, due to the Port not having been designated of National Importance (i.e. it is still ranked of Regional Importance) so they seek delay until the status of the Port is established which would ensure that the rail link is built. They are also concerned with the almost complete lack of mitigation measures to offset the significant effects of the project. They also consider that the application greatly understates the likely overall impacts. These concerns mirror my own.

My submission is silent on matters beyond my expertise e.g. noise, air quality, stormwater, navigation, marine spill risk and cultural values, both during and post construction.

Impacts on Avifauna

The statement that effects on avifauna will be minor or less is clearly incorrect. Apart from the considerable loss of habitat, there will be additional permanent impacts of lighting, noise and industrial activity. Also the planned artificial sandbank will be significantly impacted (bird disturbance) by the planned stage 2 development (dry dock etc) which is clearly part of the long term plan for the Port. There is no guarantee that the sandbank will remain in place and not be washed away, requiring regular replacement. It is also a very small structure in relation to the habitat being lost and as a roost it will not compensate for the loss of feeding area, rather it will result in further feeding area loss.

Recommendation: that the measures for the sandbank include regular maintenance

Mitigation

A wetland or combined wetlands of at least 20 ha be created in the general area. This would not be like-for-like as this is not possible i.e. we cannot create new beaches, however a salty or freshwater wetland could easily be created west of the Port, or east of Takahiwai, or south of Marsden Point north of Ruakaka, or at Uretiti-Ruakaka, or even on part of the ex-refinery land. With the right planting plan this/these could become significant bird habitat, ecological asset and a tourist destination.

Also bolstering shorebird protection works should be done at other Whangarei Harbour beach sites, either by funding tangata whenua or local trust. This should include fencing, protection planting and pest control for at least 30 years. This would be cheap and effective.

Landscape, natural character and aesthetic impacts

The statement that landscape and aesthetic impacts beyond the beach will be minor or less than minor is contested. The increased industrial, road (and eventually rail) infrastructure and activity will cause significant impacts especially when future industrial activity follows on.

Mitigation: The project perimeter (as much as possible) and all road and rail corridors include significant buffer planting on raised mounds and be at least 10m wide on each side. This will add to natural character, aesthetics and lessen noise impacts. And it will add to neighbouring asset values.

Economic values

The application correctly assesses the ongoing economic impacts on the area and on Northland generally to be very significant. Not only at the Port but also at the new town that will be created. There will also be considerable land asset value increases and community benefits beyond mere employment. These values need to be protected. To this end there needs to be a community environmental fund that can be utilised long-term to mitigate against the deleterious effects.

Mitigation

A Community Environmental Endowment Fund be established, of 2% of the total build cost, administered by an appropriate trust, and the interest be used in perpetuity to fund programmes of environmental, ecological and community value in the area affected by the project. This would include Reotahi and environs, and Oakleigh to Waipu.