

## 1.0 TECHNICAL MEMO – RECREATION

To:	Stacey Sharp & Blair Masefield, Beca (consultant planners)
From:	Craig Jones, Director, Visitor Solutions Ltd
Date:	28 July 2023

### 1.1 Statement of Qualifications and Experience

My name is Craig Gareth Jones. I currently hold the role of Director at Visitor Solutions Ltd. I have worked for Visitor Solutions since 1999. I hold a BA, MA(Hons) and PGDipBusAdmin with an academic focus on recreation and tourism.

I have over 28 years of experience in recreation, leisure, sports, and tourism planning. I have previously held planning and research roles with the Department of Conservation as a recreation planner and with Auckland City Council as a leisure planner.

With Visitor Solutions I have undertaken over 800 consultancy projects for a wide range of government departments, local government, and private entities. These projects have involved researching and assessing recreational and tourism related impacts through to planning and developing infrastructure projects. I have a special interest and expertise in marine and coastal recreational environments.

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 acknowledging this consenting process is not before the Environment Court, I have read and agree to comply with the Code of Conduct for Expert Witnesses as set out in the Environment Court Consolidated Practice Note 2023. 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.

## 2.0 APPLICATION DESCRIPTION

Applicant's Name:	Northport Limited (Northport)
Activity type:	<b>Land Use (s9), Coastal Permit (s12), Water Permit (s14), Discharge Permit (s15)</b>
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

## 3.0 SITE AND PROPOSAL DESCRIPTION

### 3.1 Site and Environmental Setting

A description of the subject site and surrounding environment was provided in Appendix 19 of the Assessment of Environmental Effects (AEE)<sup>1</sup>. This appendix comprised the Recreation Effects Assessment prepared by Rob Greenway & Associates and is herein referred to as Greenway (2022).

Having undertaken a site visit on 16<sup>th</sup> December 2022, I concur with that description of the site and surrounding environment and adopt that description for the purpose of this assessment.

### 3.2 Proposal

The proposal is as described in Appendix 19 of the AEE.

I adopt that description for the purpose of this assessment and note the following key elements of the proposal with regard to recreation 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 and container terminal.
- Removal of the existing tug wharf and fishing jetty at the eastern end of the reclamation, to be replaced with a new tug berthing facility, water taxi berth, and public fishing pontoon on the eastern edge of the proposed reclamation.
- The following mitigation approaches are indicated in the Boffa Miskell (2022) proposed "Pocket Park Concept Plan" (Appendix 6):
  - A pocket park,
  - Car parking,
  - Bike parking,
  - WC's,
  - Shelter,
  - Revetment walkway,
  - Jetty,
  - Pontoon,
  - Beach/water access steps.

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<sup>1</sup> Application for resource consents for the expansion of Northport, prepared by Reyburn & Bryant, dated 6 October 2021.

The memorandum is limited to the consideration of matters relating to recreation.

### 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
- Appendix 19: Recreation Effects Assessment, prepared by Rob Greenway & Associates, dated September 2022, version Final.
- Appendix 6: Pocket Park Concept Plan prepared by Boffa Miskell, dated August 2022, version 'For Information'.

#### s92 Request for Information

- Further information response prepared by Reyburn & Bryant, dated 21 February 2023 (henceforth referred to as s92 Response).

## 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 as a **Discretionary Activity**.

## 5.0 TECHNICAL ASSESSMENT OF APPLICATION AND EFFECTS

### 5.1 Assessment of Effects on the Environment

The following potential effects of the proposed activity on recreation have been identified and assessed by Greenway (2022):

- Construction – Occupation of marine settings by dredges,
- Construction – Turbidity effects on recreation settings,
- Construction – Effects on marine ecology, abundance, and catchability of marine species.

- Construction – Access closures to Marsden Bay Beach,
- Operation – Changes in currents and wave patterns resulting from altered bathymetry,
- Operation – Loss of a section of Marsden Bay Beach (and therefore recreational access),
- Operation – Effects on marine ecology (fish and shellfish species taken recreationally),
- Operation – Changes to recreational vessel navigation patterns.

In my opinion all potential effects have been identified by Greenway (2022). Greenway (2022) used the following assessment methodology in determining the scale and magnitude of potential recreational effects in the proposal area:

1. A site visit,
2. A Literature review,
3. A review of other available specialist reports (prepared for Northport),
4. Intercept and observational surveys of visitors to the Marsden Bay Beach area,
5. The authors past findings from research and consultation undertaken for Refining NZ (now Channel Infrastructure) concerning a harbour deepening project (2017).

Greenway (2022) assessed the effects of the proposal on recreation values using a matrix which considered the magnitude of the effect and the value of the setting for recreation. A description of what constituted “significant”, “moderate”, and “minor” was also provided.

Overall, I agree that the methodology utilised by Greenway (2022) is appropriate to assess the proposal’s effects on recreation.

**5.1.1 Construction – Occupation of marine settings by dredges.**

The presence of dredges in marine settings has been sufficiently discussed in Greenway (2022). I agree with the findings that recreational boats should not be surprised by dredging activity near the Northport wharf area and that the effects on recreational users from dredging activity in the immediate setting during construction will be **minor**.

**5.1.2 Construction – Turbidity effects on recreation settings.**

Greenway (2022) references reports by Cussioli et al (2022) regarding modelled dispersion of dredge sediments plumes and Kelly & Sim-Smith (2022) regarding water quality parameters (including sediment and the presence of metals). The former reports sediment plumes are confined to the tidal channel aligned to the dredged area. Greenway (2022) states sediment plumes “do not disperse to diving and swimming sites” and goes on to state “Kelly & Sim-Smith (2022) report that water quality parameters, including sediment and metals such as lead, copper and zinc, are very good at the harbour entrance”.

Christo Rautenbach, NIWA (2023) agrees in principle that this is the case. I therefore agree with the finding of Greenway (2022) that turbidity effects are likely to have minimal effects

on water clarity for contact recreation beyond the tidal channel aligned to the dredged area.

**5.1.3 Construction – Effects on catchability of marine species (fish and shellfish species taken recreationally).**

Greenway (2022) references Kelly & Sim-Smith (2022) regarding the effects of dredging on marine ecology. The effects of dredging are considered high to moderate at the outer harbour, entrance zones and harbour depending on the dredging method used, operational parameters (i.e., length of time taken) and sea state. Ecological recovery is expected to occur over a period of “five or more years”.

Kelly & Sim-Smith (2022) report that dredging will impact important habitat for fish although impacts are expected to be “lower and temporary”. Overall Greenway (2022) states the effects on important fish habitat loss during construction is assessed as “**minor or less**”.

Drew Lohrer, NIWA (2023) agrees in principle that this is the case. I therefore agree with the finding of Greenway (2022). However, the uncertainty around ecological recovery time could lead to impacts being more prolonged, especially for shellfish beds as has been raised by several submitters.

**5.1.4 Construction – Access closures to Marsden Bay Beach.**

Greenway (2022) states that access to Marsden Bay Beach is likely to be limited for a period of 6-12 months during construction of the proposed public facilities. Over this construction period Greenway (2022) points to:

- Alternative beach access being available (via Marsden Point Beach at Mair Road at 2km distance),
- The existence of alternative harbour fishing and swimming sites,
- Alternative Te Araroa Trail ferry access via Marsden Cove Marina.

These temporary closure effects are considered by Greenway (2022) to be minor for most visitors although locals are considered to be more inconvenienced.

I would agree with Greenway (2022) summary and assessment of temporary effects relating to public access to Marsden Bay Beach as being **minor**. However, I would note that although access may be limited for a period of 6-12 months the entire reclamation timeframe of 3.5 years will be far more disruptive on recreational activity along Marsden Bay Beach, even when access is restored.

**5.1.5 Operation – Changes in currents and wave patterns resulting from altered bathymetry.**

Greenway (2022) references Berthot & Watson (2022) in relation to the assessment of effects of the proposal on reclamation and dredging on hydrodynamics near the harbour entrance. Berthot & Watson (2022) indicate “potential for minor changes in peak current speeds”. Of note in a recreational context, it is reported that “the residual water area within Marsden Bay Beach would experience reduction in peak currents of

up to 0.5 m/s, which would be beneficial for a swimming setting". In a recreational boating context Greenway (2022) notes that "the modelled speed changes in current are unlikely to be recognised by recreational boaters in such a dynamic setting, and where a reasonable level of competence is expected by skippers".

Christo Rautenbach, NIWA (2023) agrees in principle that this is the case. I therefore agree with the finding of Greenway (2022).

I consider this may have a slight positive impact on certain recreational activities such as swimming and a less than minor impact on recreational boating.

**5.1.6 Operation – Loss of a section of Marsden Bay Beach (and therefore recreational access).**

Greenway (2022) states that "the proposed reclamation will remove slightly more than half of the Marsden Bay Beach, and there is no potential to fully mitigate the loss of recreation amenity provided by the existing scale of the setting". I agree with this opinion.

I agree with Greenway (2022) that the loss of scale in the immediate recreational setting will have a number of negative consequences for recreationists. Greenway (2022) notes a reduced ability for beach users to disperse along the Marsden Bay Beach and the potential for greater user conflict as an outcome. I agree with these points and would add that the setting is also potentially being made more hazardous for recreationists. This is by virtue of attempting to relocate the same recreational activities in a far smaller recreational environment located between two active marine industrial sites (Northport and the Channel Infrastructure wharf). Greenway (2022) states the resulting "... effects are likely to be **significant for recreational beach users and more than minor at the regional level**". I agree with this assessment.

In my opinion this 'reduced scale' is of critical importance. I consider the existing immediate recreational environment and quality of its recreational value will be significantly reduced by the proposal and any proposed mitigation approaches need to be mindful of this. I would question the merits of trying to squeeze all the previous recreational amenities and activities into this far smaller recreational setting (receiving environment) with arguably a higher level of surrounding industrial activity. Updated drawings (particularly Ref: 014656a 1/1 Rev A) received under a letter from Northport dated 13 July 2023, has further reinforced my opinion outlined above.

Mike Farrow, Littoralis (2023) highlights that the proposal would create a marked reduction in the experiential values and visual amenity of the setting. I agree with this conclusion. I believe for some activities, especially those that are more passive in nature (such as picnicking and walking) the loss of visual amenity will be detrimental to specific forms of recreational use, regardless of the proposed mitigation. I believe creating the proposed pocket park will not change the fact that the recreationist is in an industrial zone sandwiched between two active industrial complexes with an adjoining beach that is less than half its predevelopment size.

Boffa Miskell (2022) provide a proposed “Pocket Park Concept Plan” (Appendix 6) which is cited by Greenway (2022). I have concerns that this concept is attempting to accommodate the same level of recreational amenity as currently exists in a smaller recreational setting. This is a perspective shared by Mike Farrow, Littoralis (2023).

I consider that distributing some built recreational assets into surrounding recreational areas (that may offer more appropriate settings) could increase the potential recreational value of the proposed mitigation above that resulting from the proposed pocket park. This dispersed mitigation approach would require some mitigation occurring off the proposed development site in surrounding recreational environments, most likely those managed by Whangarei District Council and the Department of Conservation. Following a dispersed mitigation approach would be dependent on agreement from these site managing entities.

Northport has stated that it “remains open to alternative scenarios to improve public access and recreation facilities in the vicinity of the port and in the surrounding area” (Project Description, page 42). Mana whenua and community input should be sought to inform potential dispersed mitigation approaches.

I believe the proposal’s modified environment can still accommodate some activities and deliver acceptable recreational outcomes. However, I consider the other mitigation initiatives proposed are better applied in surrounding recreational areas. These are separated as follows:

I consider the recreational activities more aligned with the proposed modified environment are:

- Fishing from the eastern face of the proposed revetment (without a wharf or pontoon but with access and steps),
- Surfcasting from the Marsden Cove beach which is likely to be concentrated towards the deeper water west of the Channel Infrastructure wharf,
- Beach access onto Marsden Cove beach for activities such as walking, dog walking, surfcasting, swimming, and shellfish gathering.
- Swimming from Marsden Cove beach.

I believe the recreational activities more aligned with neighbouring recreational areas are:

- A water Taxi (predominantly associated with the Te Araroa walkway) with a boarding and demarcation point at Marsden Cove Marina,
- A realigned Te Araroa walkway as per the description provided by Farrow (2023), from the Marden Cove Marina running south of the Channel Infrastructure facility to Bream Bay.
- Swimming opportunities along the coast to the west of the Northport and Channel Infrastructure facilities,
- Picnicking opportunities along the coast to the west and east of the Northport and

Channel Infrastructure facilities.

I believe encouraging a greater separation of recreational activities through a more diverse spread of mitigation approaches is likely to deliver a better overall recreational outcome. This:

- Reduces the potential for recreational conflict such as negative interactions between, fishers, snorkelers, swimmers, and the water taxis (for example around the proposed pontoon illustrated by Boffa Miskell (2022) in Appendix 6),
- Provides a Te Araroa walkway connection that is likely to be more robust. This is by virtue of water taxis operating from the sheltered marina and walkers avoiding the area under the Channel Infrastructure wharf (at the end of Marsden Beach) which may be restricted in some tide and sea states especially given sea level rise.
- Enables mitigation approaches to be located in surrounding environments that are likely to generate wider community utilisation and be more appropriate (for example, less hazardous, more accessible, and more visually appealing settings).
- As a result of the proposed reclamation, fishing would be enabled in the two optimal locations (along the proposed eastern edge of the reclamation revetment into deep water and from the beach west of the Channel Infrastructure wharf where the beach is closest to deep water). It is important to note fishing was identified as the dominant activity recorded at Marsden Bay Beach by Greenway (2022).
- Retains beach walking and swimming access.

In conclusion I generally agree with Greenway (2022) summary of the proposal's recreational impacts but disagree with the concentrated mitigation approach put forward by Boffa Miskell (2022), Appendix 6. I believe the proposed pocket park attempts to artificially squeeze too many current recreational amenities and activities into what under the proposal is a significantly smaller receiving environment. It is my opinion that a more diversified mitigation approach over several surrounding recreational sites would be more beneficial.

I would recommend that the relevant technical experts from all parties meet to identify potential offsite mitigation approaches that can then be used as a starting point for wider Mana whenua and community engagement.

**5.1.7 Operation – Effects on catchability of marine species (fish and shellfish species taken recreationally).**

Greenway (2022) cites Kelly & Sim-Smith (2022) in relation to the effects of the proposal on marine ecology and recreational species. It is important to note fishing was identified as the dominant activity recorded at Marsden Bay Beach by Greenway (2022).

Greenway (2022) states “at the regional level, effects on recreational shell fishing are likely to be **minor** considering the scale of alternatives and low level of activity at Marsden Bay Beach”. Kelly & Sim-Smith cited in Greenway (2022) see the loss of fin fish habitat within the proposed reclamation footprint to be low at the local and harbour



wide scales and that the proposal's expanded revetment once recolonised presents a net benefit to local reef habitat.

Drew Lohrer, NIWA (2023) agrees in principle that this is the case. I therefore agree with the finding of Greenway (2022).

However, I would note that the loss of shellfish beds (noted by Kelly & Sim-Smith as having 'very high' number of cockles, mostly below harvestable size) and general habitat being removed in the proposed reclamation are considered to have a detrimental impact on the presence of certain finfish species targeted by recreational anglers such as Snapper and Trevally. This loss of shellfish beds was noted in several submissions. I would anticipate recreational fishing around the proposal site may take several years post the completion of the proposed development to recover, at least in terms of the number of different species caught.

**5.1.8 Operation – Changes to recreational vessel navigation patterns.**

Greenway (2022) states "...additional reclamation will pose no additional burden" on existing recreational users of the harbour entrance. Greenway (2022) two site surveys recorded comparatively limited use of the area proposed for reclamation by recreational vessels (being between two existing commercial wharf structures). I would agree with this position.

All recreational vessel use observed during my site visit was associated with workers from Channel Infrastructure taking small aluminium dinghies and kayaks out from the facility (and launching off the beach) after work to go fishing beyond the wharves in the main channel. I consider the proposed reclamation would have less than minor effects on recreational navigation.

**5.1.9 Cumulative effects**

Greenway (2022) states that the proposal and the already consented Berth 4 collectively would "diminish recreation value at Marsden Bay Beach". This is seen as "a significant adverse effect on recreation at the local and more than minor at the regional level". I agree with these conclusions.

Like Greenway (2022) I believe the navigation by recreation craft around the port will continue largely the same regardless of the proposal. Although as Greenway (2022) states, skippers will require greater caution due to a busier port environment.

Even with a full suite of recreational mitigation approaches the proposal will be detrimental to overall recreational outcomes.

**5.2 Conclusion**

Overall, I conclude that, subject to conditions, the actual and potential adverse effects of the proposal will be **more than minor at the regional level** and **significant at the local site level**.

## 6.0 TECHNICAL RESPONSE TO MATTERS RAISED IN SUBMISSIONS

### 6.1 Loss of recreation opportunity/access

Relevant submissions: 2, 128a&b, 139, 145b, 145b(#2), 159a, 164a&b, 171, 174a&b, 183a&b, 184, 222.

- In summary, key points raised in the above-referenced submissions include:
  - Loss of kai moana opportunities, cultural recreation activity opportunities (2) and whanau recreational opportunities (164 a & b).
  - Loss of public access, beach area, recreation opportunities (i.e. swimming) and facilities for local residents.
  - Desire for existing amenities to remain on site (184), and for people with limited mobility as current access parking and toilets are better than any nearby alternatives (145b, 145b(#2), 174 a & b).
  - Loss of accessibility - Beach gradient and depths are also easier for limited-mobility people (174 a & b) and the beach is generally safe and with clear water (231).
  - Impacts on the quality and experiences of the nearby Motukaroro/Reotahi Marine Reserve (139, 171, 174 a & b, 183 & b).
  - Reduced available public areas and access options for recreational fishers (222), and for any potential new recreation facility options (159 a & b).
  
- In response: Christo Rautenbach, NIWA (2023) has agreed in principle with Cussioli et al (2022) that sediment plumes are confined to the tidal channel aligned to the dredged area. Based on this assessment I believe the impact of the proposal during and post establishment on the recreation experience within the Motukaroro/Reotahi Marine Reserve would be less than minimal.
  
- I would agree that Marsden Bay Beach currently offers people with limited mobility good water access, to what I would consider to be a gently shelving beach environment potentially more suited to those with mobility challenges. I believe some of these benefits would be lost as the proposed reclamation would remove much of this area.
  
- I have addressed the remaining issues in section 5.1.6.

### 6.2 Enhancing of recreation opportunity/access

Relevant submissions: 50 a, 128 a & b, 153, 159 a & b, 184.

- In summary, key points raised in the above-referenced submissions include:
  - Ensuring that a suitable wharf, walking connection and public access provisions are made to maintain the continuity of the Te Araroa Trail during construction and later operations of Northport. A long-term alternative using Marsden Cove Marina is proposed (128 a & b, 159 a & b).
  - Opportunities for enhancing walking and cycling connections around the

Marsden/Ruakaka area should be (or are being) incorporated into site design proposals (50 a, 153, 159 a & b, 164 a & b, 184), along with other potential opportunity loss mediations (159 a & b).

- Also, consider other contributory opportunities such as fill for a potential One Tree Point boat ramp breakwater (159 a & b).
- In response: Many of the points raised in these submissions underscore the importance of adopting a wider approach to mitigating the proposals recreation impacts. I do not believe the proposals recreational impacts can be mitigated sufficiently within the proposed development area. I support the intentions of these submissions in adopting a more holistic mitigation approach over a wider geographic area.
- I have addressed the remaining issues in section 5.1.6.

### 6.3 Increased activity levels and noise

Relevant submissions: 11 b, 12b, 132 a, 171, 174 a & b, 183 & b,

- In summary, key points raised in the above-referenced submissions include:
  - Not wanting more vessels or noise in the bay (11 b and 12b), or noise affecting the amenity for outdoor enjoyment at residences and during outdoor recreation (174 a & b).
  - Noise impacts on enjoyment of Motukaroro/Reotahi Marine Reserve (171) across the harbour and turbidity effects on snorkelling there during periodic dredging maintenance (183, 183 b).
  - “Noise effects could equally be considered as having implications for cultural effects or ecological effects; however, submitter see them as a subset of hauora. The Marshall Day assessment finds that the proposed activity will generate a noticeable increase in noise levels, however mitigation is focused on private houses.  
There appears to be no consideration of noise effects on community, whanau, kaitiaki, and so forth using what remains of the beach and reserve at Marsden Bay and Te Koutu whether it be recreationally or for customary purposes” (164 a & b).
- In response: At a general level these issues are addressed in the technical memo prepared by Peter Runcie (SLR) (2023).

### 6.4 Loss of visual amenity

Relevant submissions: 132 a, 139, 145 b, 174 a & b.

- In summary, key points raised in the above-referenced submissions include:
  - Visual amenity impact on residential and/or recreational experiences from cranes, earthworks, and general industrial outlooks (132 a, 139, 145 a, 164 a & b, 174 a & b).
- In response: Mike Farrow, Littoralis (2023) highlights that the proposal would

create a marked reduction in the experiential values and visual amenity of the setting. I agree with this assessment and believe the immediate recreational setting will be degraded and become less appealing for certain recreational activities, especially during periods of greater port activity.

## 6.5 Potential access hazard/risk issues

Relevant submissions: 12b and 176.

- In summary, key points raised in the above-referenced submissions include:
  - Increased commercial shipping activity heightening the navigation danger for recreational vessels (12b)
  - The design for boundary activity management and related public access provisions (or behaviours) may pose a risk given the hazardous nature of the Channel Infrastructure site and operation, and that involvement in design is necessary to prevent issues (176)
  
- In response: I share the concerns of submitter 176 about certain types of recreational activity / amenities within the proposed development site. I have addressed these issues in section 5.1.6.  
I do not share the concerns of submitter 12b and believe recreational vessels should be capable of avoiding commercial vessels coming into and out of port.

## 7.0 STATUTORY CONSIDERATIONS

### 7.1 Resource Management Act 1991

Relevant statutory considerations under the RMA include:

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

#### Conclusion

Having reviewed the relevant provisions of the above-referenced documents, I conclude that the application has responded to the direction of the above-referenced documents where they direct that proposed mitigations address adverse recreational effects. However, I believe the effects would be better mitigated by taking a wider approach and considering surrounding areas.

## 7.2 Other Statutory Documents

Other relevant statutory considerations include:

- Whangārei District Growth Strategy (2021).
- Whangārei District Walking and Cycling Strategy (2018).

### Conclusion

Having reviewed the relevant sections of the Whangārei District Growth Strategy, I believe the areas projected high growth rate will place increased demand on recreational opportunities in the Marsden Point-Ruakākā area.

Having reviewed the relevant sections of the Whangārei District Walking and Cycling Strategy, I believe potential offsite mitigation options could deliver improved recreational walking and cycling opportunities in the Marsden Point-Ruakākā area that align with the strategies goals.

## 7.3 Duration and Review of Consents

The Applicant seeks 35 year durations for the regional consents.

## 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 is sufficient to enable the consideration of the above matters on an informed basis.

### 8.2 Recommended Conditions and Advice Notes

Should consents be granted, the following additional conditions and advice notes (from those proposed by the Applicant) are recommended to avoid, mitigate, or remedy recreational effects of the proposal. Recommended amendments to the Applicant's proposed conditions of consent are set out further below.

#### **Recommended Additional Matters to be Covered by Conditions**

- The applicant shall pursue offsite recreation mitigation options in conjunction with onsite mitigation options. Where off site mitigation options are considered by WDC to be superior to onsite mitigation options the offsite mitigation options will be implemented at the applicants cost. The applicant shall be responsible for both the capital and operational cost of all offsite mitigation.
- All significant structural recreation mitigation options are subject to a safety audit which considers the potential recreational assets design, location and surrounding operational environment.

*Specific focus should be placed on:*

Alternative off-site mitigation options could include:

- *Developing walking and cycling connections from Marsden Marina to the ocean side of Marsden Point Beach (bypassing Northport and Channel Infrastructure). This should include access onto the beach.*
- *Establishing a permeant Te Araroa walkway water taxi connection via the Marsden Marina (which links to a new walkway).*
- *Exploring opportunities for enhancing safe swimming west of Northport potentially involving new structures.*
- *Optimising passive recreation and picnicking opportunities.*

Mitigation within the development site should be focused on:

- *Optimising fishing along the revetment,*
- *Beach access (for people with all levels of mobility),*
- *A public toilet,*
- *Public car parking.*

**Others to consider:**

- **Limit restrictions on public access to Marsden Bay beach to that shortest extent practicable and (6 – 9 month access restrictions) – use of signage/health and safety considerations?**
- **Conditions to require maintenance of pocket park and rec structures (to remain in private ownership)**

**NRC Conditions**

**POCKET PARK**

- 31 Within six months of Practical Completion of the reclamation, the consent holder must construct the public Pocket Park near the south-eastern corner of the Expansion Project site in accordance with agreed recreational mitigation options.
- 32 The design and construction of the Pocket Park shall include appropriate recreational amenity and landscaping treatment, having regard to its location and context. No design and construction work will occur until recreational mitigation on and offsite has been agreed.
- 33 [Placeholder for community input on the design of the Pocket Park, including by iwi, hapu and Māori]

**MARINE STRUCTURES DESIGN AND CONSTRUCTION**

- 34. The wharf, tug berthing facility, and Water Taxi Pontoon (should the pontoon is developed on site) must be designed by a suitably experienced Chartered Professional Engineer and the design approved by a suitably qualified and experienced expert to confirm that there are no navigation or safety issues associated with the design including, but not limited to, the operation of the adjacent Channel Infrastructure jetties. This safety assessment will take account of potential recreational conflicts.
- 35. A Chartered Professional Engineer with relevant experience must oversee the construction of the wharf, tug berthing facility, and Water Taxi Pontoon structures to ensure they comply with the design.
- 36. The tug berthing facility must be located at the general location shown in “Northport relocated tug facility – eastern end concept plan”, D60-X (Issue R0, September 2022) at Appendix 1.
- 37. Should the Water Taxi Pontoon be developed on site after all onsite and offsite recreation mitigation options have been assessed and agreed it must be located at the general location shown in plan [insert plan reference].

Advice note: Public access to the Water Taxi Pontoon will be via the public Pocket Park.

**PUBLIC ACCESS**

- 40. The consent holder must maintain existing public access to and along the foreshore and public reserve areas to the greatest extent practicable, except where these consents authorise exclusive occupation and/or where necessary for operational requirements or to ensure public safety.

**OCCUPATION AND USE OF THE CMA FOR PORT CONSTRUCTION, OPERATION, AND MAINTENANCE**

- 127. These consents authorise the consent holder to occupy, on an exclusive basis, and use for the purposes of these consents (including port construction, operation, and maintenance):

- (a) those parts of the Whangārei Harbour being the proposed reclamation area (for the period such occupation is necessary); and

- (b) those parts of the Whangārei Harbour containing all approved port structures plus an area generally within a line [60] metres seaward of all approved port structures and the proposed reclamation area, as shown on the Northport Area of CMA Occupation Plan [insert plan ref XXXX, which should include GPS coordinates].

- 128. Notwithstanding condition 127, the consent holder must allow for reasonable public recreational access on the Water Taxi Pontoon, except as required to ensure operational or public safety, or in an emergency response scenario.

Advice note: Public access to the Water Taxi Pontoon will be via the public Pocket Park.

**EARTHWORKS (TERRESTRIAL)**

129. Before commencement of earthworks (terrestrial), final engineering plans must be prepared and provided to the Council and Whangārei District Council. The plans must include:

- (a) The finished interface between the spatial extent of the port and the adjoining esplanade reserve.
- (b) A demonstration of how public access (which offers a gentle gradient for people with all levels of mobility) has been facilitated to the residual beach area to the east.

**WDC Conditions**

**PUBLIC ACCESS**

- 40 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. This includes access to public parking and toilets.
- 41 The consent holder must continue to provide public access to the existing fishing jetty on the western edge of the reclamation from Papich Road.

<b>Memo prepared by:</b>	Craig Jones, Director, Visitor Solutions Ltd.
<b>Date:</b>	28 July 2023
<b>Memo reviewed and approved for release by:</b>	Blair Masefield, Technical Director, Beca Limited
	On behalf of the Whangārei District Council and Northland Regional Council
<b>Date:</b>	2 August 2023