

# DRAFT PROPOSED WDC CONDITIONS: NORTHPORT LIMITED PORT EXPANSION – SH15, Marsden Point

To undertake the following activities at or near Ralph Trimmer Drive, Marsden Point:

[To insert summary of activities/buildings/consents etc]

*Note: All location coordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection (unless expressly stated otherwise).*

Subject to the following conditions:

## DEFINITIONS:

- “Building”** means a temporary or permanent moveable or immovable physical construction that:
- (a) is partially or fully roofed, and
  - (b) is fixed or located on or in land, but
  - (c) excludes any motorised vehicle or other mode of transport that could be moved under its own power.
- “Council”** means Whangārei District Council or its successor;
- “Current Port Noise Contour Map”** means the map showing predicted incident port noise levels required to be prepared and updated pursuant to condition 52.
- “Commencement of these consents”** means the date the last of the consents applied for by Northport for its Expansion Project commences according to s 116 of the RMA;
- “Expansion Project”** means the Northport expansion to the east of the existing consented and/or constructed port for the purposes of constructing, operating, and maintaining a container terminal as authorised by these consents (and associated regional consents), and all associated activities and works;
- “Major Structure”** means any:
- (a) vehicle used as residential activity, excluding temporary activities.
  - (b) network system exceeding 1.5m in height above ground level or 3m<sup>2</sup> ground coverage.
  - (c) fence or wall, or combination of either, greater than 2m in height above ground level. Where there is less than a 1m separation distance between any separate fence or wall, or combination of either then their height must be measured from the lowest ground level of either to the highest point of either.
  - (d) tank or pool exceeding 35,000 litres.

- (e) structure greater than 2.2m in height above ground level or greater than 9m<sup>2</sup> ground coverage, including outdoor stockpiles or areas of storage, but excluding amateur radio configurations.

**“Pocket Park”**

means the public park (recreational open space) area near the south-eastern corner of the Expansion Project site, as shown in Boffa Miskell “Proposed Concept Plan”, BM220519-201 (Revision B, 25.7.22); and

**“Port Activities”**

means the use of land and/or Buildings for port related activities, including but not limited to:

- (a) port and ancillary port activities;
- (b) cargo handling, including the loading, unloading, storage, processing and transit of cargo;
- (c) debarking;
- (d) fumigation;
- (e) transport, storage and goods handling activities;
- (f) maritime passenger handling/services;
- (g) construction, maintenance and repair of port operations and facilities;
- (h) port administration;
- (i) refuelling/fuel handling facilities;
- (j) activities associated with surface navigation, berthing;
- (k) maintenance or repair of a reclamation or drainage system;
- (l) marine and port accessory structures and services;
- (m) repair and maintenance services and facilities ancillary to port activities;

**“Practical Completion”**

in relation to the reclamation, means the date that the completed reclamation (or any part thereof) is available for port activities;

**“RMA”**

means the Resource Management Act 1991;

**“Suitably Qualified and Experienced”**

means a person or persons with a recognised qualification and/or more than five (5) years relevant experience relevant to the topic being assessed.

**GENERAL:**

1. The consent holder must undertake all authorised activities in general accordance with the descriptions and plans submitted with the application or as modified through the hearing/decision process.
2. A copy of these consents and the most up-to-date certified versions of all management plans required by these consent conditions must be kept on site at all times and made available to persons undertaking activities authorised by these consents.
3. All monitoring/sampling required under these consents must be undertaken by a Suitably Qualified and Experienced person(s).

4. At least thirty (30) working days in advance of the date of the commencement of works authorised by these consents, the consent holder must contact the Council to arrange for a site meeting with the consent holder's contractor(s) and a Council compliance officer prior to commencement of construction works. The details to be provided at the meeting, and then in writing no more than five (5) working days after the meeting, must include:
  - (a) The intended date of the commencement of works and a programme for the works.
  - (b) The intended date of any management plans being submitted for certification.
  - (c) The intended date for providing the final design drawings to demonstrate how the works are in general accordance with the conditions of these consents, including **Appendix 2**.
  - (d) The nominated Consent Holder contact and contractor representative (or equivalent) for the works
  - (e) Any intended staging of the works.

### **Complaints**

5. The consent holder must maintain a Complaints Register for the purpose of recording and dealing with any complaints that are received by the consent holder in relation to the exercise of these resource consents. The Complaints Register must record, where this information is available:
  - (a) Name of complainant, if provided to the consent holder;
  - (b) The date and time of the complaint;
  - (c) A description of the complaint;
  - (d) The location of the issue raised;
  - (e) Weather conditions at the time of complaint, including a description of wind speed and wind direction when the complaint occurred (if relevant).
  - (f) Any possible cause of the issue raised;
  - (g) Any investigations that the consent holder undertook in response to the complaint; and
  - (h) Any corrective action taken to address the cause of the complaint, including the timing of that corrective action; and
  - (i) Any feedback provided to the complainant.
6. The consent holder shall provide a copy of the complaints register to the Council's Compliance Manager within five working days of receiving a request to do so from the Council.

### **Certification**

7. Where any condition requires the consent holder to submit a management plan to the Council for "**certification**" it must mean the process set out in the following paragraphs (a) to (d) and the terms "certify" and "certified" must have the equivalent meanings:
  - (a) The consent holder supplies a management plan to the Council, and the Council assesses the documentation submitted. The certification process for management plans and reports required by conditions of this consent must be confined to confirming that the plans or reports give effect to

their purposes, consent condition requirements, and schedule requirements, and contain the required information;

- (b) Should the Council determine that the documentation supplied in accordance with (a) above achieves the requirements of the relevant condition(s), the Council must issue a written confirmation of certification to the consent holder;
  - (c) If the Council's response is that it is not able to certify a management plan or report, it must provide the consent holder with reasons and recommendations for changes to the plan or report in writing. The consent holders must consider any reasons and recommendations of the Council and resubmit an amended management plan/report for certification;
  - (d) A management plan or report cannot be subject to a third-party approval. The Council in deciding whether to certify the management plan or report, however, may also obtain advice from other qualified person(s).
8. This process in condition 7 must be repeated until the Council is able to provide written confirmation that the requirements of the applicable condition(s) have been satisfied.

#### **Review under s128 of the RMA**

9. The Council may serve notice on the consent holder of its intention to review the conditions of these consents pursuant to Section 128 of the RMA either:
- (a) Annually during the month of March, for any one or more of the following purposes:
    - (i) To require the adoption of the Best Practicable Option to remove or reduce any adverse effect on the environment; or
    - (ii) To deal with any change(s) to the materials handled through the Port Terminal; or
    - (iii) To respond to any new technology, standards or monitoring parameters relevant to the environmental monitoring undertaken in accordance with these consents.
  - (b) At any time, to deal with any adverse effects on the environment which may arise from the exercise of the consents and which it is appropriate to deal with at a later stage, including effects identified in the consent holders monitoring results or reports from activities authorised by these consents and/or as a result of Council's state of the environment monitoring in the area.
10. The consent holder shall meet all reasonable costs of any such review.

#### **LAPSING OF CONSENTS**

11. Each of these resource consents **[(insert consent refs)]** lapses ten (10) years after the commencement of those resource consents that are subject to section 116(2)(b) of the RMA **[(insert consent refs)]**.

**Advice Note:** Pursuant to section 116(2)(b) of the RMA any district resource consent relating to an area of the coastal marine area that is proposed to be reclaimed shall not commence until the proposed location of the activity has been reclaimed and a certificate has been issued under section 245(5) in respect of the reclamation.

## CONSENT SURRENDERS

12. Within three (3) months of the date of Practical Completion of the Expansion Project reclamation, the consent holder must give written notice to the Council of its intention to surrender of the following resource consents:

- (a) RC36355.1 (Berth 1 and 2); and
- (b) Decision Number 1 (Berth 3 and 4) (no known consent reference number).

**Advice Note:** *The surrender of the above resource consents will consolidate, including for monitoring and enforcement purposes, resource consents and conditions applying to the expanded Northport, meaning that a single resource consent and single set of conditions will apply.*

## DESIGN AND CONSTRUCTION OF RECREATIONAL FEATURES AND TRANSPORT INFRASTRUCTURE

### Engineering Plan Approval

13. Prior to the commencement of construction authorised by these consents the consent holder shall provide a detailed set of engineering plans to the Development Engineer or their delegated representative for approval. The plans shall be prepared in accordance with Council's Engineering Standards (2020 Edition or most relevant version at the time) and are to include:

- (a) Earthworks plans showing the finished interface between proposed Berth 5 and the adjoining esplanade reserve. Plans should demonstrate how public access (which offers a maximum 1:12 gradient for people with all levels of mobility) has been facilitated to the residual beach area to the east;
- (b) Design details of the construction of a [placeholder – standard to be confirmed with WDC Development Engineer's input] at the end of Ralph Trimmer Drive in accordance with [placeholder – standards to be confirmed with WDC Development Engineer's input];
- (c) Design details of the construction of the Pocket Park private accessway from Ralph Trimmer Drive in accordance with [placeholder – standard to be confirmed with WDC Development Engineer's input] of Council's Engineering Standards (2020 Edition or most relevant version at the time) including a typical cross section, long section, culverts, drainage flow paths and overland flow;
- (d) Pocket Park and associated recreational features, including at least 26 car parks, street lighting, and a new public toilet as generally depicted on the Boffa Miskell "Proposed Concept Plan" BM220519-201 (Revision B, 25.7.22) at **Appendix 2**; and
- (e) Design details of sewer and water connections for the Pocket Park facilities (public toilet and water fountain) in accordance with Council's Environmental Engineering Standards (2020 Edition or most relevant version at the time).

14. All work on the approved engineering plans in Condition 13 is to be carried out to the satisfaction of the Development Engineer or their delegated representative. Compliance with this condition shall be determined by;

- (a) Site inspections undertaken as agreed in Council's engineering plan approval letter/ Inspection and Test Plan; and
- (b) [placeholder – certification standards (PS4/PS3 etc.) to be confirmed].

15. No construction works are to commence until the engineering plans required in Condition 13 have been approved.
16. The applicant shall ensure that spoil from the site must not be tracked out onto Council or State Highway Road formations to the satisfaction of the Council's Development Engineer or delegated representative.
17. All damage to street footpaths, stormwater kerb and channels, road carriageway formation, street berm and services by the demolition and construction works associated with the consent holders activities shall be reinstated in accordance with Council's Engineering Standards (2020 Edition or most relevant version at the time). Any reinstatement works shall be undertaken at the expense of the consent holder and be completed to the approval of Council's Development Engineer or delegated representative.
18. The consent holder shall ensure the provision and maintenance of all assets listed in condition 17 above in good working order for the duration of these consents. Parking and manoeuvring areas are required to maintain an urban finish (all weathered surface).

#### **Pocket Park – Maintenance**

19. Prior to the commencement of construction authorised by these consents the consent holder shall prepare and submit a Pocket Park Maintenance Management Plan for certification by Council's Compliance Manager or delegated representative. The purpose of this plan is to detail ongoing maintenance requirements for the Pocket Park, to ensure recreational value is maintained for the public for the duration of these consents.
20. The Pocket Park Maintenance Management Plan shall be prepared with input from Council's Infrastructure Planning and/or Parks Department.
21. The consent holder shall maintain the Pocket Park in accordance with the Maintenance Management Plan certified by condition 19 above for the duration of these consents.

#### **Landscaping**

22. Prior to the commencement of construction authorised by these consents the consent holder shall prepare a Landscape Planting Plan for the Container Terminal Project, including the Pocket Park, for certification by Council's Compliance Manager or delegated representative.
23. The Plan shall be prepared by a Suitably Qualified landscape architect and shall be for the purpose of detailing amenity planting associated with the construction of Berth 5 and associated public coastal structures (water taxi, fishing pontoon, and swimming steps) and the Pocket Park and shall reflect the coastal landscape and natural character values of the Whangārei Harbour entrance and Bream Bay area. The plan shall be prepared in accordance with:
  - (a) The Stephen Brown Landscape Architecture Plan dated December 1999 and as amended on the Boffa Miskell Plan dated 31/01/2002, but excluding the Pohutukawa planting on the eastern side of the reclamation which shall be removed and reinstated on the eastern side of the proposed reclamation; and

(b) The Boffa Miskell “Proposed Concept Plan” for the Pocket Park BM220519-201 (Revision B, 25.7.22) at **Appendix 2**.

24. The Landscape Planting Plan shall include at a minimum:

- (a) A schedule of the species to be planted, including the name, numbers, location, spacing and size of plant species at time of planting, planting density, details on the timing of plantings, and details of any existing vegetation to be retained;
- (b) Proposed site preparation and plant establishment measures; and
- (c) Ongoing maintenance and monitoring requirements, including any recommended ongoing pest and weed controls.

**Advice Note:** *Any planting will be designed and maintained to meet the security requirements of Maritime Security Act 2004.*

25. Prior to Practical Completion, all planting required by the certified Landscape Planting Plan in condition 22 above shall be implemented in accordance with the details of that Plan. Such planting shall be undertaken to the satisfaction of the Council Compliance Manager or delegated representative.

26. Wherever practicable, all specimens shall be eco-sourced from within the Waipu Ecological District, as identified by the Department of Conservation’s Protected Natural Areas Programme.

27. The consent holder must maintain the landscape planting in accordance with the approved Landscape Planting Plan in condition 22 above in perpetuity. If any plants fail or are removed, they shall be replaced as soon as practicable and prior to the end of the following planting season (April – October) with an equivalent specimen.

#### **Off-Site Recreational Features**

28. [PLACEHOLDER – PENDING EXPERT CONFERENCING]

#### **CONSTRUCTION**

##### **Accidental discovery protocol**

29. In the event of discovery of archaeological material during construction (e.g. intact shell midden, hangi, or storage pits relating to Māori occupation; or cobbled floors, brick or stone foundations, or rubbish pits relating to 19th century European occupation), work in the immediate vicinity must cease. Heritage NZ Pouhere Taonga, tangata whenua representatives and the Council must be notified as soon as reasonably practicable.

30. Work must not recommence in the immediate vicinity of the discovery until either: it has been determined that no Heritage New Zealand Pouhere Taonga approval(s) are required; or that any necessary Heritage New Zealand Pouhere Taonga approval(s) have been obtained.

31. In the event of koiwi tangata (human remains) being uncovered, work in the immediate vicinity of the remains must cease. Mana Whenua, Heritage NZ Pouhere Taonga, NZ Police and the Council must be contacted so that appropriate arrangements can be made.

**Advice Note:** *The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga.*

### Construction noise

32. Expansion Project construction noise from activities on land must not exceed the noise limits in Table One:

**Table One: construction noise limits**

**RESIDENTIAL ZONES AND DWELLINGS IN RURAL AREAS:**

*Upper limits for construction noise received in residential zones and dwellings in rural areas*

Time of week	Time period	Noise limits (dB)	
		L <sub>Aeq</sub>	L <sub>AFmax</sub>
Weekdays	0630-0730	55	75
	0730-1800	70	85
	1800-2000	65	80
	2000-0630	45	75
Saturdays	0630-0730	45	75
	0730-1800	70	85
	1800-2000	45	75
	2000-0630	45	75
Sundays and public holidays	0630-0730	45	75
	0730-1800	55	85
	1800-2000	45	75
	2000-0630	45	75

**INDUSTRIAL OR COMMERCIAL AREAS:**

*Upper limits for construction noise received in industrial or commercial areas on all days*

Time period	Noise limits (dB L <sub>Aeq</sub> )
0730-1800	70
1800-0730	75

**Advice Note:** *The limits in Table One are reproduced from New Zealand Standard NZS 6803: 1999 "Acoustics -Construction Noise"*

33. Construction noise must be measured and assessed in accordance with New Zealand Standard NZS 6803:1999 "Acoustics – Construction Noise".



**Advice Note:** *Northland Regional Council resource consents for the Expansion Project include noise limits for construction noise from activities within the coastal marine area.*

### **Construction transport**

34. At least three (3) month prior to the commencement of Expansion Project construction works, the consent holder must submit a Construction Traffic Management Plan (CTMP) to the Council for certification. The objective of the CTMP is detail the procedures, requirements and standards necessary for managing traffic effects during construction of the Expansion Project so that safe facilities for local movements by all relevant transport modes are maintained throughout the construction period. The CTMP must include:
- (a) The estimated numbers, frequencies, routes and timing of construction traffic movements;
  - (b) Any restriction on construction traffic routes, including Marsden Point Road;
  - (c) Methods required to manage vehicular traffic and/or to manage traffic congestion;
  - (d) Methods to manage the effects of temporary traffic management activities on general traffic;
  - (e) Measures to manage the safety of all transport users;
  - (f) Site access routes and access points for heavy vehicles,
  - (g) The size and location of parking areas for plant, construction vehicles and the vehicles of workers and visitors;
  - (h) Identification of detour routes and other methods for the safe management and maintenance of all users on existing roads;
  - (i) Methods to maintain vehicle access to property where practicable, or to provide alternative access arrangements when it will not be;
  - (j) Methods to maintain public access to Marsden Bay beach following reclamation activities, and signage to inform the public about beach access;
  - (k) The management approach to loads on heavy vehicles, including covering loads of fine material, the use of wheel-wash facilities at site exit points and the timely removal of any material deposited or spilled on public roads;
  - (l) Methods that will be undertaken to communicate traffic management measures to affected road users such as residents/public/emergency services; and
  - (m) Measures to ensure the safe disembarking/embarking of passengers on cruise vessels.
35. The CTMP must be prepared by a Suitably Qualified and Experienced person and in accordance with Council's requirements for CTMPs (as applicable) and New Zealand Transport Authority's Code of Practice for Temporary Traffic Management (or equivalent at the time). The CTMP shall be prepared in consultation with Waka Kotahi and Northland Transportation Alliance, or the equivalent entities at the time.
36. The CTMP must be certified in writing by the Council prior to construction works authorised commencing, and the consent holder must undertake all activities authorised by these consents in accordance with the certified CTMP (including any certified variation).
37. Any variation to the CTMP must be subject to certification by Council.

## Construction and Environmental Management Plan

38. At least three (3) months prior to the commencement of construction authorised by these consents, the consent holder must submit a Construction and Environmental Management Plan (CEMP) to the Council for certification. The objectives of the CEMP are:
  - (a) to detail the environmental monitoring and management procedures to be implemented during the Container Terminal Project's construction phase to ensure that appropriate environmental management practices are followed and adverse construction effects are minimised to the extent practicable; and
  - (b) to ensure construction effects of the Container Terminal Project are in accordance with the assessments accompanying the resource consent applications.
39. The CEMP must include the following sections:
  - (a) Construction phase roles and responsibilities protocols;
  - (b) Environmental Risk Assessment;
  - (c) Dust;
  - (d) Construction Noise;
  - (e) Traffic, including to demonstrate how the relevant consent conditions will be satisfied;
  - (f) Archaeology;
  - (g) Hazardous Substances;
  - (h) Erosion and Sediment Control; and
  - (i) Communications Protocols, including Complaints Procedures.
40. The CEMP must be prepared by a Suitably Qualified and Experienced person, with advice from relevant technical experts, and be in general accordance with the draft CEMP provided as part of the resource consent application (Enviser, Draft Construction and Environmental Management Plan, October 2022).
41. The CEMP must be certified in writing by the Council's Compliance Manager prior to construction works authorised by these consents first commencing, and the consent holder must undertake all activities authorised by these consents in accordance with the certified CEMP (including any certified variation).
42. The CEMP may be submitted in stages to reflect the design and construction programme. If staging is proposed and any matters in condition 39(c-i) are not relevant, a statement shall be provided of why management of these effects are not relevant to the particular stage of works.
43. Any variation to the CEMP must be subject to certification by Council's Compliance Manager.

## PORT OPERATION

### Port Activities - location

44. From the first commencement of any of these resource consents, Port Activities may occur on any land within the area shown in the figure at **Appendix 1**.

**Advice Note:** *The definition of "Port Activities" is based on the current definition in the Whangārei District Plan (Operative in Part 2022).*

### Operational noise

#### Application

45. Upon Practical Completion of the Expansion Project reclamation, conditions 46 to 56 apply to all Port Activities within the area shown in the figure at **Appendix 1**.

**Advice Note:** *In accordance with condition 1245, the consent holder will (concurrently with, or prior to, the commencement of the application of conditions 46 to 56) surrender certain existing resource consent(s) authorising Northport operational port noise. This will consolidate, including for monitoring and enforcement purposes, the operational port noise resource consents and conditions applying to the expanded Northport, meaning that a single resource consent and single set of conditions will apply to all Northport operational port noise.*

#### Port noise limits

46. Noise from Port Activities within the area shown in the figure at **Appendix 1** must be measured and assessed in accordance with NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning.
47. Noise from Port Activities within the area shown in the figure at **Appendix 1**, as measured within any residential or Settlement Zone land must not exceed the following limits:

(a) Day-night (Long Term):

58 dB L<sub>dn</sub> (5-day)

61 dB L<sub>dn</sub> (1-day)

(b) Night-time (Short term):

53 dB L<sub>night</sub> (10pm - 7am)

58 dB L<sub>Aeq</sub> (15 min)

75 dB L<sub>AFmax</sub>

#### Port noise mitigation

48. Where the measured or predicted incident port noise level shown on the Current Port Noise Contour Map exceeds 55 dB L<sub>dn</sub> (5-day) at the external façade of a habitable space in a residential unit existing at the Commencement of these consents, the consent holder must investigate, and if identified as required, offer to the landowner the option to install (at the consent holder's cost) mechanical ventilation, mechanical cooling, and/or other noise mitigatory works. The Current Port Noise Map is informed by a periodic review as part of the Port Noise Management Plan detailed in Condition 52. Any works must:

- (a) Achieve an indoor design noise level no greater than 40 dB  $L_{dn}$  (5-day) in all habitable rooms of the residential unit when the windows and doors are closed;
  - (b) Satisfy clause G4 of the New Zealand Building Code;
  - (c) Provide occupant controlled ventilation that provides at least six (6) air changes per hour, or occupant controlled cooling that can maintain the inside temperature of the habitable room below 25°C;
  - (d) Provide relief for equivalent volumes of spill air; and
  - (e) Locate any outdoor heat pump condenser unit at least 5m from the direct external entrance to a living area
49. Mechanical ventilation noise within mitigated dwellings identified in condition 48 must be measured in accordance with AS/NZS 2107:2016 “Acoustics- Recommended design sound levels and reverberation times for building interiors”. The mechanical ventilation noise levels in habitable spaces must not exceed the following:
- (iv) 35 dB  $L_{Aeq}$  in bedrooms, and
  - (v) 40 dB  $L_{Aeq}$  in all other habitable spaces.
50. If the offer under condition 48 is accepted by the landowner, the mechanical ventilation, cooling, and/or other noise mitigatory works must be installed at the expense of the consent holder within one (1) year of the offer being accepted, except that the Consent Holder shall not be responsible for more than ten (10) such installations in any calendar year.
- Advice Note:** *The consent holder’s obligations extend only to installation of the mechanical ventilation or cooling. To avoid doubt, the consent holder is not responsible for ongoing maintenance.*
51. Acceptance of the offer under condition 48 may be made by the landowner at any time during which this consent is operative.

*Port Noise Management Plan*

52. A Port Noise Management Plan must be prepared in accordance with the requirements in Section 8 of NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning and submitted to the Council for certification at least three (3) months before the commencement of any Expansion Project Port Activities (excluding Expansion Project construction). The Port Noise Management Plan must contain the following information:
- (a) The Port Noise Management Plan objectives and methods to achieve the objectives, including:
    - (i) To ensure the consent holder complies with the noise limits in Condition 47;
    - (ii) To provide a framework for the measurement, monitoring, assessment, and management of port noise levels;
    - (iii) To identify and adopt the best practicable options for the management of noise effects;
    - (iv) To engage with the community and manage noise complaints in a timely manner, including through participation in a Port Noise Liaison Committee to be established as a sub-committee of the existing Community Liaison Group;
  - (b) Noise modelling, noise monitoring, auditing, and reporting procedures to be undertaken and funded by the consent holder;

- (c) Practices that will be used to manage noise effects, including procedures for achieving noise reduction through port operational procedures and staff and contractor training;
  - (d) Procedures to receive and respond to complaints, and to maintain a register of all complaints received, the details of the complaints, and any action taken to investigate and/or resolve the complaints;
  - (e) The Current Port Noise Contour Map;
  - (f) Identification of all properties where Condition 48 applies;
  - (g) Details of the Port Noise Liaison Committee required under condition 52(a)(iv) including:
    - (i) The functions and processes of the Committee, including to consider all noise issues arising from the port and to ensure that mitigation functions identified in the Port Noise Mitigation Plan are carried out;
    - (ii) The members for the Committee and their roles, with Committee seat invitations being required to be made as follows:
      1. Two representatives of the port operator;
      2. Two port user representatives (with invitations to be made to two different port users);
      3. One representative of Northland Regional Council;
      4. One representative of Whangārei District Council;
      5. One community representative for Reotahi;
      6. One community representative for Albany Road;
      7. One representative of the Ruakākā Parish Residents & Ratepayers Association;
      8. One representative of the Whangārei Heads Citizens Association;
      9. One representative of Patuharakeke Te Iwi Trust Board; and
      10. One representative of Ngātiwai Trust Board;
      11. One representative of Te Parawhau Hapu.
    - (iii) Details of the secretarial and logistical support to the Committee which must be provided and fully funded by the consent holder;
    - (iv) The frequency of Committee meetings, which must be annually at a minimum, and procedures for calling an emergency meeting of the Committee;
    - (v) Procedures for recording minutes of the Committee, which must be made publicly available;
    - (vi) Procedures for consideration by the consent holder of any recommendations by the Committee; and
  - (h) Where applicable, any recommendations made by the Port Noise Liaison Committee, and any actions by the consent holder to implement those recommendations (this requirement must not apply to the first Port Noise Management Plan produced).
53. The Port Noise Management Plan, including the appended Current Port Noise Contour Map, must be revised annually (at a minimum). An annual report must be prepared for the Port Noise Liaison Committee that:
- (a) Details any changes to the Port Noise Management Plan and Current Port Noise Contour Map resulting from the revision; and
  - (b) Provides a record of:

- (i) All acoustic mitigation works undertaken in the preceding twelve (12) months, including records of offers of mitigation that have been refused or not responded to; and
  - (ii) Any physical monitoring undertaken and the results of that monitoring.
- 54. The Port Noise Management Plan must be certified in writing by the Council prior to Expansion Project Port Activities (excluding Expansion Project construction) commencing. The consent holder must undertake all Port Activities in accordance with the certified Port Noise Management Plan.
- 55. Any material variation to the Port Noise Management Plan, including as a result of a revision under condition 53, must be subject to certification by Council.
- 56. The first Port Noise Management Plan must be in general accordance with the draft Port Noise Management Plan provided as part of the resource consent application (*Marshall Day Acoustics: Northport Port Noise Management Plan, Rp 001 20170776, 3 August 2022*).

### **Operational lighting**

- 57. From the first commencement of any of these resource consents, within the area shown in the figure at **Appendix 1**:
  - (a) Artificial lighting required for health and safety purposes will not exceed the following standards:
    - (i) 15 Lux at the boundary of a road reserve; and
    - (ii) 10 Lux at the boundary of any other allotment not within the ownership of the consent holder.
  - (b) Subject in each case to (a) above, the consent holder shall ensure that:
    - (i) new flood lighting luminaires installed use LED (Light Emitting Diode) or LEP (Light Emitting Plasma) lamps or any other advanced technology lamps;
    - (ii) all lighting poles have recessive colour finishes;
    - (iii) where practicable, lighting is directed below the horizontal plane;
    - (iv) the colour temperature of lamps used for new flood lighting are no more 4000°K; and
    - (v) new flood lighting luminaires are designed so that the principal output is, as far as practicable, directed to within the container terminal and adjoining wharfs or to land that is zoned Port Zone.
- 58. The consent holder must engage a Suitably Qualified and Experienced lighting engineer to design/review new flood lighting installed at Northport.

### *Operational lighting management plan*

- 59. At least three (3) months prior to Practical Completion, the consent holder shall prepare an Operational Lighting Management Plan (“OLMP”) for certification by Council’s Compliance Manager or delegated representative. The objectives of the OLMP is to minimise visual impacts and impacts on avifauna from the use artificial lighting during night-time Port operations authorised by this consent, having regard to condition 57 and the requirements of the Avifauna Management Plan required by the regional consent conditions. The OLMP shall:

- (a) Detail the positions and technical specifications of all exterior light sources and indicate the means by which compliance with the relevant Whangārei District Plan artificial lighting standards are to be achieved; and
- (b) Include comments of the Community Liaison Group on the plan and the consent holder's response to these.

#### **Operational transport**

60. Conditions 610-72 apply upon the commencement of Expansion Project Port Activities (excluding Expansion Project construction).

#### *Crash monitoring report*

61. Not later than 12 months following commencement of Expansion Container Terminal Project Port Activities, the consent holder must engage an independent Suitably Qualified and Experienced safety engineer to undertake a "Crash Monitoring Report", utilising Waka Kotahi's Crash Analysis System (CAS). The purpose of the Crash Monitoring Report is to determine a trend in accidents to identify any safety concerns as a result of Port Activities (based on a 7-day (Monday-Sunday), measured over a 12-month period) at the following critical intersections:
- (a) SH15/Marsden Bay Drive;
  - (b) SH15/Marsden Point Road;
  - (c) SH15/One Tree Point Road; and
  - (d) SH15/SH1 (Ruakaka roundabout).
62. Thereafter, the consent holder must undertake a "Crash Monitoring report annually for three years.
63. The "Crash Monitoring Report" shall include details of:
- (a) The number of crashes involving speed, such as loss of control and turning crashes, including where sight lines are only just met, with a focus on fatal and serious crashes;
  - (b) Any mitigation recommended to address safety concerns attributable to Port traffic.
64. The consent holder must provide a copy of the "Crash Monitoring Report" required by subparagraph (a) to Council's Compliance Manager, Waka Kotahi NZ Transport Agency, and other responsible road controlling authority within one month of its completion.
65. Within three (3) months of satisfying condition 64 above, provide written evidence to Council's Compliance Manager to demonstrate how any recommendations of the Crash Monitoring Report have been, or are in the process of being implemented.

#### *Intersection upgrade funding*

66. The consent holder must:
- (a) Not later than 18 months following commencement of Expansion Project Port Activities, undertake a traffic monitoring report, utilising the telemetry traffic data collected continuously on SH15 by

Waka Kotahi, if available. The purpose of the traffic monitoring report is to determine total traffic volume from all sources (based on a 5-day (Monday-Friday) weekly average peak hour volume, measured over a six-month period), and Level of Service ('LOS') criteria, at the following critical intersections listed below:

- (i) SH15/Marsden Bay Drive;
  - (ii) SH15/Marsden Point Road; and
  - (iii) SH15/One Tree Point Road.
- (b) Thereafter, undertake a traffic monitoring report either:
- (i) Annually for the duration of these consents, if the telemetry traffic data collected continuously on SH15 by Waka Kotahi is available to the consent holder; or
  - (ii) Once every three years for the duration of these consents, if the consent holder is required to collect traffic data.

**Advice note:** *The different timing requirements in paragraph (b) recognise the time and cost required for the consent holder to undertake traffic surveys, in the event that the Waka Kotahi traffic data is not available for any reason.*

- (c) Provide a copy of the traffic monitoring report required by subparagraphs (a) and (b) to Council, Waka Kotahi NZ Transport Agency and/or other responsible road controlling authority within one month of its completion.
  - (d) If total traffic volume determined in any traffic monitoring report exceeds 1,215 vehicles per hour (being 90% of the nominal capacity of 1,350 vehicles per hour) at any of the critical intersections listed in subparagraph (a), the consent holder must engage a Suitably Qualified and Experienced person to conduct a survey of port traffic contributions to the total traffic volumes at the relevant intersection and more detailed analysis of the LOS at the relevant intersection.
  - (e) Within one (1) month of receipt of the traffic survey results, the consent holder must provide a summary of the traffic survey data required by subparagraph (d) above to Council, Waka Kotahi NZ Transport Agency, and/or other responsible road controlling authority, together with written notice of the consent holder's intended actions to satisfy condition 67 below
67. If the survey of port traffic contributions required by condition 0(c) demonstrates that either:
- (a) one or more of the Port Traffic Trigger Volumes in **Table Two** (relating to port traffic only) is exceeded (based on a 5-day (Monday-Friday) weekly average peak hour volume, measured over a six-month period), or
  - (b) a minimum LOS-D is not achieved, then
- the consent holder must:
- (a) Immediately take steps to reduce port traffic so that the Port Traffic Trigger Volumes in Table Two (relating to port traffic only) are not exceeded, or that a minimum LOS of LOS-D is achieved; or
  - (b) Be responsible for contributing to funding transport upgrades for the corresponding intersection(s) in accordance with conditions 68 to 72.



**Table Two: Port Traffic Trigger Volumes**

Critical intersection	Northport Inbound AM Peak Hour Trigger Volumes	Northport Outbound AM Peak Hour Trigger Volumes
SH15/Marsden Bay Drive	700	200
SH15/Marsden Point Road	700	200
SH15/One Tree Point Road	300	200

**Advice note:** For the purpose of these consents, the AM Peak is between the hours of 0800-0900.

**Advice note:** A range of options may be available to the consent holder to ensure that the traffic trigger volumes in condition 67 are not exceeded. These may include:

- Avoiding the port peak coinciding with the network peak by, for example:
  - Implementing a vehicle booking system for container trucks to distribute the traffic load over the port's operating hours (24 hours a day) to the extent practicable;
  - Encouraging the supply chain to operate seven days a week to reduce truck movements during the weekdays when the network is busy.
- Reducing traffic volumes to and from the port by, for example:
  - Encouraging mode sharing for staff transport to and from work.
  - Moving freight to rail when available;
  - Transporting cruise ship passengers by buses and disembarking outside peak periods.

68. If the consent holder is required to provide a contribution to intersection upgrade funding under condition 67, it must within three calendar months of receiving results from the survey required by condition 67 provide written notice to Waka Kotahi NZ Transport Agency and/or other responsible road controlling authority of its requirement to provide a contribution to intersection upgrade funding under these conditions.

69. The consent holder shall be responsible for a contribution to upgrade funding only, and must consult with Waka Kotahi NZ Transport Agency and/or other road controlling authority regarding the application of such funding to intersection upgrades.

**Advice note:** Waka Kotahi NZ Transport Agency and/or other road controlling authorities are responsible for intersection upgrade design and delivery.

70. If the consent holder is required to fund a contribution to intersection upgrades, it shall be responsible for funding upgrades to a standard that ensures that turning movements at the intersection can be made safely. Funding for upgrades beyond this standard are not the responsibility of the consent holder.

**Advice note:** To assess intersection safety with respect to proposed upgrades, the proposed improvements shall undergo a detailed design road safety audit in accordance with the

*procedure set out in the Waka Kotahi NZ Transport Agency Guideline “Road Safety Audit Procedures for Projects” (May 2013 or as superseded by another Waka Kotahi NZ Transport Agency publication). The audit shall consider the safe operation of the intersection ten years after completion of the upgrades.*

71. Conditions 60-70 shall not apply with respect to an intersection identified in condition 60 if at the time the trigger volume in **Table Two** is exceeded the corresponding intersection has already been subject to material upgrade following commencement of these resource consents.
72. The consent holder shall not be required to provide a contribution to intersection upgrade funding under condition 67 if:
  - (a) Waka Kotahi NZ Transport Agency or any other responsible road controlling authority confirms it has no intention of delivering upgrades to the relevant intersection(s) within five years from the consent holder’s notice under condition 68; or
  - (b) Five years has elapsed since the consent holder’s notice under condition 68 and the relevant intersection upgrade(s) have not been constructed.
73. In the event that the future cycling route between Waipu and Marsden Cove (or any other future walking and cycling routes in the Marsden Point area) gain funding for detailed design and/or implementation, the consent holder must investigate and implement an active modes connection to link Northport safely to the route for people walking and cycling. The active modes connection is not required to be on land owned by the consent holder.

#### **BUILDINGS, STOCKPILES AND MAJOR STRUCTURES**

74. Upon Practical Completion of the Expansion Project reclamation, within the area shown in the figure at **Appendix 1**:
  - (a) Building height and Major Structure height (excluding public utilities, light towers, silos, aerials, tanks, cargo handling equipment, cranes, and shipping containers) must not exceed 20m above ground level.
  - (b) The height of public utilities, light towers, silos, aerials, tanks, and cargo handling equipment (excluding cranes and shipping containers) must not exceed 60m above ground level.
  - (c) The operational height for cranes must not exceed 85m above ground level.
  - (d) The height of shipping container stacks must not exceed 30m above ground level.
  - (e) The height of stockpiles must not exceed 20m above ground level.

**Advice Note:** *The definitions of “Building” and “Major Structure” in these resource consents are based on the current corresponding definitions in the Whangārei District Plan (Operative in Part 2022).*

75. Upon Practical Completion of the Expansion Project reclamation, within the area shown in the Figure at **Appendix 1**, buildings and major structures do not exceed a height equal to 3m above ground level plus the shortest horizontal distance between that part of the building or major structure and any Open Space and Recreation Zone boundary.

## **PUBLIC ACCESS**

76. The construction of the Pocket Park required by condition 28 must be completed within 12 months of Practical Completion.
77. The consent holder must provide public recreational access to and across the Pocket Park, except as required to ensure operational or public safety, or in an emergency response scenario.

**Advice Note:** *Revocation of the esplanade reserve for the Pocket Park must have Council resolution prior to construction.*

78. Prior to Practical Completion, provide written evidence to Council's Compliance Manager to demonstrate that public access to and along the Pocket Park has been formalised by an appropriate legal mechanism.
79. Restricted access from Ralph Trimmer Drive to Marsden Bay must occur for no longer than eighteen (18) months total.
80. The consent holder must continue to provide public access to the existing fishing jetty on the western edge of the reclamation from Papich Road.

## **LANDSCAPE PLANTING**

81. The consent holder must continue to maintain the landscape planting shown on the Stephen Brown Landscape Architecture Plan dated December 1999 and as amended on the Boffa Miskell Plan dated 31/01/2002 (copies of plans attached as **Appendix 2**), but excluding the Pohutukawa planting on the eastern side of the reclamation (area shown outlined in red on the plan in **Appendix 2**) which is to be removed.

**Advice Note:** *Any planting will be designed and maintained to meet the security requirements of Maritime Security Act 2004.*

**APPENDIX 1: PLAN**

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**APPENDIX 2: LANDSCAPE PLANTING PLANS**

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