

Table 1: Northland Regional Council Recommended Amendments and Northport Response

Northport Condition	Recommended Council Amendment	NRC Comment	Northport Response
DEFINITIONS			
FTU	Include FTU everywhere NTU is referenced through the conditions	This is done in places but not consistently.	Adopted – FTU now included.
GENERAL			
Referenced reports and plans	Include reference to Applicants Expert Evidence Reference all Plans attached to the conditions in this list	Forms a full part of the application scope	Adopted in part (Condition 1) –all plans now referenced. Unnecessary to list evidence.
Website	Require the <i>statement summarising steps toward progressing commencement of these consents</i> to be updated annually on the website	To manage the social effect of uncertainty between granting of consents and construction commencement	Adopted – now included (conditions 19 and 20).
Cost Escalation	Include condition 27 proposed I the s42A addendum	To ensure the value of monetary mitigation is maintained through time	Adopted in part – costs that are to be index-linked are noted as such in the conditions. A specific condition is not needed.
Lapse	10 years	As per s42A position	Not adopted (Condition 27) – the 20-year lapse date is necessary given the nature of the infrastructure.
DESIGN AND CONSTRUCTION OF RECLAMATION, MARINE STRUCTURES, SANDBANK RENOURISHMENT AREA AND STORMWATER INFRASTRUCTURE			
Marine Structures	Add <i>“that are within the In General Accordance scope of Condition 2”</i> to the end of the advice notes for the Tug Berth Facility and Water Taxi Pontoon conditions that provide flexibility for these structures to be located at the general location shown in plan	To ensure it is clear that define refinements remain in general accordance with the scope of the proposal	Not adopted – conditions have been agreed with Seafuels/CINZ. Remains adequately covered under Condition 2. Note that while conditions 39-44 are shown tracked, these are not new conditions. Minor amendments have been made following further discussions with CINZ and Seafuels.
Sandbank Renourishment Area	Add new condition and advice note: “If this permit is not replaced, then one year prior to the expiry of the coastal permits for the Sandbank Renourishment Area, the Consent Holder must provide evidence to the Council of the method to continue providing a high tide roost. <i>Advice note: This is necessary to continue to avoid effects from the reclamation on NZ Dotterel and Variable Oystercatcher.”</i>	Modification of condition 55 proposed in the s42A Addendum to address vires issue. Required to ensure this avoidance feature or an equivalent is provided through time.	Adopted in part – new Condition 50 added. While the rationale is understood, the recommended NRC condition is not considered workable.

CONSTRUCTION MANAGEMENT			
Discharge of stormwater during construction	Add as a section in the CEMP (see below)	The direct discharge of stormwater to the CMA has no monitoring framework associated with it. The decant and construction stormwater designs have no Council certification requirement. This can be addressed by specifying them as matters for the CEMP to detail	Adopted in part – new Condition 89 added. No other conditions deemed necessary.
CEMP	Add “Discharge of reclamation decant water” and “Discharge of stormwater during construction” as sections required in the CEMP		
DREDGING			
Capital Dredging (General)	Add new condition “The Consent Holder must not undertake capital dredging across two consecutive periods of 1 October to 31 January. <i>Advice Note: This restriction is to avoid adverse effects to shellfish spawning and recruitment at existing shellfish beds within Whangarei Harbour, In particular, Mair Bank, Marsden Bank, Marsden Bay and Snake Bank, which are identified Significant Ecological Area’s.</i> ”	S42A report recommended a dredging restriction this evolution acknowledges a blanket restriction may be impracticable / cost prohibitive but as the dredging is predicted to be 9 months then this compromise is considered a reasonable balance.	Adopted in part – see modified condition 120. The proposed advice note is not considered necessary.
Capital Dredging Management Plan (Capital DMP)	Amend the objective of the Capital DMP to include the underlined text “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 managed <u>so that turbidity during dredging does not exceed modelled turbidity.</u> ”	The EMMP and Capital Dredge Monitoring programme ‘purpose’ conditions include this link back to the modelled plume. This is the basis for the entire turbidity regime proposed.	Not adopted – the recommended amendment is not needed/appropriate.
	Amend the information the Capital DMP must provide to include the underlined text: (c) A dredging programme including a timetable, sequence of events, <u>how dredging works have been minimised in the period October to January, and expected duration of all proposed works;</u> (d) A description of dredging methodology to be used <u>and management measures and procedures detailing how the dredge operations will be undertaken to achieve compliance with the Turbidity monitoring, triggers and compliance limit regime;</u> (p) Procedures to be implemented to manage underwater dredging noise <u>within the noise limits specified in these consents</u>		Not adopted – adequately covered in other conditions. Also, note there are no underwater noise limits specified in these consents.

TAG formation	<p>Delete in entirety or amend as follows:</p> <p>The consent holder shall establish, at its own cost, a TAG to give independent technical advice to the consent holder on matters of individual member expertise in relation to the capital dredging environmental monitoring and management.</p> <p>The role of the TAG is to:</p> <p>(a)Review reports and material including the Capital DMP, EMMP, capital dredge monitoring programme, establishment of the turbidity triggers and Tier 3 compliance limits and ecological assurance monitoring prepared by the consent holder and provide review responses and recommendations to the consent holder in writing.</p> <p>(b) Provide advice on any other technical matters as sought by the Consent Holder.</p> <p>(c) The TAG will not direct the nature or specifics of dredge management responses.</p> <p>(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.</p> <p>The group shall consist of at least 3 members with expertise in dredging management and marine ecological monitoring. The Consent Holder shall provide any administrative support necessary for the TAG to carry out its functions..</p> <p>The Consent Holder shall include the written advice from the TAG when it submits the documents in Condition X(a) above to the Council for certification.</p>	As drafted the conditions have no link back to Council involvement or use of the TAG. So, recommend either deleting in entirety or amending as attached	Adopted in part – TAG conditions have been deleted. Has no reporting function, and effects are adequately managed under other conditions.
Environmental Monitoring and Management Plan (EMMP)	Amend as per recommended conditions 145 in the s42A report addendum	In absence of these amends, there is no requirement to remediate if monitoring finds unanticipated changes.	Adopted in part – amendments made to condition 136. No other amendments deemed necessary.
Turbidity Triggers	Include the document titled “Turbidity Monitoring for the Northport Expansion Project” (1 June 2023, Environmetrics Australia) as an Appendix and reference it in this condition	This document is critical in setting the methodology for turbidity triggers and needs to be integral to the Condition set	Adopted – has been included in Condition 162.

Marine ecology assurance monitoring	Amends to require monitoring on Mair, Snake and McLeod Banks as per Condition 182 - 185 in the s42A report addendum	These locations are SEA's and their proximity to the dredge plume warrants monitoring.	Not adopted – not considered necessary by Shane Kelly.
Maintenance dredging	New Condition as per Condition 191 in the s42A report addendum	To restrict dredging during spatting season	Adopted in part – see new condition 181.
SANDBANK RENOURISHMENT AREA GEOMORPHOLOGICAL MONITORING AND MAINTENANCE			
Monitoring Frequency	Amends to require monitoring of the sandbank geomorphology as per Condition 209 in the s42A report addendum	Recommended by Council experts due to the sandbank being designed to overtop at high tide during Northerly storm events	Not adopted – not considered necessary by Richard Reinen-Hamill.
Geomorphological performance	Amend condition to include the underlined: Within three (3) months of each survey ... addressing the following: (a) The geomorphological performance of the Sandbank Renourishment Area <u>is in general accordance with the with Tonkin+Taylor "Bird Roost Concept", DWG No. 1017349-02 (Revision 1, September 2022) and the Avifauna section of the CEMP and the SBRMP; and</u>	To link the survey of the performance of the feature back to its design basis	Not adopted – not considered necessary.
COASTAL PROCESSES: BATHYMETRIC AND SHORELINE MONITORING			
Survey methodologies	Amends to link to the proposed methodologies and locations as per Condition 214 in the s42A report addendum	To provide monitoring officers guidance on what the experts have agreed through the consent process.	Not adopted – not considered necessary. Locations are covered in Condition 202.
MARINE ECOLOGY			
	Include conditions 228-230 proposed in the s42A Report	To address significant unmitigated footprint effects on marine ecology from the reclamation and dredging.	Not adopted – no evidence of effects that justify these conditions.
AVIFAUNA (OPERATIONAL)			
	Include conditions 231-233 proposed in the s42A Report	To confirm the avoidance feature is enabling avoidance.	Not adopted – Mostly covered under other conditions, adds nothing.
STORMWATER DISCHARGES (OPERATIONAL) (Conditions 217-229)			
Attributable Compliance Parameters and Appendix 2	From the Stormwater and Groundwater expert conferencing, refinements to these conditions were identified. Due to the complexity of the issue and existing workload, the Councils expert is still working through these.	The Council will continue working with Northport with the aim to have agreed conditions by the time of the hearing, if the Panel wishes to receive them	Place holder – no specific feedback provided. Some amendments made to conditions following conferencing.

			<p>Condition 229 has been added to enable monitoring to be adapted as necessary based on potential changes to contaminants that might result from new/different cargoes.</p> <p>It is anticipated that the parameter values will be further modified to better reflect values used in lab testing following input from Council's stormwater engineer and subsequent review by Northport.</p>
TANGATA WHENUA RELATIONSHIP GROUP FUNDING (Conditions 241-243)			
N/A	N/A	N/A	The Council has not yet had the opportunity to view the updated funding conditions for the RG (Conditions 241-243) which were developed after the further discussions with Patuharakeke were concluded.
EXPIRY DATES			
	All Permits - 35 years. Under the RMA, the maximum duration for any permit is 35 years.	Once the reclamation is constructed and a s245 issued, it becomes land and the need for a reclamation permit falls away	Not adopted - No change considered necessary, but the Council proposed amendment/clarification is of no consequence in any event (indifferent either way).