

1.0 TECHNICAL MEMO – LANDSCAPE, NATURAL CHARACTER & VISUAL AMENITY

To: Stacey Sharp & Blair Masefield, Beca (consultant planners)

From: Mike Farrow, Littoralis Landscape Architecture

Date: 21 July 2023

1.1 Statement of Qualifications and Experience

My name is Michael Ian Farrow. I am a landscape architect with 32 years of experience and hold the qualifications of Dip. Hort. Dip. Lands, Tech. BSc, and Dip. LA.

I have a professional background that includes the preparation of a number of district and regional-scale landscape assessments, including those for Whangarei District and Northland Region. I’ve been centrally involved in assessing and documenting the landscape, visual amenity and natural/rural character effects of a range of large-scale infrastructure proposals, including airports, road corridors, quarries and the Oakleigh-Northport railway extension. I was appointed to peer review the landscape-related reporting on a previous Northport expansion application in 1999.

A description of the subject site and surrounding environment was provided in section 4.0 of the Assessment of Environmental Effects (AEE) entitled: *Application for resource consents for the expansion of Northport*, prepared by Reyburn & Bryant, dated 6 October 2021 and Appendix 15: Assessment of Landscape, Natural Character, and Amenity Effects by Brown NZ Ltd (the Assessment), which also identifies the wider visual catchment.

I confirm that the statements made within this memorandum are within my area of expertise and I am not aware of any material facts which might alter or detract from the opinions I express. Whilst I acknowledge this consenting process is not before the Environment Court, I am familiar with, and agree to comply with, the Code of Conduct for Expert Witnesses as set out in the Environment Court Consolidated Practice Note 2014. The opinions expressed in this memorandum, are based on my qualifications and experience, and are within my area of expertise. If I rely on the evidence or opinions of another, my statements will acknowledge that.

2 APPLICATION DESCRIPTION

Applicant's Name: Northport Limited (Northport)

Activity type: Land Use (s9), Coastal Permit (s12), Water Permit (s14), Discharge Permit (s15)

Purpose description: Northport seek to construct, operate, and maintain an expansion of the existing port facility to increase freight storage and handling capacity, and transition into a high-density container terminal.

Application references:

Northland Regional Council: APP.005055.38.01
Whangārei District Council: LU2200107

Site address:

Ralph Trimmer Drive, Marsden Point, Whangārei

3 SITE AND PROPOSAL DESCRIPTION

3.1 Site and Environmental Setting

A description of the subject site and surrounding environment was provided in section 4.0 of the Assessment of Environmental Effects (AEE) entitled: *Application for resource consents for the expansion of Northport*, prepared by Reyburn & Bryant, dated 6 October 2021 and Appendix 15: Assessment of Landscape, Natural Character, and Amenity Effects by Brown NZ Ltd (the Assessment), which also identifies the wider visual catchment.

Having undertaken a site visit on 23 June 2021 and viewed the site from the various land-based locations indicated in the Assessment and other areas, I concur with that description of the site and surrounding environment and adopt that description for the purpose of this assessment. I also consider that the visual catchment that has been identified is suitably defined.

3.2 Proposal

The proposal is as described in section 3.0 of the AEE and depicted on the design drawings attached as Appendix 3 of the application (referenced in Section 2.3 below) and further documented in the Brown NZ Assessment.

I adopt that description for the purpose of this assessment. and note the following key elements of the proposal with regard to landscape, natural character and visual amenity matters:

- Reclaiming approximately 11.7ha of Coastal Marine Area and removing approximately 2ha of beach and dune habitat (including part of an Esplanade Reserve and public road/carpark area) to form land for the proposed berth 5 and container terminal. The expanded port area will include:
 - Continued use of Mobile Harbour Cranes for loading and unloading containers. As the number of containers increase, the proposal seeks to authorise the use of Ship to Shore Gantry Cranes across Berths 1 – 5.
 - The existing Mobile Harbour Cranes have a maximum height of 68m when fully extended. The proposed Ship to Shore Gantry Cranes have maximum heights of approximately 83m when in use, and approximately 117m when not in use (the main boom is raised when the cranes are not in use). No maximum number of these cranes have been proposed.
 - Activities proposed to be undertaken on Berth 5 will occur on a 24-hour basis, requiring the installation and use of artificial lighting. Northport anticipates that the new lighting system will utilise LED technology and lighting poles will have a height of approximately 36m.

- Removal of the existing tug wharf and fishing jetty at the eastern end of the reclamation, and their replacement with a new tug berthing facility, water taxi berth, and public fishing pontoon on the eastern edge of the proposed reclamation.
- Landscape and planting treatments to the eastern margin of the proposed reclamation, related to the proposed tug wharf and fishing pontoon.
- The construction of a high-tide seabird roosting sandbank located in the inter-tidal area to the west of the existing port facility.
- Amending existing consent conditions for landscape treatments on the existing port.

This memorandum is limited to the consideration of matters relating to landscape, natural character and visual amenity.

3.3 Reference documents

The following application documents have been reviewed and inform this technical memorandum.

Application

- Assessment of Environmental Effects entitled: *Application for resource consents for the expansion of Northport*, prepared by Reyburn & Bryant, dated 6 October 2021 (henceforth referred to as AEE)
- Design Drawings entitled: *Northport – Proposed Reclamation and Dredging*, prepared by WSP, sheets C01 – C04, plan set dated 18 August 2022
- *Assessment of Landscape, Natural Character, and Amenity Effects*, prepared by Brown NZ Ltd, dated September 2022, version Final.

s92 Request for Information

- Further information response prepared by Reyburn and Bryant Ltd, dated 21.02.2023 (henceforth referred to as s92 Response)
- Amended Visual Simulations provided on 08.05.2023.
- Updated drawings and covering commentary related to a letter from Northport entitled “Supplementary Information” and dated 13 July, 2023.

4.0 REASON FOR CONSENT

4.1 Reasons for Consent

A list of resource consents sought (as per the application documents as lodged) are summarised in Sections 1.5 – 1.7 of the AEE, and are as amended by the s92 Response.

4.2 Overall Activity Status

Overall, the resource consent is considered to be a **Discretionary Activity**.

5.0 TECHNICAL ASSESSMENT OF APPLICATION AND EFFECTS

5.1 Assessment of Landscape, Natural Character and Amenity Effects on the Environment

The Brown NZ Assessment has adopted a robust methodology that is broadly consistent with the New Zealand Institute of Landscape Architects (NZILA) / Tuia Pito Ora's Te Tangi a te Manu / Aotearoa New Zealand Landscape Assessment Guidelines (the Guidelines). It incorporates a clear and detailed description of the proposal; an equally resolved discussion of the wider landscape context; an outline of the statutory context; a preface defining potential landscape, natural character and amenity effects; and an effects assessment framed largely around 19 viewpoint locations. It then highlights key findings and provides conclusions. This format follows an accepted framework that is typical of most comparable assessments of this type.

A 7-point scale stepping from *very low* to *very high* is utilised to quantify assessed effects, with the description of each level usefully tailored to this particular proposal. These levels are not correlated with the RMA thresholds within the Assessment, but the NZILA document just referenced provides the following guidance which is anticipated to apply to the Assessment, noting that the Guidelines also warn against an overly simplistic approach to calibrating against RMA levels:

Very low: Less than minor
Low and low-moderate: Minor
Moderate and moderate high: More than minor
High and very high: Significant

The Assessment tabulates impacts upon landscape, natural character and amenity for each selected Viewpoint and usefully also assesses and describes the "existing values" of each location as a context for perceptions of the proposal. The detailed descriptions under each category provide a clear basis for the effects ratings that follow. It goes on to summarise those effects as key findings under headings on Landscape Effects, Natural Character Effects, Amenity Effects and, as a helpful supplement, Night-time Effects. The reporting also usefully incorporates consideration of the consented but unconstructed Berth 4, which provides an acknowledgement of the potential for cumulative effects.

The following effects have been identified and assessed:

- Landscape effects ranging from *very low* (less than minor) to *high* (significant), ie. the entire available spectrum, with the most elevated adverse effects relating to the mid harbour, Reotahi and Marsden Point Beach locations. It is noted that the reporting upon the quantum of landscape effects has been framed by the Assessment in relation to Viewpoints and perceptions from those viewpoints, rather than in terms of effects directly upon adjacent areas of identified outstanding natural landscape, particularly Mt Aubrey and Motukaroro (island).
- Natural character effects that span from *very low* (less than minor) to *moderate* (more than minor), with the highest impacts relating to mid harbour and Marsden

Point Beach. The less elevated levels of effect under this construct are a reflection of the way that the existing development around the site suppresses natural character values at present.

- Amenity effects that generally range from *very low* (less than minor) to *moderate* (more than minor – significant), with the exception of Marsden Point Beach, where the immediate proximity of the proposed reclamation and related elements results in an adverse amenity effect that is *moderate-high*.
- Night-time effects that are *very low* (less than minor) or *low-moderate* (minor) in the three locations that this parameter was assessed against. These modest effects ratings are informed by the type and heightened extent of artificial lighting that currently exists on the Port and refinery sites.

Having reviewed the effects reporting provided by the Assessment, I concur with the types and levels of effects that are documented, and their impacts within the range of representative viewpoints that are examined by the Assessment.

In my opinion, the assessment methodology used is consistent with “best practise”. It is also suitably structured to effectively address the types of effects that the proposal may generate. The vantage-points selected to assess visual amenity effects are representative of the various viewing audiences that would be potentially affected and generally positioned to provide a clear view to the site from a “worst case” perspective in each locale (ie. They have not been positioned or framed to downplay the potential prominence of the proposal).

The Assessment lucidly records that there are no specific landscape mitigation measures proposed and that the initiatives in Marsden Point Beach area are focussed primarily upon maintaining a measure of parking and access for recreational users. Whilst the Assessment does not explicitly state as much, it can be said that the nature of the proposal/activity and its location projecting into the CMA limits scope to incorporate landscape mitigation beyond that proposed for the eastern edge of the reclamation, so I do not consider that the reporting is defective in not exploring that avenue further.

Notwithstanding my overall opinion that the Assessment is suitably fulsome and that I concur with the levels of effects predicted by it, there are several aspects of the proposal that I consider to warrant comment or emphasis:

1. The Application as lodged contained dated visual simulations that incorporated elements that no longer form part of the proposal, such as a dry dock. Updated simulations were subsequently provided by the Applicant and I understand that submitters were advised that these were available “on request”. I have been advised that none of the submitters sought access to the updated simulations.
2. The scale of the STS cranes at up to 106m high (when operating) and volume of stacked containers which may be effectively 5-6 storeys high as two ranks each 180m long, which brings a scale equivalent to a very large industrial building. Whilst these elements are not underplayed by the Assessment, their magnitude is considerable relative to the stature of the existing Port infrastructure and the adjacent refinery.
3. The status of the former oil refinery site, now that it is being solely operated as a

storage facility that no longer requires the elevated industrial structures, such as chimneys, that formed part of the refining process. If the redundant (as I understand it) chimneys and towers were to be removed to leave just the less elevated unloading and storage infrastructure, the changed nature of the former refinery would lead to a shift in the context of the port to one which is of a lower scale and arguably less overtly “industrial” when seen from beyond (but would remain industrial in extent and nature regardless) and of a lesser vertical scale than at present. As such, some of the “conditioning context” that is referred to in the Brown Assessment may not continue into the future. In that scenario, the substantial proposed cranes and light standards would stand in a more “isolated” way, rather than being echoed by the scale of the tallest of the refinery structures. In my opinion, a scenario where these former refinery structures were removed would serve to marginally heighten the effects of the tallest of the proposed port elements. I provide this commentary in the knowledge that consents for refining activities and structures not been surrendered and the heavy industry zoning of the former refinery site provides for very large structures.

4. There is a discrepancy in plans for a public fishing jetty/tug facility and treatment of the southern edge of the proposed reclamation. The drawing prepared by Boffa Miskell for a pocket park shows provision for a measure of buffering vegetation and a different arrangement of structures when compared with the equivalent plan provided by WSP Opus. It is my understanding that it is the Boffa Miskell drawing that is being promoted by the Applicant. In my opinion, that design would be more effective in partially mitigating adverse effects upon the amenity of those using the area.
5. In my opinion (and obliquely acknowledged by the Assessment), the proposal results in a marked reduction in the experiential values and visual amenity arising from a revised landing facility amidst the more confined, busy, and potentially hazardous nature of the mouth of the contained bay that would be defined by the proposed reclamation and unloading piers of the refinery. In this compromised state, the indicated fishing and swimming jetty has a sense of attempting to fit these activities into an inappropriate location in an effort to offset the amenity impacts of the proposal. This potential conflict is acknowledged by the s92 response dated 21 February 2023, which notes that the Applicant is exploring options for offsite mitigation and access. Updated drawings (particularly Ref: 014656 1/1 Rev A) received under a letter from Northport dated 13 July 2023, has further clarified the overall arrangement in the mouth of the reduced bay, and reinforce the opinion that I express in preceding sentences.
6. I consider that there is likely to be merit in relocating the fishing and swimming jetty to another position where it would be less compromised by the proximity of the proposed port expansion and the bulk fuel unloading facilities immediately downstream.
7. A further, related, amenity consideration is for those walking the national Te Araroa walkway route, which presently crosses the harbour from Reotahi to continue on from the existing Port passenger jetty. The more compromised nature of the proposed passenger jetty, combined with the likely industrial/commercial development of land immediately to the south of the Port is predicted to considerably diminish the experience of this part of Te Araroa, particularly in

contrast with the outstanding natural landscapes that the track passes through to the north and south of the Port. This situation suggests that the Port expansion consenting process could serve as an impetus to identify a superior connecting route for these national walkers and local residents alike. Such a route might entirely avoid the active Port zone by commencing (southbound) from a landing at the Marsden Cove Marina and head east toward the Bream Bay coast from further inland, partially via the margin of Blacksmiths Creek. These recreation and visitor amenity-related topics is also addressed by the technical review prepared by Mr Jones of Visitor Solutions.

5.2 Conclusion

Overall and subject to the matters that I have alluded to in Section 5.1 above and subject to conditions, I conclude that the actual and potential adverse effects of the proposal will vary according to where it is being experienced from, ranging from less than minor to significant, as recorded by the Assessment.

6.0 TECHNICAL RESPONSE TO MATTERS RAISED IN SUBMISSIONS

6.1 Landscape, natural character and visual effects in general

6.2 Relevant submissions: 18, 25, 50, 112, 114 a) and b), 132, 135, 139, 141, 145, 167, 174, 189, 196, 201, 203, 207,

- The majority of the submissions listed above raise a number of areas of concern, predominantly in relation to landscape values/perception and visual amenity effects. These tend to be couched in broad terms the mention “landscape values”, “visual effects” and the “beauty of the harbour”. A few are in support of the project and consider that adverse effects associated with the scope of *this* review are suitably limited.
- Some submitters give the impression that there will be a limitation upon the number of STI cranes involved and that limited number is intended to contain potential adverse effects. It is noted that the application does not involve a stated number of cranes and so is effectively open-ended in that regard.
- A number of submissions refer to the previous expansion consent that was granted in 1999 and that the subsequent development and operation of the current port is inconsistent with the conditions of that consent. Several seek controls over the height of stacked containers and cranes, considering that the levels proposed are too great. I consider that reducing the scale of cranes and container stacks would inevitably limit adverse effects when the Port is free of berthed vessels, but that the scale of ships when they are present is related to proposed container stacks and, to a lesser extent, the height and volume of the cranes. The experienced effect of the Port is therefore as much to do with the presence of ships and how consistently there are vessels docked alongside.
- In my opinion, the Assessment has acknowledged and addressed the effects that have been generally raised through submissions, with the exception of the dimension covered by the following point. I consider that the effects have been

appropriately quantified, with impacts experienced within the context of the Port being recorded at an elevated level in relation to landscape and visual amenity constructs.

- Submissions from hapu representatives and members refer to cultural landscape values and effects, including viewshafts and the integrity of landscape/seascape elements such as Mair Bank. These submissions are broadly framed and do not specifically identify key viewshafts or visual connections that may be of concern. It is acknowledged that the STI cranes, container stacks, and berthed ships have the potential to interrupt northern views from the Marsden Point area, and that proposed light standards could also punctuate visual connections across the harbour. It is anticipated that this is a topic that hapu-connected submitters will consider further expanding upon during a hearing.

7.0 STATUTORY CONSIDERATIONS

7.1 Resource Management Act 1991

Relevant statutory considerations under the RMA include:

- The New Zealand Coastal Policy Statement (2010)
- Regional Policy Statement for Northland
- Proposed Regional Plan for Northland (Appeals Version)
- Operative Regional Coastal Plan
- Whangārei District Plan – Operative in Part.

The Assessment addresses these documents and teases out relevant policies and objectives. Emerging from the amalgam of that review are two key themes that originate from the thrust of the RMA. The site lies in quite close proximity to, but not within, areas of heightened landscape value and natural character that all of the documents seek to limit adverse effects upon. Similarly coastal margins and the CMA are subject to particular attention by the documents to maintain and enhance their fundamental natural values.

Informing these “baseline” imperatives, the Port area, the related portion of the CMA (including the site), and inland area stretching south, are variously zoned to provide for commercial and industrial activities that are deemed to be of regional and national importance. The existing presence and influence of the port and refining facilities can be seen to condition the character and values of the inner CMA and shoreline associated with these large industrial facilities and also influence the extent of zoning that has been applied.

Conclusion

Having reviewed the relevant provisions of the above-referenced documents and considered that existing nature of the site and its immediate context, it is my opinion that

the proposal aligns with the imperative signalled by the extent of zoning – of various types – that exist in relation to the Port site.

As the Assessment acknowledges, the proposal would be accompanied by heightened adverse effects upon most closely adjacent areas recognised variously for their natural character values and/or outstanding natural landscape status. Of particular note are the portions of identified outstanding natural landscape on Mt Aubrey and Motukaroro that are in closest proximity to the Port site and therefore most directly affected by the proposal. In my opinion, the effects ratings assigned by the Assessment to the closest Viewpoints, being The Heights Reotahi, Beach Road Reotahi and Mid Harbour Near CINZ Facility Jetty are a surrogate for effects upon those portions of ONL, when stated as being in the range of *moderate to moderate-high*.

7.2 Duration and Review of Consents

The Applicant seeks 35-year durations for the regional consents and there are no reasons that I have identified in this review that justify alternative durations.

8.0 RECOMMENDATION

8.1 Adequacy of information

The above assessment is based on the information submitted as part of the application. It is considered that the information submitted, with the benefit of the updated simulations, is sufficient to enable the consideration of the above matters on an informed basis.

8.2 Recommendation

The assessment in this memo does not identify any reasons to withhold consent. The aspects of the proposal considered by this memo could therefore be granted consent, subject to recommended conditions detailed in Section 8.3 below.

8.3 Recommended Conditions and Advice Notes

Should consents be granted, the following conditions and advice notes are recommended to avoid, mitigate, or remedy environmental effects of the proposal and to implement mitigation proffered by the Applicant:

1. *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 Two**), but excluding the Pohutukawa planting on the eastern side of the reclamation (area shown outlined in red on the plan in **Appendix Two**), which is to be removed.*
2. *A response to the reporting of Visitor Solutions is required, whereby opportunities for mitigation and recreational experience are addressed in the broader context of the Site. Such responses should be configured to relate to the landscape context and natural*

ecology of the locale, seeking to provide an optimised spatial outcome that reflects the natural character of the harbour mouth/Bream Bay area.

Memo prepared by:

Mike Farrow, Principal, Littoralis Landscape Architecture

Date:

7 July 2023

Memo reviewed and approved for release by:

Blair Masefield, Technical Director, Beca Limited

On behalf of the Whangārei District Council and Northland Regional Council

Date:

2 August 2023