

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

**AND**

**IN THE MATTER** **Resource Consent Applications by Northport Ltd - Port Expansion project at Marsden Point**

Application numbers:

- Whangarei District Council: LU2200107
- Northland Regional Council: APP.040976.01.01

**DIRECTION 15 (1 DECEMBER 2023) FROM THE HEARING PANEL**

**COMMENTS ON THE DRAFT CONDITIONS OF CONSENT (SHOULD THE CONSENTS BE GRANTED) AND FURTHER INFORMATION SOUGHT**

1. The Hearing Panel has received the Applicant's Memorandum - *Memorandum of Counsel for Northport Limited following adjournment of Hearing*<sup>1</sup>. We provided a response to that Memorandum on 24 November 2023. This Direction more specifically addresses the "*Clarification regarding draft proposed conditions*".
2. The Memorandum set out "*The Panel may have questions or matters of clarification regarding the draft proposed conditions. Counsel suggests that it would be an efficient process for the Panel to utilise the adjournment period to put those questions or matters to Northport*"<sup>2</sup>.
3. The Hearing Panel has discussed the interim written closing submissions and the currently proffered conditions of consent (should consents be granted). In response:
  - We have provided some questions and comments on the conditions of consent (comment boxes in the draft conditions attached to this Direction <sup>3</sup>); and
  - We seek the following information/clarification on stormwater as attached below.

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<sup>1</sup> Dated 22 November 2023

<sup>2</sup> Paragraph 12 of the Memorandum

<sup>3</sup> We wish to make it very clear that providing these comments in no way assumes we will be granting the consents sought, and does not necessarily mean we will not have further questions on the conditions later in the proceeding. The comments are to ensure that if the consents are granted, the suite of conditions are appropriate to avoid, remedy or mitigate any adverse effects of the proposal.

4. Any enquiries regarding this Direction, or related matters, should be directed to Alissa Sluys - Consents and Hearing Administrator at [alissas@nrc.govt.nz](mailto:alissas@nrc.govt.nz)

A handwritten signature in black ink, appearing to read "Greg Hill", followed by a period.

Greg Hill Chairperson  
1 December 2023

## Operational Stormwater management information request

The request below is for the Hearing Panel to better understand how stormwater quality is to be managed. We request this information be provided to us no later than **mid-February 2024** to give us time to review and understand it prior to the final Reply from Northport.

We note that the management of stormwater from the proposed port expansion's operational phase has been described by the Applicant's expert and reviewed by the Northland Regional Council's expert. The Applicant's evidence assesses the ability of the existing port stormwater treatment pond system to treat the quality of the stormwater arising from Northport's proposed expansion.

The Hearing Panel's questions have raised issues about the system's design parameters being founded on stormwater quality guidelines which are not intended for application to industrial sites. Further issues have been raised over the potential effects of untreated stormwater discharges to ground, and potentially groundwater, through the base of the system's canals and ponds.

To address these matters in a comprehensive manner further information is sought from the Applicant to demonstrate that the best practicable option is being proposed for the management of stormwater quality from the expanded site. The information sought is:

1. A **draft Stormwater Operations and Maintenance Plan (draft SOMP)** including the details set out in condition 219, Draft Proposed NRC Conditions: Northport Ltd (As at Hearing dated 20.11.23).
2. The draft SOMP is to be prepared by a suitably qualified and experienced practitioner with experience in the design and implementation of stormwater quality management practices and procedures for industrial sites. Ideally this person will have experience in managing stormwater quality from sites with similar contaminant treatment needs to the Northport site.
3. The primary objective of the draft SOMP is to describe the practices and procedures required to manage stormwater quality from the site in a manner that represents the "Best Practicable Option" (as defined in the RMA) for the discharge of stormwater to the CMA and/ or groundwater.
4. Additional matters, beyond those required by condition 219, to be included in and/ or addressed by this draft SOMP are:
  - a. A description of a "treatment train" approach which considers measures to reduce the entrainment of contaminants into stormwater including, but not limited to, source control measures such as sweeping, vacuuming and/ or covering potential contaminant sources.
  - b. Methods to remove, as far as practicable, coarse sediment and debris, suspended sediment and adsorbed contaminants and dissolved contaminants.
  - c. Consideration of improving the performance of the existing stormwater treatment pond system which minimises velocities through the canals and ponds and maximises sedimentation and dissolved contaminant removal. This may include incorporating a wetland habitat into, or through enlargement of, the existing system. Reference should be made to the recommendation in Section 5 (iii) of the Northport report, "Stormwater Discharge Review". Ecological and Water Quality Report; prepared by 4 Sight, August 2015.

*This report is included in a suite of reports making up Appendix 29 of the Port expansion project's Assessment of Effects on the Environment (AEE).*

- d. *Consideration of a monitoring and reporting regime that includes continuous, real-time monitoring of the system's inflow and outflow which is triggered to stop discharging in the event of a trigger level being reached and before being discharged to the CMA and/ or groundwater. Parameters to be considered include flow, pH, turbidity, and conductivity.*
  - e. *The practices and procedures required to meet the operational stormwater conditions (Condition 219 to 231 of the Draft Proposed NRC Conditions: Northport Ltd (As at Hearing dated 20.11.23)).*
5. *Comment on the management of stormwater discharges to ground water through the base of the canals and ponds. The Applicant's stormwater hydraulic model estimates this exfiltration to be in the order of 20mm/hour. This assessment must include consideration of:*
- a. *The practicality of lining the canals and ponds, or other measures to avoid seepage to groundwater.*
  - b. *A regime to monitor groundwater quality to assess the effects of discharges of untreated stormwater to ground water.*
  - c. *Options to address any adverse effects on groundwater quality arising from the discharge of contaminated stormwater.*
6. *Comment on the potential opportunity to incorporate the port's stormwater management systems with those being contemplated as part of Marsden Maritime Holdings Ltd (MMHL) broader development plans. Evidence presented to the hearing by Ms Mercer, CEO of MMHL identified that MMHL is currently assessing their development's stormwater management options and that this assessment is likely to be complete within the next year. Consideration of a comprehensive approach to stormwater across both sites may create opportunities to better manage the stormwater quality.*