

IN THE MATTER of the Resource Management Act 1991(RMA)

AND

**IN THE MATTER Resource Consent Applications by Northport Ltd –
Port Expansion Project at Marsden Point.**

Application Numbers:

Whangarei District Council: LU2200107

Northland Regional Council: APP.040976.01.01

JOINT WITNESS STATEMENT (JWS) IN RELATION TO:

MARINE ECOLOGY and PLANNING

19 and 25 September 2023

Expert Conferencing Held on: 19 and 25 September 2023

Venue: Online

Independent Facilitator: Marlene Oliver

Admin Support: Emma Cairncross

1 Attendance:

1.1 The list of participants is included in the schedule at the end of this Statement.

2 Basis of Attendance and Environment Court Practice Note 2023

2.1 All participants agree to the following:

- (a) The Environment Court Practice Note 2023 provides relevant guidance and protocols for the expert conferencing session;
- (b) They will comply with the relevant provisions of the Environment Court Practice Note 2023;
- (c) They will make themselves available to appear before the Panel;
- (d) This statement is to be filed with the Panel and posted on the Council's website.

3 Matters considered at Conferencing – Agenda and Outcomes

3.1 Assessment methodology:

- i. Whether appropriate assessment methods have been used;*

- ii. Whether sufficient data has been provided to assess ecological effects;*
- iii. Whether the systems against which ecological effects were assessed are appropriate; and*
- iv. Whether any major types of effect have been missed.*

All marine ecology experts agree that appropriate assessment methods have been used in the proposal. Data collection and presentation of results are appropriate and the characterisation of the biodiversity values of the harbour are appropriately addressed. All marine experts agree that the three scales used in the application are appropriate descriptors (footprint, outer harbour ecological zone (OHEZ), whole harbour).

3.2 The existing environment (existing consented stormwater discharges, existing and consented reclamation, existing and consented dredging);

Brett Hood advised that the AEE section 4 (pages 46-122) describes the existing environment including subsections 4.19 (Existing consents held by Northport) and 4.20 (channel optimisation Channel Infrastructure New Zealand consents and consents held by Northport that are not yet implemented).

Blair Masfield also referred to the s42a report section 3 which addresses the existing environment pertinent to the application and cross-references to the above sections of the AEE.

There is no disagreement between the planning experts as to what constitutes the existing environment.

The marine ecology experts acknowledge that the “existing environment”, in particular the consented but not implemented proposals, makes assessing cumulative effects difficult.

3.3 Effects on intertidal sediment habitats and macrofauna

The Proposed Northland Regional Plan policy D.2.18, subsection 5(a) directs that a system-wide approach is taken for assessing effects on indigenous biodiversity.

All experts agree that effects on intertidal sediment habitats and macrofauna will be moderate.

Richard Bulmer notes that there is some disagreement amongst the modelling experts, and that his conclusion is dependent on the Applicant’s modelling results not differing appreciably from those provided in the Application.

Shane Kelly and Drew Lohrer disagreed about the appropriate scale to use. Simon West, Ross Sneddon and Richard Bulmer agreed with Drew Lohrer that the scale should be OHEZ. Drew Lohrer considers that the effects are at the upper range of moderate at the OHEZ scale. Shane Kelly believes that effects are at the lower range of moderate at the harbour scale. Consequently, the overall difference between the experts was considered to be relatively small.

3.4 Bird roost

Simon West is concerned that the bird roost is not a fixed structure, and the sand used to construct and maintain the proposed bird roost will spread beyond the footprint of the bird roost due to coastal processes. As the potential effects of this sand moving is uncertain, Simon West would prefer that an alternate location be found for a bird roost or that the bird roost is armoured to prevent sand spread.

3.5 **Kaimoana shellfish**

Shane Kelly and Ross Sneddon consider the effects on kaimoana shellfish to be low at the harbour scale. They consider that the disruption to propagule dispersal by the berth 5 will be very small compared to the disruption from existing structures.

Drew Lohrer and Richard Bulmer consider the effects to be moderate at the OHEZ scale.

3.6 **Cumulative effects**

Drew Lohrer considers that individual effect types recorded in s42a report (Appendix C3, section 5.1.2 conclusion table on pages 7-8) were considered individually, but not cumulatively. Drew Lohrer also considers that suspended sediment concentration and deposited sediments were considered individually but not cumulatively. Drew Lohrer considers that effects on food webs were not considered cumulatively.

Drew Lohrer and Richard Bulmer consider that cumulative impacts of climate change related effects were not adequately considered. These include increased inundation time of intertidal habitats and altered hydrodynamics (sea level rise), increased frequency and severity of storms (and thus sediment loading), increased atmospheric and sea surface temperatures, and decreased ocean pH. All of these are reasonably foreseeable.

Shane Kelly considers the effects of climate change to be a global issue that is going to have a fundamental impact on New Zealand's marine environment. The effects of the proposed development are going to be completely dwarfed by those broader scale impacts.

Shane Kelly disagrees that cumulative effects have not been considered and points to the fact that dredging has occurred previously on a similar scale and the benthic surveys show that past areas that have experienced similar effects still retain high ecological values. He also notes that modelling of dredge plumes indicates that there will be little if any dispersal of sediment plumes across intertidal areas and that evidence provided by Northport indicates that dredging will occur a relatively short period, nominally 12 months. He noted that the conditions require a minimum six-month separation between any dredging by Channel Infrastructure and dredging carried out by Northport (Condition 117). Further evidence will be provided in rebuttal.

3.7 **Specific conditions**

Experts are having further discussions over appropriate wording for the proposed conditions with a view to including any agreed amendments in the rebuttal version of conditions.

4 PARTICIPANTS TO JOINT WITNESS STATEMENT

4.1 The participants to this Joint Witness Statement, as listed below, confirm that:

- (a) They agree that the outcome(s) of the expert conferencing are as recorded in this statement; and
- (b) They have read the Environment Court's Practice Note 2023 and agree to comply with it; and
- (c) The matters addressed in this statement are within their area of expertise; and
- (d) As this session was held online, in the interests of efficiency, it was agreed that each expert would verbally confirm their position in relation to this para 4.1 to the Independent Facilitator and the other experts and this is recorded in the schedule below.

Confirmed online: 19 September 2023

EXPERT'S NAME & EXPERTISE	PARTY	EXPERT'S CONFIRMATION REFER PARA 4.1
Blair Masefield – Reporting Officer (Planner)	Northland Regional Council	Yes
Drew Lohrer – Marine Ecology Specialist	Northland Regional Council	Yes
Phil Mitchell – Planner	Northport	Yes
Brett Hood – Planner	Northport	Yes
Shane Kelly – Marine Ecology Specialist	Northport	Yes
Ross Sneddon – Marine Ecology Specialist	Northport	Yes
Tracey Lamason – Planner	Marsden Cove Limited and Marsden Cove Canals Management Limited	Attended only on 19 September, and the JWS statements drafted on that date were subsequently amended on 25 September.
David Lamason – Planner	Marsden Cove Limited and Marsden Cove Canals Management Limited	Yes – attended only 25 September.
Simon West – Marine Ecology Specialist	Marsden Cove Limited and Marsden Cove Canals Management Limited	Yes
Richard Bulmer – Marine Ecology Specialist	Patuharakeke Iwi Trust Board	Yes