

# 1. Introduction

# 1.1 Executive summary

## Introduction

Northport Ltd (Northport) has submitted applications to the Northland Regional Council and the Whangarei District Council for resource consents to construct, operate and maintain an expansion to the existing Northport facility at State Highway 15, Marsden Point.

In summary, the works include:

- A. Reclamation of part of the Coastal Marine Area (CMA) to the immediate east of the existing Port reclamation.
- B. Capital and associated maintenance dredging.
- C. Wharf structures on the northern (seaward) edge of the proposed reclamation.
- D. Sheet piling and rock revetment structures on the eastern edge of the reclamation.
- E. Beach renourishment to augment a sandy flood spit feature in the intertidal area in order to create suitable avifauna roosting habitat.
- F. Treatment and discharge of operational stormwater via the existing pond-based stormwater system and/or proprietary devices.
- G. Port related activities on the proposed reclamation and wharves, and on parts of the proposed development above MHWS.

The applications are supported by an Assessment of Effects on the Environment (AEE), prepared in accordance with the RMA and in particular the Fourth Schedule. This incorporates:

- A planning report including an assessment of relevant statutory planning provisions.
- Comprehensive supporting technical and assessment reports, prepared by suitably qualified and experienced independent experts engaged by Northport.

## Background and rationale for the project

Since the completion of the existing port facilities (i.e. Berth 3) in 2007, Northport has investigated a range of alternative options for expanding its capacity, and in particular its ability to construct a dedicated container terminal. Options have been comprehensively evaluated over an extended period, both by Northport and externally, with multiple design options being prepared and reviewed by a range of port and environmental experts.

Numerous economic studies have been conducted on the future of the upper North Island supply chain and the implications for Ports of Auckland, the Port of Tauranga and Northport. In 2012 the Upper North Island Strategic Alliance (UNISA) completed a technical study of the supply and demand for ports and port-related infrastructure in the upper North Island. The report concluded that there is strong growth predicted in the three upper North Island ports over the next 30 years, and that establishing a new Port is likely to be significantly less cost-effective than incremental

growth at each port. A subsequent report commissioned by the government in 2018 entitled the Upper North Island Supply Chain Strategy (UNISCS) recommended a transition of Ports of Auckland Ltd (POAL) freight to Northport.

To accommodate the changes in freight tasks and to realise the benefits of the opportunities for the regional economy, Northport needs to expand into a facility capable of efficiently handling additional freight streams. A technical assessment of economic effects report prepared by Market Economics concluded that Northport would need to invest in infrastructure upgrades, including wharf extensions and port area reclamation, regardless of whether POAL freight is redirected to Northport. The need for additional port infrastructure to provide resilience was illustrated during the Covid-19 response.

In summary, ongoing national supply-chain pressures, long-lead times in the development of port infrastructure, and growing demand from shipping companies indicate that now is the appropriate time for Northport to expand its facilities. Expansion of Northport can deliver a purpose-built, modern, and efficient container terminal. An expanding port will also represent a catalyst for better infrastructure and services for Northland, as well as providing for regional economic growth by facilitating new industries and jobs for Northland. The proposed expansion of Northport's facilities will support the continued growth of Northland and add capacity to the UNISC by providing container freight services for North Auckland.

## **Project objectives**

Northport's objectives for the project are:

1. To create a modern efficient terminal with a 700 m long container berth and sufficient terminal area to handle at least 500,000 TEU/annum.
2. Locate all container services on the new terminal to enable growth and diversification of other freight on the existing footprint.
3. Incorporate best practice operational and environmental controls to minimise effects on the surrounding environment and community.
4. Allow for the integration of rail freight following the construction of the Marsden Point spur.

## **Description of the project**

### Reclamation and wharf structures

Northport currently consists of three berths, with a fourth berth and associated reclamation consented but not yet constructed. Northport is currently considering the business case for the construction of the fourth berth.

The proposal is to construct a fifth berth extending a further 250m towards the east, together with an associated 11.7ha reclamation. The expanded port footprint will extend inland to include areas of beach and esplanade reserve immediately east of the existing port.

The eastern edge of the proposed reclamation will be constructed using a combination of sheet piling and rock revetments.

A tug berthing facility and fishing pontoon/water taxi berth will be constructed along the eastern revetment. The tugs are commercially operated by NorthTugz and are an essential requirement for safe navigation by vessels visiting both Northport and the Channel Infrastructure NZ Ltd (CINZ) fuel import terminal.

#### Public access

Public access from Ralph Trimmer Drive to the beach area between the expanded port and the CINZ jetties will be provided along the southern edge of the expanded port and along the eastern edge of the proposed reclamation. A pocket park and other amenities (including a carpark, public toilet, swimming steps, and the fishing pontoon) will be developed at the eastern end of the expanded port.

Due to port operational and health and safety requirements, including the need to 'future proof' port operations – including to provide for rail access – it is not practicable for any part of the area to be set aside as an esplanade reserve or esplanade strip.

#### Dredging

Capital and maintenance dredging is required to deepen the swing basin in order to safely enable vessels to navigate to, and berth at, the berth facility during all tides. The depth transitions from CD -14.5m at the western end to CD -16.0m at the eastern end. Some additional dredging is proposed around the fringes of the existing swing basin and in the vicinity of the tug berthing facility.

Approximately 1.7M m<sup>3</sup> of material will be dredged during the capital dredge programme, with the majority used to form the reclamation. Any surplus or unsuitable material will be disposed of in an approved location.

#### Port activities

The expanded port will be used as a container terminal and for other port activities.

#### Port noise

Port noise will be controlled through noise limits and associated metrics consistent with NZS 6809:1999 Acoustics – 'Port noise management and land use planning'.

A comprehensive port noise management plan has been prepared to manage noise and retain suitable levels of amenity for residential areas. The objectives of the plan are:

- To ensure the port complies with the relevant noise performance standards.
- To provide a framework for the measurement, monitoring, assessment, and management of noise.
- To identify and adopt the Best Practicable Option (BPO) for the management of noise effects.
- To require engagement with the community and timely management of complaints.

Day time port noise is expected to comply with permitted limits in the Whangarei District Plan. A key aspect of the port noise management plan is that if night-time port noise reaches (or is predicted to reach) predetermined levels at residential receivers in Reotahi, the port will offer to fund mechanical ventilation (i.e. air conditioning) to a suitable standard that will enable residents' windows and doors to be closed at night.

### Stormwater

Stormwater from port operations areas will either be collected and treated in the existing port stormwater treatment system or treated with proprietary devices prior to discharge. The existing system involves directing all water to the treatment ponds located on Marsden Maritime Holdings Ltd land to the south of the port before subsequent discharge to the harbour. Monitoring of existing discharges shows that the system achieves the water quality standards specified in the existing conditions of consent and those in the Proposed Regional Plan. Proprietary systems are capable of achieving a similar level of treatment.

## **Assessment of effects on the environment**

**Coastal processes** - Hydrodynamic modelling has predicted small changes to current velocities in the vicinity of the port. These changes are localised to the region where the dredging and reclamation works will be undertaken and will not materially affect navigation by either commercial or recreational vessels.

While changes to sediment transport rates are predicted within the harbour, morphological modelling and subsequent analysis suggests no significant changes to harbour morphology. Some sediment deposition is expected between the expanded port and the CINZ wharves.

**Air discharges** - During construction, there is limited potential for air discharges to cause off-site effects at the nearest residential dwellings. Air quality during construction will be managed through conditions of consent, including management plan(s). No significant discharges are expected from the operation of the expanded container port, particularly as much of the port equipment will be electrified (or capable of electrification).

**Water quality** - Discharges to the CMA during construction of the reclamation will be managed via detailed and comprehensive sediment control measures specified in a Construction Management Plan. This plan will include measures to avoid sediment discharge and to manage the discharge of decant water from the reclamation.

Discharges during capital and maintenance dredging will be subject to turbidity and dredge management plans prepared and certified prior to construction commencing. The plans will be implemented to minimise dredge plumes, and the associated adverse effects on water quality and marine ecology. They will contain a series of monitoring 'trigger' levels and appropriate management and monitoring responses in order to provide confidence to Council, mana whenua and the community that turbidity effects will be appropriately managed.

Discharges of stormwater from future port operations will achieve the water quality standards in the Proposed Regional Plan.

**Landscape, natural character, and amenity values** - The proposal will have some adverse effects on landscape, natural character, and amenity values. When considered in the context of the existing environment, the magnitude of these effects has been determined to be as follows:

*Landscape values*

Potential effects on landscape values have been assessed as ranging between less than minor and significant. The significant effects are limited to Marsden Point Beach. More than minor effects are predicted from Reotahi and the adjoining harbour. Importantly, there are no Outstanding Natural Landscape Areas directly affected by the Northport proposal

*Natural Character values*

Potential effects on natural character values have been assessed as ranging between more than minor and negligible. There are no Outstanding or High Natural Character Areas directly affected by the proposal.

*Amenity values*

Potential effects on amenity values have been assessed as being significant for the Marsden Point Beach area, more than minor for Reotahi, and otherwise less than minor for the wider harbour.

**Avifauna** - There are some at-risk and/or threatened bird species known to use the beach and intertidal area on the eastern side of the port. A bird roosting area will be constructed on the western side of the port, ahead of construction of the reclamation itself, to provide suitable roosting habitat for various species, including NZ Dotterel and Variable Oystercatcher. This, together with a range of measures to be included in the CEMP, will ensure that the effects on avifauna will be minor or less.

**Marine mammals** - Potential effects on marine mammals are related to underwater noise during construction, and the very low potential for ship strike during port operations.

Underwater noise has been modelled, and the associated effects assessed by a marine mammal expert.

Sound modelling indicates that for most species (except for visiting baleen whales), pile-driving noise without any mitigation has the potential to cause temporary hearing impairment only within close proximity of the piling source. While the potential is greater for visiting baleen whales and leopard seals, very few individuals visit these waters in any one year (1-3 animals) and these species tend to have a stronger seasonal presence (winter migrations for whales). Therefore, the likelihood of any adverse displacement or behavioural effects occurring is considered to be low and any hearing injury effects are not applicable based on modelling results. Furthermore, with the range of management measures detailed in the proposed Marine Mammal Management Plan, including the establishment of marine mammal observation zones (MMOZ) and soft start/ramping up procedures, any residual effects are expected to be nil to less than minor.

In regard to effects associated with changes to mammal habitat and prey species, due to the limited effect (both spatially and temporally) that the proposed construction activities are

expected to have on local habitats and associated prey resources there are unlikely to be any long-term flow-on effects to local marine mammals.

**Other marine ecology** – The proposed reclamation will remove intertidal and subtidal ecology located within the reclamation footprint. Dredging will also have direct and indirect effects on marine ecology. Marine ecological effects have been carefully considered at the appropriate scale, as expressly directed by the Proposed Regional Plan. The potential adverse effects (including cumulative effects) on marine ecology resulting from reclamation, dredging, and stormwater discharges, have been assessed as ranging between low to moderate to high, however, potential effects on threatened and/or at-risk species and/or potential areas of significant indigenous vegetation and habitats of indigenous fauna under Appendix 5 of the RPS will/can be kept within minor and/or transitory levels subject to the implementation of best practice management of dredging effects.

**Navigation and marine spill risk** – Extensive ship simulation studies have concluded that general navigation to and from the Northport berths and the CINZ jetties will not be materially impacted. The increase in shipping movements can be managed by existing maritime services.

The risk of marine oil spill associated with the proposal involves vessel collision or grounding. While there is a potential increase in the risk of a larger vessel being grounded, the ship simulation assessment, coupled with the existing operational Dynamic Under Keel Clearance system (DUKC), demonstrate that the risk will not increase appreciably as a result of the port expansion. Existing oil spill response plans are considered to be robust, and they will be regularly reviewed in accordance with s297 of the Maritime Transport Act 1994.

The navigation and marine spill risk assessments have considered the scenario both with, and without, the channel realignment and deepening consented by CINZ.

**Biosecurity** – There are several potential biosecurity risks associated with the proposed expansion. Broadly, these risks arise through:

- Expansion of port infrastructure and the operational activities (including specialised vessel movements) involved during the construction phase.
- Potential changes in the frequency and geographic origin of shipping associated with the ability of the port to accommodate larger and different vessel types during routine operations.

Biosecurity risks associated with construction vessels will be managed through compliance with measures contained in the CEMP.

Biosecurity risks associated with international ships will also be managed in accordance with the requirements of the Import Health Standards administered by MPI, the Marine Pathways Plan, and Proposed Regional Plan rules administered by the Northland Regional Council.

**Archaeology** - There are no known archaeological sites within the proposed works area.

**Cultural values** - The project is located in an area that is rich in Māori history.

Mana Whenua have been a key stakeholder in the development of the project, and this has enabled the inclusion of values and aspirations, and where practicable, the avoidance/management of

adverse cultural effects, through the project design and/or mitigation measures. Consultation with mana whenua remains ongoing post-lodgement, with a view to determining appropriate cultural mitigation.

**Economic** - The project will deliver significant benefits to the local and regional economy. These benefits will depend on a range of economic, environmental, and political factors, and specifically the extent to which Northport is required to support freight logistics associated with Auckland's growth.

A range of possible futures have been considered, including one where Northport provides for regional demand only ('Business as usual' – BAU), and one where it handles trade from outside the region (North Auckland Imports – NAI) - which appears most likely due to issues associated with other key ports in the Upper North Island.

The assessment shows that, with the proposed expansion, Northport's role in the Northland economy is likely to result in at least \$1,094 million GDP and 14,800 jobs by 2050 (based on the most conservative BAU future).

**Operational port noise** - An expansion of existing port operations may result in additional noise generation. This could translate to an adverse effect on sensitive (residential) receivers, particularly in the Albany Road and Reotahi areas.

Conditions of consent are proposed, requiring the port to adhere to specified noise limits in accordance with NZS 6809:1999 Acoustics – 'Port noise management and land use planning'. A Port Noise Management Plan has been prepared, and will be required, to minimise port noise through best practice. If night-time port noise reaches (or is predicted to reach) predetermined levels at residential receivers in Reotahi, the port will offer to fund mechanical ventilation (i.e. air conditioning) to enable windows and doors to be closed at night.

Subject to the mitigation measures outlined above, the effects of port noise will be minor or less.

**Recreation** - The reclamation will involve removal of an area of beach and esplanade reserve to the immediate east of Northport. Public access from Ralph Trimmer Drive to the beach area between the expanded port and the CINZ jetties will be provided along the southern edge of the expanded port and along the eastern edge of the proposed reclamation. A pocket park and other amenities (including a carpark, public toilet, swimming steps, and the fishing pontoon) will be developed at the eastern end of the expanded port. Notwithstanding the mitigation measures described above, adverse recreation effects on the beach to the east of Northport will remain due to the loss of beach area and diminution of the scale of the setting. These effects are likely to be significant for recreational beach users. However, when considered with respect to wider contexts (for example at the scale of local, district-wide, and region-wide recreation activity), the recreational effects will be more than minor at worst (locally) through to less than minor (regionally).

**Carbon emissions** - Northport has been actively reducing its carbon footprint for some time now. Examples include the replacement of fleet vehicles with electric vehicles, and changes to the procurement process whereby new equipment is preferred over older equipment that does not



meet modern emission standards. Northport remains committed to reducing carbon emissions on the expanded port.

### Measures to manage effects on the environment

The following measures are proposed to manage adverse effects on the environment:

- **Construction and Environmental Management Plan (CEMP)** – preparation, certification, and implementation of a CEMP containing chapters covering a range of matters including:
  - **Sediment discharge during reclamation construction** – detailing best practice measures to control sediment discharges from the reclamation and the associated discharge of decant water.
  - **Air discharges** – detailing dust management practices to minimise the risk of the discharge of dust causing an offensive or objectionable effect beyond the boundary of the works area.
  - **Marine Mammals** – The CEMP includes a Marine Mammal Management Plan (MMMP) containing measures to avoid and otherwise minimise adverse effects on marine mammals during the construction and subsequent operations phases of the project. A draft MMMP is attached to this application. The MMMP will include several best management practices and management actions (including source noise reduction options, use of observers, shut down zones, and seasonal consideration of piling stages). Ongoing acoustic monitoring is proposed to verify *in situ* piling sound levels and ensure the effectiveness of the mitigation measures employed.
  - **Avifauna** – detailing measures to avoid and otherwise minimise adverse effects on avifauna during the construction phase of the project.
  - **Biosecurity** – detailing measures to manage the risk of biosecurity incursions associated with construction vessels.

For vessels using the expanded port once operational, the standard MPI and NRC biosecurity controls will apply.

A draft CEMP is included with this AEE (see **Appendix 5**).

- **Port noise** – A Port Noise Management Plan will be prepared in accordance with Section 8 of NZS 6809:1999. The PNMP will be a ‘living document’ that is expanded and updated as appropriate.

If night-time port noise reaches (or is predicted to reach) predetermined levels at residential receivers in Reotahi, the port will offer to fund mechanical ventilation (i.e air conditioning) to enable windows and doors to be closed at night.

- **Dredging** – Dredge management plans, including a plan to manage turbidity, will be prepared for capital and maintenance dredging operations. The dredge plans will require implementation of best practice management measures and specify how dredging practices and procedures will ensure that any actual or potential adverse effects on the marine

receiving environment, including due to turbidity, are avoided, or otherwise managed to the greatest extent practicable.

- **Stormwater discharges (operational)** – Stormwater from operational port areas will be collected and directed to the existing port stormwater treatment ponds prior to discharge to the CMA. Proprietary treatment devices may also be incorporated. Subsequent stormwater discharged to the CMA will be routinely monitored for compliance with the water quality standards specified in the conditions of consent.

### Statutory assessment

The project has been assessed against the relevant statutory planning documents.

The project aligns with key provisions in the New Zealand Coastal Policy Statement (NZCPS), and specifically the experts engaged by Northport have specifically considered the “avoid” policies, as contextualised for Northland in the Regional Policy Statement (RPS) and Proposed Regional Plan (PRP). It also aligns with the RPS and PRP provisions relating to economic growth and Regionally Significant Infrastructure. This is because of the predicted economic benefits expected to accrue from the expansion, and the role that the port plays in supporting economic growth in the region.

There will be some adverse effects on the environment, most notably in respect to indigenous biodiversity (marine mammals, avifauna, and other marine ecology). The effects on indigenous biodiversity have been assessed as minor or less when considered at the system-wide scale as directed by the PRP (Policy D.2.18(5)) and taking account of the comprehensive effects management package proposed by Northport. A range of measures are proposed to ensure that effects of the proposal, including with respect to construction, stormwater discharges, dredging, recreation, and noise are avoided or managed in accordance with these documents.

The statutory assessment concludes that the proposal is overall consistent with the objectives and policies of the relevant statutory plans, most notably the RPS and PRP. Specifically, the proposal fully aligns with the cornerstone economic well-being and regionally significant infrastructure provisions in both plans, while appropriate management measures are proposed to avoid and/or otherwise manage adverse effects on the environment.

## 1.2 Overview

Northport Ltd is the owner and operating company for the multi-purpose cargo port at Marsden Point (Northport). Northport is New Zealand’s northern-most deep-water commercial port. It is the closest port to most international markets and located less than two hours by road or rail from Auckland.

Northport currently facilitates \$438 million in value added and the equivalent of 6,300 jobs in the Northland economy. It is significant in the Northland region, and nationally, because of its commercial, transportation, and infrastructure functions, and its overall contribution to economic sustainability and growth.

This assessment of environmental effects (AEE) has been prepared in support of a resource consent application prepared under the Resource Management Act 1991 (RMA) to expand the existing Northport berth length and associated operations area towards the east. Consents are required from both the Northland Regional Council (NRC) and Whangarei District Council (WDC).

The applications have been prepared in accordance with Section 88 and the Fourth Schedule of the Resource Management Act (RMA). Section 88 of the RMA requires that resource consent applications be accompanied by an AEE prepared in accordance with the Fourth Schedule. A Fourth Schedule checklist is attached at **Appendix 1**.

## 1.3 Background

### 1.3.1 History of Northport

For over a century the ports in Whangarei harbour have been of primary importance for the Northland economy. Until construction of the port at Marsden Point, most of the trade was handled by facilities in the upper harbour area, first at the existing town basin, and then Port Whangarei (developed in 1920s).

Over the following four decades it became increasingly difficult to maintain the channel depth in the upper harbour, particularly as cargo vessels increased in size. As a consequence, in the late 1960s the Northland Harbour Board proposed to move the port facility to Marsden Point. Marsden Point has natural deep water, ideal for a commercial port facility.

Technical studies for the Marsden Point location were completed more than a decade later, in 1976. During the 1980's the planned move lost traction. However, as Northland's forestry industry began to increase production in the 1990's, this proved to be the catalyst for the development of Northport.

In 2000 the move to Marsden Point was achieved by a joint venture<sup>7</sup> which formed Northport. Northport began trading in July 2002 as the port operating company when it took over the port activities of Northland Port Corporation (NZ) Ltd (now Marsden Maritime Holdings) at both Marsden Point and Port Whangarei. Over the following five years three berths were constructed at Marsden Point and all cargo operations were progressively transferred from Port Whangarei to Northport.

Northport is currently a three-berth facility, with a fourth berth consented but not yet constructed. The first two berths were consented in 2000, with construction completed in 2002. The third and fourth berths were consented in 2004, with construction of the third berth completed in 2007.

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<sup>7</sup> Marsden Maritime Holdings and Port of Tauranga.

### 1.3.2 Ownership

Northport is the port owner and operating company for the multi-purpose cargo port at Marsden Point (Northport). Northport is 50% owned by Marsden Maritime Holdings Ltd (MMH) and 50% by Port of Tauranga Limited (POTL).

Pilotage and tug services for ships arriving at Northport (and CINZL some 750m to the east) is provided by North Tugz Limited (NTL) (a joint venture between Northport and Ports of Auckland).

The overall Northport footprint is made up of multiple titles owned by Northport and a lease over reclaimed land vested in the Crown (see **Figure 1** below).



*Figure 1: Northport land ownership*

### 1.3.3 Regional and national significance

Northport is significant in the Northland region, and nationally, because of its commercial, transportation and infrastructure functions. This is reinforced by Policy 9: 'Ports' of the New Zealand Coastal Policy Statement (NZCPS), and through provisions in the Regional Policy Statement for Northland (RPS), Proposed Regional Plan (PRP), and the Port Zone of the Whangarei District Plan (WDP).

Northport, including the adjoining land used for the movement and storage of cargo, is identified as 'Regionally Significant Infrastructure' (RSI) in Appendix 3 of the RPS. RSI has elevated importance in the RPS, including objectives and policies that require specific weight to be given to

the benefits of RSI when considering applications for resource consent and plan changes. It also qualifies as 'Specified Infrastructure' under the Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NESFM).

## 1.4 Project rationale

### 1.4.1 Project objectives

The objectives for the proposed port expansion are as follows:

- To create a modern efficient terminal with a 700 m long container berth and sufficient terminal area to handle at least 500,000 TEU<sup>8</sup>/annum.
- Locate all container services on the new terminal to enable growth and diversification of other freight on the existing footprint.
- Incorporate best practice operational and environmental controls to minimise effects on the surrounding environment and community.
- Allow for the integration of rail freight following the construction of the Marsden Point spur.

### 1.4.2 Project rationale

The project rationale for the proposed port expansion is to enable Northport to support Ports of Auckland (POAL) and Port of Tauranga (POTL) in providing for the predicted freight needs of the upper North Island, and to continue to support the economic growth of north Auckland and the Northland region (refer to Northport's Issues and Options report for the proposed expansion at **Appendix 2**).

There have been several independent reports on port capacity in the upper North Island. In 2012 a UNISA<sup>9</sup> commissioned report determined<sup>10</sup> to meet the projected freight task associated with growth over the next 30 years. This report concluded that "*substantial, systemic change to the UNI port system within the next 30 years (for example, establishing a new UNI port) is likely to be significantly less cost effective than incremental change*" and "*that the most efficient and cost-effective options for meeting the projected freight task is likely to be based around improved efficiency, incremental growth at each port, planned improvements in the land transport system, complemented by changes in relative prices that direct customers to where spare capacity exists in the UNI port system*".

Two further reports (the Upper North Island Supply Chain Strategy (UNISCS), 2018 and Sapere report, 2020) determined that POAL has limited capacity to cater for the future freight needs of the

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<sup>8</sup> Twenty-foot equivalent unit container.

<sup>9</sup> Upper North Island Strategic Alliance (consisting of Northland, Waikato, and Bay of Plenty Regional Councils, Auckland Council, Whangarei District Council, Hamilton, and Tauranga City Councils).

<sup>10</sup> Northport, Port of Auckland, Port of Tauranga.

Auckland region, reinforcing the need for Northport to develop additional capacity to assist POAL, when it is needed, and in a timely manner.

Constructing or expanding ports in New Zealand is an uncertain, time-consuming, and expensive process. The period from conception to completion is typically in the order of 10 years, excluding business case development and funding processes. For Northport to be able to react to changes in market or political conditions within a timeframe that does not result in significant regional or national economic and social disruption and costs, the resource consents need to be in place well in advance of the additional port capacity being needed. This requires a proactive, long-term view on the need and demand for expansion, rather than a reactive approach after the fact.

## 1.5 Resource consents required

All necessary resource consents are sought from both the NRC and the WDC to enable the construction and operation of the expanded port. The rules in the district and regional plans that trigger the requirement for resource consent include:

### Northland Regional Council

*Table 1: Regional Plans resource consent identification and activity status*

Rule	Consent type	Description	Activity Status
<b>Operative Regional Coastal Plan</b>			
Rule 31.7.5(a)	Coastal permit	Reclamation (‘Marine 5 (Port Facilities) Management Area’)	<b>Discretionary</b>
Rule 31.7.8(b)	Coastal permit	Capital Dredging (‘Marine 5 (Port Facilities) Management Area’)	<b>Discretionary</b>
Rule 31.7.8(a)	Coastal permit	Maintenance dredging (‘Marine 5 (Port Facilities) Management Area’)	<b>Controlled</b>
Rule 31.7.8(c)	Coastal permit	Dredging spoil disposal (in reclamation) (‘Marine 5 (Port Facilities) Management Area’)	<b>Discretionary</b>

Rule 31.4.8(e)	Coastal permit	The deposition of marine sediment on the foreshore for the purposes of beach replenishment (roost area).  ("Marine 2 (Conservation) Management Area").	<b>Discretionary</b>
Rule 31.7.4(o)	Coastal permit	Alteration or extension of authorised structures (wharf) not otherwise a controlled activity under Rule 31.7.3(n), and the use of these structures for port activities.	<b>Discretionary</b>
Section 87B Resource Management Act 1991	Coastal permit	Discharge decant water from reclamation during construction.  ('Marine 5 (Port Facilities) Management Area')	<b>Discretionary (innominate)</b>
Rule 31.7.6(g)	Coastal Permit	Discharge stormwater from open cargo storage or handling areas, including wharves to the CMA via a stormwater treatment and disposal system.	<b>Discretionary</b>
Rule 31.7.4(p)	Coastal permit	Tug berthing, water taxi and fishing pontoon and the related occupation of space.  ('Marine 5 (Port Facilities) Management Area')	<b>Discretionary</b>
<b>Regional Water and Soil Plan</b>			
Rule 34.3(1)	Land use consent	Earthworks in the RMZ  (on WDC esplanade reserve)	<b>Discretionary</b>
<b>Proposed Regional Plan</b>			
Rule C.1.6.3	Coastal permit	Reclamation	<b>Discretionary</b>

	(reclamation)		
Rule C.1.5.12	Coastal permit (dredging)	Capital dredging	<b>Discretionary</b>
Rule C.1.5.9	Coastal permit (dredging)	Maintenance dredging	<b>Controlled</b>
Rule 6.4.4 (High Risk Industrial or Trade Premises) <sup>11</sup>	Coastal permit (discharge)	Stormwater discharge from open cargo storage or handling areas, including wharves to the CMA via a stormwater treatment and disposal system.	<b>Discretionary</b>
Rule C.1.1.11	Coastal permit (structures)	Alteration to existing authorised wharf structures and the use of these structures for port activities.	<b>Controlled</b>
Rule C.1.1.16	Coastal permit (Structures in the Marsden Point Port Zone)	Floating tug berthing facility, water taxi and fishing pontoon, including the related occupation of space.	<b>Restricted discretionary</b>
Rule C.1.5.11	Coastal permit (Deposition of material for beneficial purposes)	The deposition of marine sediment on the foreshore for the purposes of beach replenishment (roost area)	<b>Restricted discretionary</b>

<sup>11</sup> Boat maintenance and port activities are identified as High Risk Industrial or Trade Premises in the PRP (Decisions Version).



## Whangarei District Council

*Table 2: Whangarei District Plan resource consent identification and activity status*

Rule	Description	Activity Status
<b>Operative Whangarei District Plan</b>		
Section 87B Resource Management Act 1991	Port operations on the expanded port.	<b>Discretionary (innominate)</b>
NAV.7	Port noise (existing and expanded port)	<b>Discretionary</b>
Innominate (no applicable zone or rule)	Land use consent for cranes up to 85m in height (when working) <sup>12</sup> on the yet to be constructed Berth 4 to align with the crane height rules in the Port Zone (applicable to Berths 1-3) and on the proposed expansion area.	<b>Discretionary (innominate)</b>
OSZ-R5	Land use consent for the construction of a building within 27m of MHWS in the Open Space Zone, being the relocated public toilet at the eastern end of the expanded port.	<b>Discretionary</b>
CA.2.3(2) CA.2.3(3) CA.2.3(4)	Land use consent for a <b>discretionary activity</b> for earthworks exceeding 500m <sup>3</sup> , earthworks within sand dunes, and indigenous (dune) vegetation clearance, within the 'Coastal Area' (port development and public access/reserve).	<b>Discretionary</b>

### Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (NESFM)

A consent is only required under the NESFM if the area within the expansion footprint and/or roost deposition area qualifies as a wetland as defined in the NPSFM and/or is located within 100m of a wetland.

Criteria for determining the presence and extent of coastal wetlands in New Zealand has not been developed. While seagrass is considered to be a coastal wetland species, its ephemeral nature

<sup>12</sup>No height limit is proposed for dormant cranes in line with the crane height rules for the Port Zone.

makes classifying any particular area in the coastal marine areas as a wetland based on its presence or absence, very problematic. Northport's ecologist has advised that it is more appropriate to class the habitat within the proposed reclamation and roost deposition areas as intertidal sandflats containing a small area of seagrass, in which case consent under the NESFM is not required.

Accordingly, while consent under the NESFM is not deemed necessary, out of an abundance of caution the necessary assessment is included in this AEE.

## 1.6 Variation to WDC land use consents

Several conditions in the existing WDC land use consents for Berths 1-2<sup>13</sup> and 3-4<sup>14</sup> respectively require consequential amendment pursuant to Section 127 of the RMA.

The proposed conditions that are to be varied and the associated rationale are identified in the following tables:

*Table 3: Proposed variations to Berth 1 & 2 consents*

Condition(s) #	Proposed variation	Rationale
12-18	Delete or vary so new noise provisions to take effect when port activities commence on either Berth 4 or 5.	These conditions relate to port noise on Berths 1-2. They are proposed to be deleted in favour of a new resource consent covering noise across the entire port. This variation will only take effect when port activities commence on either Berth 4 or 5.
20	Delete.	This condition relates to access to the eastern side of Berth 2. This condition has already been superseded by the Berth 3-4 consent and will be replaced by a new condition of the Berth 5 consent.
23	Vary to remove reference to landscape planting on the eastern side the port (to take effect when the Berth 5 reclamation	This condition relates to landscaping on the eastern edge of Berth 2. This condition has already been superseded by the Berth 3-4 consent.

<sup>13</sup> Decision #17 – Whangarei District Council: Land Use Consent No.3.

<sup>14</sup> Decision #11 – Whangarei District Council: Land Use Consent No.1.

	works are complete).  The reference to landscaping on the western side is to be retained.	
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**Table 4:** Proposed variations to Berth 3 & 4 consents

Condition(s) #	Proposed variation	Rationale
7	Delete or vary so new noise provisions to take effect when port activities commence on either Berth 4 or 5.	This condition relates to port noise on Berths 3-4. It is proposed to be deleted in favour of a new resource consent covering noise across the entire port. This variation will only take effect when port activities commence on either Berth 4 or 5.
9-12	Delete (to take effect when the Berth 5 construction works commence.	These conditions relate to landscaping on the eastern edge of Berth 4. They are proposed to be deleted as the subsequent construction of Berth 5 will require the removal of this landscaping.

## 1.7 Surrender of CON20090505532 (stormwater discharge)

It is proposed to surrender the existing stormwater discharge consent CON20090505532 upon completion of the expanded port (Berth 5) pursuant to Section 138 of the RMA. This consent will be replaced by a new consent covering the existing and expanded port.

## 1.8 Report structure

This report is structured as follows:

**Section 1:** Introduction

**Section 2:** Evaluation of alternative options and methods.

**Section 3:** Description of the proposal, including the extent of reclamation, dredging, structures, and activities.

**Section 4:** Description of the existing environment.

**Section 5:** Assessment of effects on the environment.

**Section 6:** Statutory planning assessment.

**Section 7:** Engagement with mana whenua.

**Section 8:** Public consultation.