

Please Quote File: **APP.005055.38.01** and **LU2200107**

19 December 2022

Northport Ltd
C/- Brett Hood
Reyburn and Bryant

Delivered via email at brett@reyburnandbryant.co.nz

Dear Brett,

S92(1) REQUEST FOR FURTHER INFORMATION

RESOURCE CONSENT APPLICATION (APP.005055.38.01 AND LU2200107) – NORTHPORT LTD – PORT EXPANSION PROJECT

An initial assessment of your application has been made and the following further information is requested.

Information Requested Pursuant to s92(1) of the Act

The following information is formally requested pursuant to s92(1) of the Act, as information required to understand the effects of the proposal and/or to enable a decision to be made on the application.

Planning

Proposal Details

1. Please confirm the site/s at which the proposed activity is to occur.

Reason: The Form 9 (page xxiii of the AEE) identifies the location of the proposed activities and owner of the sites. Noting the application seeks to re-consent the existing stormwater management regime, clarification is requested as to whether the 'site' for the purpose of this resource consent application includes the Marsden Maritime Holdings land that accommodates existing stormwater infrastructure (Lots 1 & 2 DP 504140).

2. Please confirm the activities sought to be authorised on the proposed reclamation (berth 5), including the corresponding definitions from the relevant planning documents. Please also detail how these activities have a functional need to occur on berth 5.

Reason: The AEE and supporting documents contains various references to port operations, cruise ship facilities, container terminal and associated storage, imported vehicle storage, and associated/ancillary facilities. It is unclear whether the Applicant seeks to enable "Port Activities" as defined under the Whangārei District Plan – Operative in Part (WDP), and/or any other activities on proposed berth 5.

Consideration should be given to how these activities demonstrate a functional need to occupy the Coastal Marine Area (CMA) as required by the coastal policy framework set out within the New Zealand Coastal Policy Statement (NZCPS), Regional Policy Statement for Northland (RPS), and Proposed Regional Plan (PRP).

With regard to exclusions, in acknowledgement of the sensitivity of the surrounding coastal environs and the range of activities potentially enabled by the WDP definition of “Port Activities”, further information is sought to understand any proposed restrictions on activities to be undertaken on the reclamation – particularly with regard to contaminant or high-noise generating activities.

3. Please confirm the extent of any vegetation removal and details of any landscaping mitigation proposed.

Reason: Whilst consent is sought for vegetation clearance, the extent and species proposed for removal are unknown. This information will assist in understanding the extent of environmental effects generated by the proposal, the appropriateness of any mitigation, and informing conditions of consent should consent be granted.

4. Section 3.2.7 of the AEE sets out proposed conditions relating to port structures. Please confirm whether the proffered restriction on maximum building height (20m above deck level) extends to “major structures” (as defined within the WDP and referenced in PORTZ-R2.1). Please also detail the activities that would use these buildings and structures, which have a functional need to locate on the proposed reclamation.

Reason: The bulk and location controls of the Port Zone apply to both buildings and major structures. Clarification is sought as to whether there is any intentional exception sought to those standards.

5. Please provide further detail regarding the proposed maintenance dredging, including but not limited to anticipated frequency, volumes, and duration. Please also advise of anticipated structural maintenance activities likely to be required.

Reason: Whilst consent is sought to enable maintenance dredging (and presumably, structural maintenance) no specific details are provided to inform the scope of effects of this component of the proposal.

6. Please confirm proposed earthworks volumes.

Reason: There appears to be an error in the earthworks volumes provided in section 3.10 of the AEE, which notes that the proposed earthworks volume (excluding imported hardfill for pavement) is approximately 31,630m³. Footnote 21 (pg 43) notes that the total volume, including pavement material, is approximately 21,040m³.

7. The WSP Traffic Impact Assessment (Appendix 27) includes a number of recommended management and mitigation measures to reduce port-related traffic and ensure intersection upgrade trigger volumes are not exceeded. These include implementing a vehicle booking system, operating 7 days a week to disperse truck movements outside of peak hours, transferring port cargo via rail, and using busses to transport cruise ship passengers.

Please confirm which (if any) of the WSP recommendations are adopted and proposed as mitigation for the proposed expansion.

Reason: Whilst the recommendations are clearly stated in the WSP Traffic Impact Assessment, the AEE refers to these controls and measures that could be employed Northport. Clarification is sought as to whether any of these recommended controls are

formally offered as mitigation and can therefore be considered in assessing the effects of the proposal.

8. Please confirm that the conclusions of the Navigation Safety Report (Appendix 26), specifically those relating to the tug berthing facility and water taxi/fishing pontoon, reflect the proposal as lodged.

Reason: Figure 6 of the Navigation Safety Report (page 12) is referred to in the body of the report as showing the proposed tug pontoons that are to replace the existing facilities. This image appears to reflect a different scheme to that proposed as the tug facility is shown extending from the area likely to be occupied by berth 4, as opposed to proposed berth 5.

Reasons for Consent

9. Please confirm whether consent is required and/or sought under the following rules of the Whangārei District Plan – Operative in Part (WDP):
 - a) TREE-R6: Removal of public trees
 - b) LIGHT-R2: Any artificial lighting
 - c) Rule 56.2.2: Earthworks within sand dune complexes
 - d) PORTZ-R16: Any new, or extension to an existing, public accessway or walkway to and along the Coastal Marine Area
 - e) TRA-R13: Electric Vehicle Charging Station Parking Spaces – Number Requirements
 - f) TRA-R18: Any major roading alteration to an existing public road (specifically regarding any works undertaken within the Ralph Trimmer Drive road reserve).

Please also confirm the Applicant's position on whether shipping containers meet the definition of "building" or "major structure" under the WDP and advise of any additional consents sought as a result.

10. Please confirm whether consent is required and/or sought under the following rules of the Proposed Regional Plan - Appeals Version (PRP-AV):
 - a) C.1.5.13 Dumping (deliberate disposal) of certain waste in coastal marine area – discretionary activity (regarding the construction of the bird roost via dredged material)
 - b) Clarification that consent is sought under Rule C.6.4.6, as opposed to C.6.4.4 (noting the application does not involve stormwater discharge from the Marsden Point Refinery Site, the reference on page 16 of the AEE is presumed to be a typographical error)
 - c) C.1.5.14 Other dredging, deposition and disturbance activities and C.1.6.6 Reclamation in significant areas
 - Please provide further information to support the conclusion that the proposed avifauna roost area meets the PRP's definition of "deposition of material for beneficial purposes". It is unclear how the activity is for the

purpose of beach replenishment or renourishment, or for environmental/ecological enhancement (rather than mitigation for the reclamation).

- Please provide a revised assessment of this component of the proposal, confirm the activity status, and if applicable, an assessment against the s104D gateway test.
- d) C.7 Discharges to air (both operational activities and dust associated with construction activities)
 - e) C.8.3 Earthworks (regarding earthworks undertaken within the coastal riparian and foredune management area)
 - f) C.8.4 Vegetation clearance in riparian areas and foredune management area.
11. Regarding the Operative Regional Water and Soil Plan (RWSP), please confirm whether consent is required under Rule 34.3(1) Land Disturbance within the Riparian Management Zone.

Reason: The corresponding earthworks rules of the PRP (which the application as lodged does not seek consent under) no longer appear to be subject to appeals. As such, deferral back to the RWSP would not be required.

12. Please confirm whether the Applicant continues to seek consent under the National Environmental Standard for Freshwater (NES-F).

Reason: Further consideration of any NES-F consenting implications is recommended following the recently released December 2022 NES-F amendments. The amendments appear to clarify the applicability of the wetland rules regarding natural wetlands being located within the CMA.

13. Please provide an assessment of the proposal against the Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NES-CS).

If additional reasons for consent are identified, please provide supporting assessments as necessary and commensurate with the scale of the infringement.

Reason: The proposal involves undertaking soil disturbance in proximity to the existing public toilet located within the Ralph Trimmer Drive road reserve and within proximity to the Channel Infrastructure Refinery site.

14. Please provide further assessment of the proposal's effects on climate change, including a Greenhouse Gas Assessment and policy assessment against the relevant provisions of the recently released National Adaptation Plan and Emissions Reduction Plan.

Reason: Recent legislative changes and new government policy have strengthened the links between the RMA and the Climate Change Response Act 2022, requiring a greater consideration of a proposals impacts on climate change and emission generation.¹

Acknowledging the application was prepared and lodged prior to these new requirements coming into effect, further assessment is requested to understand how the proposal aligns with this new legislation and government policy.

Additional Plans and Assessments

15. Please provide a concept plan that demarcates nominated areas for activities with a functional need to be located and/or undertaken on the reclamation (berth 5). The concept plan should also show transport linkages between the proposed reclamation, existing port facility (berths 1 – 4), and the wider road and rail network.

Reason: The NZCPS, RPS, and relevant Regional Plan policies require activities occupying and using the CMA to demonstrate a functional need to do so. Given the potential for the reclaimed land to adopt the more enabling framework of the WDP Port Zone in the future, further information is requested to understand how future port operations will be managed so not to undermine the integrity of this coastal policy framework.

Further information regarding links to the rail and road transport networks will assist in understanding how transportation constraints were considered within the assessment of alternatives (Section 9.2 of the Issues and Options Report) and how the proposal will be serviced by the necessary transport infrastructure.

16. Please provided updated visual simulations that accurately reflect the proposal.

Reason: The Build Media Visual Simulations provided with the application include the dry dock and western reclamation – a former iteration of the proposal. The simulations make it difficult to differentiate between the current and former proposal and as a result, to understand the potential visual impacts of the proposal.

Effects Conclusions and Policy Analysis

17. Please provide a summary of technical evidence supporting conclusions reached in the AEE regarding Northport’s local, regional, and national significance. Please also provide further technical evidence to demonstrate how the proposal will result in significant regional or national benefit² or a significant positive contribution to the local area or region³.

Reason: Required to inform assessments against the relevant coastal policy framework pertaining to reclamation and occupation of the coastal area.

¹ The 2020 RMA Amendments, Aotearoa New Zealand’s First National Adaptation Plan, and Aotearoa New Zealand’s First Emissions Reduction Plan.

² NZCPS Policy 10.1(d).

³ RPS Policy 4.8.1(2).

18. Please clarify how the marine ecology effects conclusions (including cumulative effects) set out within Table 19 of the AEE (section 5.7.14) were reached, and which technical assessments supported those conclusions.

Please also provide a table, similar to that of Table 17 of the AEE (section 5.7.13), that summarises the conclusions on cumulative marine ecology effects across the various assessment scales considered.

Reason: Table 17 of the AEE (section 5.7.13) sets out conclusions of marine ecology effects, excluding cumulative effects. Table 19 of the AEE (section 5.7.14) sets out conclusions on marine ecology effects, including cumulative effects. These effect conclusions don't change, despite the AEE identifying a range of potential cumulative effects that may arise from the proposal.

Further clarification on the technical assessments that informed this position is requested to understand how there is not considered to be any change in effect level when considering cumulative effects on marine ecology. Also, to understand how cumulative effects may differ through the various system scales.

Mana Whenua

19. Please provide an update on any further engagement undertaken with iwi or hapū following the finalisation of the AEE and supporting documents.

Reasons: The AEE notes that engagement with mana whenua is ongoing, with a targeted focus on potential mitigation measures to address cultural concerns.

20. If available, please provide a final version of the Patuharekeke Te Iwi Trust Board Cultural Effects Assessment.

Reason: The Cultural Effects Assessment (CEA) appended to the application states that the V2 November 2021 version is an interim, unratified assessment (page 13) and that a final CEA will be provided following the finalisation of the AEE and resource consent application (stage 4 of the diagram contained on page 9). If available, a finalised CEA would be helpful in assisting decision makers to form a view on cultural effects and how the proposal aligns with the tangata whenua policy framework of the relevant planning documents.

21. Please advise whether the applicant is now able to provide a copy of the draft Te Parawhau Manawhenua Cultural Report, or any final version subsequently prepared.

Reason: The AEE states that a draft Te Parawhau Manawhenua Cultural Report was received in November 2021, however that it had been requested that the report was not included within the resource consent application. In the absence of any cultural effects or impact report, drawing conclusions regarding effects and policy alignment becomes difficult – further advice from Te Parawhau would be helpful in forming a view on this component of the proposal.

22. Please advise whether any cultural values, impact, or effects assessment has, or is intended to be provided from Ngātiwai. If so, and permission is obtained from Ngātiwai, please provide a copy of any cultural assessment prepared on the proposal.

Reason: The AEE notes that Ngātiwai has recently advised Northport of the intention to take an active role in this resource consent process. As above, specialist cultural assessments would clarify the cultural impacts of the proposal on Ngātiwai.

Other

23. Please provide draft wording of any offered conditions of consent, including marked-up wording changes proposed to action the s127 components of the application.

Reason: Required to understand how proposed mitigation and the s127 changes and cancellations will be implemented.

24. Please confirm how the Channel Infrastructure NZ (CINZ) channel optimization consents have been considered in the various supporting specialist assessments and whether they have been included as part of the 'receiving environment' for the various assessments. Please also confirm if any conclusions of the specialist or planning assessments are subject to (or reliant on) the CINZ consents being implemented.

Reason: As stated in section 4.20.2 of the AEE, the CINZ channel optimization consents were granted in 2018 and have not yet been implemented. Noting CINZ's shift to an import-only terminal, it is unclear as to whether these consents are likely to be implemented and if so, whether they should be considered as part of the receiving environment.

Further explanation on how these consents have been considered in the determination of the 'receiving environment' would provide helpful context to the conclusions reached in the supporting specialist assessments – specifically those relating to marine ecology, coastal processes (including hydrodynamics and morphodynamics), and navigational safety.

Hydrodynamics, Morphodynamics, and Dredge Plumes

All reports (Appendix 9)

25. Please provide the calibration and validation results for all reports, including comparisons with original measurements.

Hydrodynamics Report

26. Please provide specifications of the hydrodynamics model used, including details on where the hydrodynamic currents were extracted (e.g. near surface, bottom, or depth averaged).

Morphodynamics Report

27. Please confirm whether wind was included in the morphology input reduction methodology.
28. Please confirm whether long-term morphological (methodology) validation was completed for the input reduction method. E.g., referring to satellite imagery or repeated multibeam bathymetry surveys. Clear reference to these assumptions should also be included in the response.

Reason: Council's specialist requires further clarification on the above matters to understand and assess the appropriateness of the methodology utilised within the Hydrodynamics, Morphodynamics, and Dredge Plume Assessments.

Transport

Road Safety

29. Please update the CAS analysis in Section 4.9 of the TIA to include the last two-year period and to include the entire corridor (as opposed to being limited to 100m within the identified intersections).

Reason: The requested information will provide further insight into of the existing safety conditions for the last two years and along the entire corridor. It is acknowledged that the Covid-19 pandemic may have had impact on travel behaviour. Irrespectively, this data is required to understand existing traffic conditions and potential future conflicts with greater volumes of freight traffic.

Full Port Development Traffic Assessment Assumptions

30. For each of the vehicle types listed below, please provide information around the assumptions and how the trips were calculated for Year 5, Year 10 and Year 20 (total expansion). Please also provide the spreadsheet which provides these assumptions:
- Container Trucks
 - Car / HCV Carriers
 - Other trucks (not container trucks)
 - 30 seat bus
 - 10 seat bus
 - Car.
31. Please explain the assumptions (i.e. ride share) and calculations for how the 142 staff vehicle trips were arrived at for total expansion at Year 20. Please confirm these are included, or otherwise, in the 806 total trips at full build out.
32. Please explain the assumption that 8% of container trucks will transfer to rail, what impact this will have on the number of container trucks in each Year, and the time period when this will occur from.

Reason: Clarifying the assumptions and calculations set out within Appendix A will assist in understanding how the trips were calculated and the potential effects of the project on the transport environment.

Affected Road Network and Intersection Safety

33. Please outline how the traffic modelling scenarios align with the economic growth scenarios

Reason: The traffic scenarios are set at 2033 and 2040. The Economic growth scenarios predicting 'full development' extend out well beyond these dates

34. According to the TIA, an additional 806 trips will be generated by the port expansion compared to 2018. Of note is the increase of container trucks from 23 in 2018 to 547 which makes safety along the corridor an important consideration. It is understood that as a percentage the heavy vehicle percentage will reduce from 20% to 15%, however this is still a significant increase in the number of trucks using Port Marsden Highway.

Please provide an assessment of the intersections identified in Table 7.1 using (Austroads) ASD (Approach Sight distance) SISD (Safe Intersection Sight Distance) and MGSD (Minimum Gap Sight Distance) to assess the safety of these intersections now and how their safety will change over time with increased traffic.

Reason: All intersections on the corridor are priority controlled. There is therefore a greater likelihood for safety issues to arise as traffic volumes increase. The TIA doesn't provide an indication of measurement in terms of what is needed for the intersections or the volumes as the corridor volumes grow. Using Waka Kotahi (Austroads) ASD (approach sight distance) SISD (Safe Intersection Sight Distance) and MGSD (Minimum Gap sight distance) will assist in understanding how these intersections and their safety will change over time.

Visibility may be good for the volumes today but as vehicle numbers increase and gaps reduce, right turns in particular become more challenging, particularly with large trucks and visibility blocked by them. It is anticipated that some trucks will take shorter routes (e.g. via Marsden Point Road) if it is quicker, which raises concerns that safety may be further compromised by these movements.

Site Access

35. Please provide commentary on the operation of the site access with the estimated additional 148 vehicles per hour at full build out as the site has a gated entry system with barriers controlling through-put.

Reason: This information is necessary to understand the operational/safety impact of the increase in vehicles using a gated entry system anticipated.

The 2018 peak flow is 278 vehicles per hour with full build out expected to be 426 peak flow. However, some trucks can use the slip lane before the gated entry and there is a long flush median which could be used for those vehicles turning right into Ralph Trimmer Drive to access the staff car park.

With an increased peak flow and a large proportion of trucks anticipated, there are concerns queuing traffic proposes an operational/safety risk.

Parking

36. Please quantify and identify the on-site parking area that can accommodate the additional carparking required for the additional 100 staff.

Reason: This information is necessary to understand that the impact of additional demand for parking and whether this can all be provided on site and does not overspill and adversely affect the operation of the surrounding roads.

Port Mitigation Measures

It is identified that a 20% reduction of port through traffic is needed on SH15 to ensure the critical intersections perform at an acceptable LOS "D" in year 2040. Measures to ensure the port trigger volumes are not exceeded are therefore important.

The management and mitigation measures set out within the Traffic Impact Assessment include avoiding the port peak coinciding with the network peak by implementing a vehicle booking system

for container trucks to distribute the traffic load over the Port's 24 hour operation as much as possible.

37. Please explain whether a vehicle booking system is currently used at Northport, or if not, if this system is in place in other New Zealand ports and is commonly used tool to successfully manage the spread of traffic. Please also provide further detail on any mechanisms that could be adopted to successfully implement and maintain this mitigation measure.
38. Please explain how the Port will encourage the supply chain to operate 7 days a week to reduce truck movements during the weekdays when the network is busy and the mechanism you would use to implement this mitigation measure and ensure this is successful.
39. Changing staff travel behaviour by the provision of a shuttle bus and encouraging carpooling are suggested measures to reduce the number of staff vehicle trips. Please explain the mechanism you would use to implement and ensure this is successful.
40. Transported cruise ship passengers by buses and disembarking during off-peak periods is suggested as a management measure to manage the spread of traffic and avoid peak times. Please explain the mechanism you would use to implement this and ensure this is successful.
41. Please provide an assessment of a scenario whereby 30 coaches (serving a cruise ship of 1,500 passengers) could be leaving the Port at the same time and confirm the routes they are likely to use. Please also identify any mitigation and mechanisms that may be required.

Reason: There is significant reliance on management and mitigation to reduce traffic by 20% and limit the peak hour volumes at the Port but no mechanism has been identified to deliver this e.g. Management Plans. This information is necessary to understand the mechanism to be used to ensure that the effects can be managed and mitigated.

It is acknowledged that responses to points 1 and 7 (regarding confirming the proposed activities to be undertaken on the reclamation and whether the recommendations set out within the TIA are proffered as mitigation) may provide further clarity on the applicability of these queries.

Underwater Noise

42. The Assessment of Underwater Noise Effects (Appendix 25) references Southall et al. 2007. Please update the assessment with the most recent noise criteria publication (being that referenced below) and advise of any material changes to the conclusions of the assessment.

Southall, B.L., Finneran, J.J., Reichmuth, C., Nachtigall, P.E., Ketten, D.R., Bowles, A.E., Ellison, W.T., Nowacek, D.P. and Tyack, P.L., 2019. Marine mammal noise exposure criteria: Updated scientific recommendations for residual hearing effects. Aquatic Mammals, 45(2), pp.125-232.

Reason: Council's consultant underwater acoustics expert recommends that the assessment of underwater noise effects be informed by the most recent (2019 in this instance) published research.

43. Please expand on the information provided in Figures 8 and 10 regarding the empirical and modelled source levels by providing a broadband source level for each noise source (e.g., percussive piling and dredging).
44. Please clarify which species the audiogram in Figure 8 in Appendix D corresponds to.

Reason: The auditory masking section of Appendix D suggests that no audiograms are available for mystecete whales and so therefore modelled audiograms for the fin whales were later used. However, Figure 8 shows an audiogram of Humpback/Brydes whale. Misuse of the incorrect audiogram could potentially lead to errors in the estimation of audibility ranges.

Stormwater

45. Please provide an updated Stormwater Assessment (Appendix 20) to account for climate change as per the Whangarei District Council's Engineering Standards 2022 (Section 4.3.10.1- 'Design Rainfall Event') and confirm any changes to the proposed design of stormwater infrastructure.

The Climate Change allowance shall be an addition of 20% to rainfall data for the design event and is to be included for all events – conveyance and treatment (for Water Quality Volume).

Reason: The Stormwater Assessment recommends an additional weir, and second canal spillway are installed to cater for the proposed Port expansion. An updated assessment, in accordance with the Whangārei District Council's Engineering Standards 2022, is requested to determine the appropriateness of the proposed upgrades, and to demonstrate that the Port stormwater infrastructure is capable of accommodating the additional runoff generated by the proposal prior to coastal discharges occurring.

Air Quality

Activities Proposed on Reclaimed Land

46. Please provide further detail on any activities proposed to be undertaken (or proposed to be excluded) on the reclamation that have the potential to generate dust nuisance or other contaminants that could be discharged to air.

Sections 3.2.2 and 5.16.4 of the AEE refers to boilers and furnaces being emission producing activities (port direct sources). Please also confirm whether any such activities are proposed on berth 5 or are included as any part of the proposal.

Reason: Required to understand potential contaminant generating and dust nuisance sources and inform the scope of the air quality assessment.

Draft Air Quality Management Plan:

47. Please provide the draft Air Quality Management Plan (AQMP), referred to in the Air Quality Impact Assessment (AQIA) as Appendix A (page 19) or alternatively a detailed AQMP set of proposed conditions.

48. Section 3.11.5 of the AEE refers to the construction of additional beach/roosting area to west of current port. The AQIA has not assessed the potential air quality effect of this construction and without the AQMP, it is unclear whether dust management plans have been provided or are proposed for this component of the proposal.

Please provide an assessment of the potential dust effects of the construction and ongoing maintenance of the bird roosting area and confirm whether dust management procedures will be applied to this construction.

Reason: The AQMP is considered a key aspect of the mitigation of potential air quality effects and should address the entire proposal.

Meteorological Forecasts

49. Please provide further detail on what meteorological monitoring will be used for air quality management. If the existing monitoring stations are proposed to be used for this purpose, then further detail to confirm the appropriateness of this monitoring data should be provided.

Reason: The control measures under Section 6 (Dust) states that real-time weather data will be available for the site from Northport's meteorological monitoring stations and implies this information will be used to manage air quality. However, the AQIA states several meteorological monitoring stations that Northport own are located on "very high on port structures or near buildings and therefore have been considered to not accurately reflect the meteorological conditions for the proposed expansion".

Coastal Processes

50. Please provide copies of the following reports referenced within the Coastal Processes Assessment (Appendix 10):

- a) MOS (2016) Establishment of numerical models of wind, waves, currents and sediment dynamics. MetOcean Solutions Ltd report reference P0297-01 for Chancery Green on behalf of CINZ, June 2016.
- b) MOS (2018a) Hydrodynamic modelling, methodology, calibration and simulations. MetOcean Solutions Ltd report reference P0367-02 for Northport, April 2018.
- c) MOS (2018b) Morphodynamic evolution modelling for the Northport environment. MetOcean Solutions Ltd report reference P0367-01 for Northport, March 2018.

Reason: The above-referenced reports are requested to understand the wave climate and tidal current modelling, and the detailed bathymetry assessments that have informed the Coastal Processes Assessment supporting the application.

51. Please confirm the material source for the construction and maintenance of the proposed bird roost, and whether any additional consents are necessary to enable use of this material.

Reason: Whilst the application is clear that the proposed reclamation is to be constructed from dredging material (which has previously been assessed as being free of contaminants), the source material for the proposed bird roost is not clear.

Navigation and Operational Safety and Marine Risk Assessments

52. Section 8.3 of the Issues and Options Report (Appendix 2) notes that the 'design vessel' used to inform concept design was characterised by a Length Over All (LOA) of 320m and a maximum draught of 14.5m.

- a) Please confirm whether any shipping demand assessments have been undertaken to inform and support the proposed concept design basis.
- b) The Navigation Safety Report (Appendix 26) notes that channel optimization is not critical for ships under 300m LOA and that the reduction in the swing basis as a result of the proposal is not expected to materially affect navigation safety for ships up to 300m LOA.

Please confirm whether channel dredging is required or proposed and provide further comment on potential navigational safety effects associated with vessels larger than 300m LOA utilising the existing channel and expanded Port facility. Details of any additional recommended or proposed mitigation to address these matters should also be provided.

- c) Section 5.2.6 of the Coastal Processes assessment notes that accretion may occur along the southern edge of the Whangārei Harbour entrance channel as a result of the proposal. Please quantify the extent of accretion expected as a result of the proposal and provide further comment on any navigational safety and risk effects associated with larger vessels

Reason: The various specialist assessments identify operational challenges with the existing configuration of the Whangārei Harbour entrance and shipping channel. Noting the proposal will enable larger vessels to berth at Northport, further information is sought to understand how these constraints have been considered in the design and proposed management controls, and how potential navigational safety and environmental impacts will be avoided or mitigated.

Further, if channel dredging is required to enable the safe operation of larger vessels utilising the expanded Northport facility, further specialist assessment should be provided to understand this component of the proposal, as well as the cumulative impacts of the development.

53. Please provide a copy of the Marine Oil Spill Risk Assessment completed for the project.

Reason: Page 7 of the AEE indicates that marine spill risk assessments have been undertaken for the project, however this does not appear to have been provided with the application.

54. Please confirm whether any updates to the Marine Oil Spill and Contingency Plan are required and/or proposed as part of the proposal, and any proposed draft condition to direct the scope of this update.

Reason: The proposal will increase in the intensity and potential risks associated with shipping activities undertaken within this area of the Whangārei Harbour. Clarification is sought as to whether any updates or amendments are required to be made to the Northland Marine Oil Spill Contingency Plan to avoid or mitigate these risks.

Additional Comments

The following information is **not** formally requested pursuant to s92(1) of the Act. The below comments are instead made to provide an opportunity for the Applicant to provide further information or clarity on various matters prior to the preparation of the s42A Council Officer Hearing Report and to assist Independent Hearing Commissioners in making an informed determination.

Coastal Policy Framework: Functional Need, Benefits and Contribution, and Necessity

55. The Applicant is invited to provide further commentary (supported by technical evidence) to demonstrate how the proposal aligns with the coastal policy framework of the NZCPS, RPS, and PRP.

At this point it is unclear from the information presented within the application how the proposal achieves consistency / is not inconsistent with the policy direction relating to:

- a) Avoiding reclamation unless land is not available for the proposed activity
- b) Avoiding reclamation unless activities proposed to be undertaken on the proposed reclamation demonstrate a functional (as opposed to an operational) need to occupy the CMA
- c) How the reclamation will provide significant regional or national benefit or have a significant positive contribution on the local area or region
- d) How the extent of the reclamation is necessary to provide for the intended use.

The application documents do not clearly demonstrate actual or foreseeable demand for (and therefore eventual use of) a 500,000 TEU/annum container terminal at Northport within the 35 year lifetime of an RMA coastal permit or the 50 year design life of the structure. Furthermore, the Issues and Options report concludes the reclamation area sought enables up to 630,000 TEU.

A strengthened position (supported by technical evidence) on how the proposal aligns with the coastal policy framework referenced above is therefore sought.

Evaluation of Alternatives

56. The following information would be helpful to understand how the consideration of alternatives has informed the proposal, and support an understanding of the alignment with the coastal policy framework matter identified above:
- a) Assessment criteria and weighting, noting that the consideration of alternatives appears to be centred around economic costs and benefits for Northport as an asset owner as opposed to a balanced consideration of environmental effects
 - b) How the shape and extent of the reclamation is considered necessary to enable the operation of the proposed container terminal, and what alternatives were considered to reduce the extent of reclamation and CMA occupation
 - c) Whether staged construction has been considered, potentially triggered by demand and provision of supporting transport infrastructure (including rail) to minimise potential adverse environmental effects

Further consideration should be given to how the proposed container terminal of 500,000 TUE/annum will be enabled (presumably justifying the extent of reclaimed land) if the Marsden Rail spur does not proceed to construction (Noting section 8.4 of the Issues and Options Report (page 34) identifies that container volumes will become constrained by road/rail before reaching 500,000 TUE/annum).

- d) How it has been determined that it is not feasible to reconfigure existing port operations and storage areas on previously or consented reclamation to provide additional berth-side space for the proposed container terminal.

It would also be helpful to identify the author/s of the assessment, and the nominated expert witnesses to present evidence on the assessment at the hearing.

Marsden Maritime Holdings

57. MMH are 50% shareholders of Northport, own the land that Northport's stormwater infrastructure is located on, and are the leasee's of Northport's berth 1 – 3 reclamation leases with the Crown. MMH also own majority of the surrounding Port-zoned land that adjoins the existing Northport facility.

Reconfiguring port activities beyond the 49ha Northport facility does not appear to have been a material consideration within the assessment of alternatives contained within the Issues and Options Report.

Further clarity regarding the relationship between Northport Ltd and Marsden Maritime Holdings (MMH) would be helpful to understand how the surrounding Port zoned land (owned by MMH) is utilised (and is available to be utilised) by Northport. Further, how MMH land has been considered (if at all) in the evaluation of land-side expansion alternatives.

Design Life of Structures

58. The Concept Design Report (section 3.5, page 8) stipulates that the proposed Berth 5 wharf concept design is to be based on a 50-year design life.

The NZCPS (Policy 10.2), RPS (Policy 7.1.3), and PRP (Policy D.6.2) direct that the design standard and life of structures within the coastal area and within identified coastal hazard areas should accommodate a design life of at least 100-years.

It is Council's position that as per the direction set out within the above-referenced policies, and in acknowledgement that Northport is a lifeline utility and Regionally Significant Infrastructure, that a design life of 100-years could be catered for. Should consents be granted, it is likely that conditions will be drafted accordingly.

Should the Applicant disagree with this position, it is recommended that further evidence be presented at the hearing to address this matter.

Esplanade Revocation and Roading Approvals

59. The Applicant is invited to provide comment on their position as to how any subsequent legal processes and third-party approvals (outside of this RMA process) may impact Northport's ability to implement any resource consent granted for the proposal. These include the

revocation of the local purpose esplanade reserve/s and road stopping and realignment of Ralph Trimmer Drive.

Marine Ecology Assessments – Systems Scale

60. The AEE identifies that the assessment of effects on indigenous biodiversity, in particular the system scales used, have been informed by PRP Policy D.2.18(5). This policy sets out that when assessing the potential adverse effects of the activity on identified values of indigenous biodiversity, a system-wide approach it to be taken to large areas of indigenous biodiversity, such as whole estuaries or widespread bird and marine mammal habitats. The policy recognises that the scale of the effect of an activity is proportional to the size and sensitivity of the area of indigenous biodiversity.

Further clarification on how each system scale was selected for the basis of the effects assessment would be helpful to understand how the policy has been applied in this instance.

Economics

61. Please advise whether the Polis Economic Analysis/Reporting from 2022 referenced in the Issues and Options Report forms a part of the evidential basis to support the proposal, or is ancillary and not to be regarded in the statutory considerations.
62. Further detail on the limitations and assumptions made through modelling would be helpful in understanding the caveats that surround the economic analysis. Additional commentary describing the regional economy in which Northport operates within would also assist in contextualise the economics of the proposal.

For example, Council’s consultant economist notes that at the bottom of page 38 of the Economic Assessment, the report states *“the key point from Table 4.2 is that Northport’s role would be significantly larger under the NAI scenario than under the BAU scenario”... [which] ...“is to be expected as the role of the Port in NAI expands beyond the region.”*

It’s unclear in the report how the results presented are to be interpreted in view of the restrictive assumptions listed on page 36, namely:

- Constant value of trade
- Constant distribution of trade
- No capacity constraints in Upper North Island ports
- No capacity constraints in land transport network

With regard to this particular example, further explanation would be helpful on whether, in reality, the change in freight flows implicit in the scenarios would cause these assumptions to become invalid and, if so, how the modelling results would be likely to change as a result.

Also, how might the results be different if a computable general equilibrium model had been used instead of an input output model.

Further Information May be Requested

Please note that feedback has not yet been received from Council's consultant recreation/open space specialist and a detailed review of submissions received has not yet been completed. Additional further information requests may therefore follow.

You are required to respond to the council within 15 working days from the date of this letter, being **27 January 2023** in one of following three ways:

- Provide the further information; or
- Advise the Council in writing that you agree to provide the further information, and provide an estimated timeframe for doing so; or
- Advise the council in writing that you refuse to provide the further information.

The processing of your application will be placed on hold from the date of this letter to the date of receipt of the further information or, if you refuse to provide the further information, the date the advice of refusal is received by the council.

Please note that the council has the ability to decline your application on the grounds that it has insufficient information to determine the application.

Please contact the undersigned directly should you have any questions on the matters set out within this letter.

Yours faithfully,



Stacey Sharp and Blair Masefield
Consultant Planners
Beca

Email: Stacey.sharp@beca.com

Reviewed and authorised for release by Stuart Savill, Consents Manager (Northland Regional Council) and Roger Quinton, Manager – RMA Consents (Whangārei District Council).