

Response ID ANON-URZ4-5FRZ-V

Submitted to Fast-track approval applications
Submitted on 2024-05-02 18:27:41

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
Northport Ltd ("Northport")

2 Contact person

Contact person name:
Jon Moore

3 What is your job title

Job title:
CEO

4 What is your contact email address?

Email:
§ 9(2)(a)

5 What is your phone number?

Phone number:
§ 9(2)(a)

6 What is your postal address?

Postal address:

PO Box 44
Ruakaka 0151
NEW ZEALAND

7 Is your address for service different from your postal address?

No

Organisation:

Contact person:

Phone number:

Email address:

Job title:

Please enter your service address:

Section 1: Project location

Site address or location

Add the address or describe the location:

The project location is the coastal marine area and land adjacent to the existing Northport facility at Ralph Trimmer Drive, Marsden Point, Whangārei 0171.

File upload:

File A Plan showing site location and proposal.pdf was uploaded

Upload file here:

No file uploaded

Do you have a current copy of the relevant Record(s) of Title?

Yes

upload file:

File B Records of title.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

Ownership of the current Northport facility land, and of the areas subject to the project, is set out in the records of title provided. In summary:

(a) the Crown owns the existing Northport reclamation, which is leased by Northport;

(b) Northport owns land adjacent to the existing reclamation;

(c) an esplanade reserve, adjacent to the beach to the east of the current Northport facility, forms part of the land subject to the project and is owned by Whangarei District Council; and

(d) areas of the harbour that are proposed to be reclaimed or dredged are common marine and coastal area and are zoned Marsden Point Port Zone in the Northland Regional Plan (Operative in Part).

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

Ownership of the land and coastal marine area subject to the project, and Northport's relevant legal interests, are described in the responses to the previous questions.

In summary, Northport is confident that current land ownership and land interest matters do not represent a material issue with respect to its successful implementation of the project. Northport either owns the project land; has confidence that any necessary property approvals for the project will be given by the relevant parties (along with completion of any related processes); or, in the case of the areas proposed to be reclaimed or dredged (which are zoned Marsden Point Port Zone in the Northland Regional Plan (Operative in Part)), can gain the necessary approvals through the fast-track process proposed under the Fast-Track Approvals Bill.

Section 2: Project details

What is the project name?

Please write your answer here:

Northport Container Terminal Expansion (the "Project")

What is the project summary?

Please write your answer here:

The Northport Container Terminal Expansion Project proposes to expand the existing Northport facility at Marsden Point. Key components of the Project include:

(a) reclaiming approximately 11.7ha of coastal marine area to the east of the existing and consented Northport reclamation to form land for a proposed new berth and container terminal;

(b) extending the existing and consented wharf extent for a further 250m along the face of the proposed reclamation; and

(c) Approximately 1.72 million cubic metres of capital dredging, and associated maintenance dredging, within the harbour to enable vessel access to the expanded terminal.

What are the project details?

Please write your answer here:

Project context

Northport operates the country's northernmost multi-purpose port and the closest to most of New Zealand's international markets.

Northport currently has three available berths, with a total length of 570m. A fourth berth has been consented, with the company intending to progress construction soon. The current overall Northport footprint includes 49.1ha of land, of which 33.6ha is reclaimed.

Northport operates 24 hours a day, seven days a week to meet the trade demands of Northland and the wider Auckland region. Northport handles a range of domestic freight and international imports and exports. It plays a very important role in Northland's regional economy, supporting import and export activity and a range of ancillary activities. This role has expanded and diversified significantly since Northport began operating in 2002. Beyond its local and regional importance, and due to its integration into the NZ port network, Northport is significant nationally for its commercial, transportation, and infrastructure functions. The existing Northport facility has an estimated replacement value of s 9(2)(b)(ii)

Project purpose and objectives

The purpose of the Project is to provide for the safe and efficient continued operation and expansion of Northport. The Project will facilitate Northport's transition to a high-density container terminal, enabling Northport to increase freight storage and handling capability and efficiency to meet future freight demands, and delivering a range of important benefits for Whangārei and Northland. It will also improve the efficiency and resilience of the national port network.

Northport's objectives for the Project are:

- (a) To create a modern efficient terminal with a 700m long container berth and sufficient terminal area to be able to initially handle 250,000 TEU (twenty-foot equivalent) per year, with up to approximately 500,000 TEU per year in the longer term.
- (b) To locate all container operations on the proposed dedicated terminal to enable growth and diversification of other freight on the remaining footprint.
- (c) To incorporate best-practice operational and environmental controls to minimise effects on the surrounding environment and community.
- (d) To allow for the integration of rail freight following the construction of the proposed Marsden Point rail spur.

Project summary

In summary, the Project is for all resource consents and other approvals for the expansion of the existing Northport facility at Marsden Point. Key features of the Project include:

- (a) Reclamation of approximately 11.7ha to the east of the existing port to form land for a new fifth berth and for a container terminal, along with sheet piling and/or rock revetment structures on the eastern edge of the reclamation. The reclamation will be constructed from dredged spoil and will proceed eastward from the edge of the existing port area.
- (b) A wharf structure along the seaward edge of the reclamation.
- (c) Capital dredging of approximately 1.72 million cubic metres, and associated maintenance dredging, to provide for the safe and efficient manoeuvring of vessels.
- (d) A new tug berthing facility and water taxi pontoon to the east of the proposed reclamation.
- (e) Construction of a public "pocket park" and walkway on the southeastern edge of the expanded port, plus car park and public toilet facilities.
- (f) Earthworks and vegetation clearance to provide for the expanded port above Mean High Water Springs, including to construct the proposed "pocket park" and walkway.
- (g) Creation of additional variable oystercatcher and NZ dotterel high-tide roosting habitat through augmenting a sandy flood spit feature in the intertidal area with additional sand deposition. The additional roosting habitat is a feature of the Project that will have positive ecological effects.
- (h) Conveyance of operational stormwater via extension to the existing canal system, and treatment and discharge via the existing pond-based stormwater system and/or proprietary devices.
- (i) Port related activities and structures on the proposed reclamation and wharves, and on parts of the proposed development above Mean High Water Springs.
- (j) Management of port noise from the entire expanded port adopting the NZS 6809:1999 Acoustics – Port noise management and land use planning framework.

Construction activities will include:

- (a) Reclamation, and discharge of decant water.
- (b) Dredging, excavation, placement of material in the reclamation, and compaction (no dredged material is intended to be disposed of outside the reclamation area).
- (c) The construction of seawalls and abutments.
- (d) Staging of construction equipment, including piling to create work platforms and install pile gates.
- (e) Pile-driving, using methods including vibro and top-driven impact hammers – this will involve cranes (shore based and/or mounted on jack-up barges), excavators, and power packs.
- (f) Placement of formwork, tying reinforcing steel, and laying of ducts and pipework.
- (g) Pouring of concrete for the port deck and discharge of concrete curing water.
- (h) Construction of pavement surfaces.
- (i) Installation of wharf furniture (bollards, fenders etc).
- (j) Installation of services and other infrastructure on the reclamation area.
- (k) Construction of marine infrastructure for the tug berthing facility and water taxi pontoon.
- (l) The deposition of material in the coastal marine area for the proposed bird roosting habitat creation.
- (m) Terrestrial earthworks, vegetation clearance, and construction activities.

Construction is expected to take approximately three and a half years, including nine months of dredging and two years of pile installation.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

There is currently no intention to stage the Project. It is intended that the entire Project will be constructed at once. However, the option of staging the construction of the Northport Container Terminal Expansion project alongside the separate Shipyard and Dry Dock project to the west of the Northport facility may be considered.

What are the details of the regime under which approval is being sought?

Please write your answer here:

Northport is seeking all necessary approvals for the Project. The key approvals required are resource consents under the Resource Management Act 1991 ("RMA"). The Project requires a range of resource consents from Northland Regional Council and Whangarei District Council, including coastal permits, land use consents, and discharge permits. Other approvals will likely (or may) be required, for example: approvals under the Reserves Act 1977 (in respect of the existing esplanade reserve); and wildlife authorities/permits under the Wildlife Act 1953.

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Northland Regional Council; and Whangarei District Council.

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

In October 2022, Northport applied to Northland Regional Council and Whangarei District Council for resource consents under the RMA for substantially the same project (the "2022 RMA Application"). The 2022 RMA Application documents, many of which contain detailed information relevant to this application to be a listed project under the Fast-Track Approvals Bill, are available here:

<https://www.nrc.govt.nz/consents/resource-consent-hearings-documents/northport-limited-port-expansion-project-at-marsden-point-joint-notification/>

Joint public notice of the 2022 RMA Application was given by Northland Regional Council and Whangarei District Council in November 2022 (here:

<https://www.nrc.govt.nz/media/kz5lkhle/notification-public-notice.pdf>). The application has been part-heard by Independent Commissioners, with no decision issued. Hearing documents for the 2022 RMA Application are available here:

<https://www.nrc.govt.nz/consents/resource-consent-hearings-documents/northport-limited-port-expansion-project-at-marsden-point-joint-notification/>

Is approval required for the project by someone other than the applicant?

Yes

Please explain your answer here:

Property rights or other approvals for certain aspects of the Project will be required from third parties, for example Whangarei District Council in relation to the existing esplanade reserve. Northport has been engaging with the relevant parties for many years and is very confident all necessary approvals will be secured.

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

If approvals for the Project are granted, Northport anticipates that construction activities will begin and be completed in accordance with the below preliminary high-level timeline:

(a) Design stage (complete within approximately two years):

(i) Preliminary design: 2 months

(ii) Further geotechnical investigations: 6 months

(iii) Detailed design: 10 months

(iv) Procurement: 6 months

(b) Construction stage (complete within approximately five to six years):

(i) Enabling works: 6 months

(ii) Mobilisation: 6 months

(iii) Construction window: 54 months

Funding is intended to be run in conjunction with final design. The Project is likely to be funded by Northport and/or its shareholders, however Northport intends to review the funding of future significant projects as they arise, and additional investors may be considered.

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

Persons potentially affected by, or interested in, the Project include the following:

(a) Northland Regional Council and Whangarei District Council.

(b) Waka Kotahi NZ Transport Agency.

(c) KiwiRail.

(d) Iwi/hapū, including Patuharakeke, Ngātiwai, and Te Parawhau hapū.

- (e) Relevant applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011. Appendix 8 to the 2022 RMA Application AEE (available here: <https://www.nrc.govt.nz/media/5neciffq/application-document-lodged-06-10-2022-appendix-8-maca-act-correspondence.pdf>) lists all Marine and Coastal Area (Takutai Moana) Act 2011 applicant groups that Northport notified of the 2022 RMA Application; however, due to the clarification and refinement of applications by applicant groups, Northport understands that the Project will not be relevant to all of the listed applicant groups.
- (f) Nearby infrastructure operators, including Marsden Cove marina parties, Channel Infrastructure NZ Ltd, and Seafuels Ltd.
- (g) A limited number of nearby residents.
- (h) A range of people and businesses who will be positively affected by the Project.

For context, Northport's 2022 RMA Application was (at Northport's request) publicly notified in November 2022. 243 submissions were received: 176 in support; 10 neutral or not stated; and 57 in opposition. A full list of submitters on Northport's 2022 RMA Application is available here: <https://www.nrc.govt.nz/consents/resource-consent-hearings-documents/northport-limited-port-expansion-project-at-marsden-point-joint-notification/>

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

Northport has been, and remains, committed to meaningful consultation on its expansion plans. As part of its commitment to environmental management and the local community, Northport and its advisors have, over many years, engaged early and in good faith with a wide range of parties (including iwi/hapū, the Councils, institutional stakeholders, and the local community) and have genuinely sought to address concerns raised. Since 2017, Northport has proactively engaged with the community to share early plans for its proposed expansion and has utilised feedback to inform and revise/refine the Project.

Northport continued to engage proactively with submitters to resolve or narrow issues in the period leading up to the hearing for the 2022 RMA Application. In some cases that resulted in submitters' concerns being substantively addressed.

Detailed information regarding Northport's approach to consultation and the engagement undertaken for Northport's 2022 RMA Application is set out in the evidence of Northport's company witnesses and cultural advisor in the hearing documents available here:

<https://www.nrc.govt.nz/consents/resource-consent-hearings-documents/northport-limited-port-expansion-project-at-marsden-point-joint-notification/>

In summary:

(a) Public and stakeholder engagement

(i) Northport has, since 2017, undertaken a wide range of consultation with the public generally, and with interest groups; regulatory bodies; stakeholders; and commercial, recreational, environmental and special interest groups. Engagement has included initiatives such as a public website with detailed project information (www.visionforgrowth.co.nz); advertorials in the local newspaper; public meetings; public letter drops with information brochures; signage at the existing Northport facilities; attendance at several local events, including using a transportable shipping container booth repurposed for project engagement and making independent experts and Northport staff available to discuss key aspects; port tours; targeted involvement with the Marsden Bay and Whangārei Heads communities; and direct engagement with key stakeholders (for example Northland Regional Council, Whangarei District Council, the Harbourmaster, Ruakaka Economic Development Group, Marsden Cove Fishing Club, Bream Bay Coastal Care, Bream Head Conservation Trust, Te Araroa Trail, Orca Research Trust, Whangārei Harbour Marine Reserve Committee, Ruakaka Residents and Ratepayers Association Inc, Channel Infrastructure NZ Ltd, and government agencies such as NZ Defence, MBIE, Ministry of Transport, the Department of Conservation, and Waka Kotahi NZ Transport Agency).

(b) Engagement with iwi/hapū

(i) Northport greatly values its longstanding relationships with iwi/hapū, and has engaged meaningfully with iwi/hapū groups throughout the scoping, design and refinement of its proposed expansion plans. Engagement has included discussions and hui with numerous groups over an extended period since 2017, both before and after lodgement of Northport's 2022 RMA Application. For the 2022 RMA Application, Northport also agreed a process and methodology for engagement with Patuharakeke, funded the commissioning of a Cultural Values Assessment ("CVA") and Cultural Effects Assessment ("CEA") by Patuharakeke, and assisted Patuharakeke to be meaningfully involved (including by funding an independent technical review of pre-application documents by experts instructed by Patuharakeke and offering, at Northport's cost, access to Northport's expert consultants regarding any areas of concern). Consultation has been assisted by cultural advisors engaged by Northport. Northport continues to engage with iwi/hapū.

(ii) In addition, in accordance with its obligations under the Marine and Coastal Area (Takutai Moana) Act 2011, before lodging its 2022 RMA Application Northport notified and sought the views of those applicant groups that have applied for recognition of customary marine title in the area affected by the proposal. Two responses were received: from Te Whanau Whero (CIV-2017-405420), confirmed that the activity is outside the area covered by the claim; the other, from Ngapuhi, Ngati Wai, Haki Pereki and Ngawhetu Sadler Whanau Trust (represented by TeKiripute Sadler) (MAC-01-01-60), was generally in support of the project.

(c) Fast-track process engagement

(i) The MP for Whangārei, Hon Dr Shane Reti QSM, has recently provided a letter of support for the Project (attached).

Northport has carefully considered all feedback received on its expansion plans and has endeavoured to respond constructively, including through material changes to its proposal. Features and/or changes incorporated into the 2022 RMA Applications, including in response to matters raised during consultation, include the following:

(a) Proposals for meaningful community recreation and amenity opportunities in the Marsden Point area, including a "pocket park", cycleway/walkway, and water taxi pontoon which will create a range of land and sea-based recreation opportunities (including fishing, swimming, observing port operations

from a safe location, and socialising).

- (b) Development of a best practice dredge turbidity monitoring and management regime, including “real-time” responsive turbidity management.
- (c) A range of harbour restoration and other ecological initiatives.
- (d) Creation of additional variable oystercatcher and NZ dotterel high-tide roosting habitat to enhance bird habitat values.
- (e) Amendments to the proposed management of future traffic effects, as a result of engagement with Waka Kotahi NZ Transport Agency.
- (f) Processes regarding navigation safety and the management of potential effects on the continued operation of the existing Channel Infrastructure NZ Ltd facility.
- (g) Controls around potential effects on the Marsden Cove marina, including measures to minimise potential coastal process effects.
- (h) Through the design of the proposal and shaping of the proposed conditions associated with the 2022 RMA Application, significant efforts have been made by Northport to address concerns expressed regarding cultural issues. As part of its 2022 RMA Application, Northport included a comprehensive cultural mitigation proposal – an integral part of its wider effects management framework – that included a comprehensive range of initiatives aimed at addressing cultural effects.

This process of refinement means that Northport considers that the Project is an ideal proposal for the site: a proposal that both efficiently utilises the available physical resources, and appropriately manages effects.

Upload file here:

File C Hon Dr Shane Reti QSM letter of support.pdf was uploaded

Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

N/A

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

N/A

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

Yes

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

Upload your assessment if necessary:

No file uploaded

Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

As part of Northport's 2022 RMA Application, a comprehensive assessment of all potential adverse effects was undertaken by experienced independent experts. All experts consider that the potential adverse effects of the proposal can be appropriately managed, consistent with the applicable planning framework.

A summary of potential adverse effects of the Projects is set out below:

(a) Coastal processes

The Project will impact coastal processes (tidal current and sediment transport). These impacts will be moderate adjacent to the development, and minor elsewhere in the harbour, inlet, and Bream Bay.

(b) Landscape, natural character, and visual

Effects on landscape values, natural character, and visual amenity will range from very low to high depending on the viewpoint. Effects on outstanding natural landscapes will be minor or less, and effects on natural character will not be significant.

(c) Noise and vibration

Construction noise will fall within the permitted activity limits specified in the Whangarei District Plan ("District Plan"). Noise from expanded port operations will be reasonable and is proposed to be managed in accordance with a best practice noise management framework.

(d) Indigenous biodiversity

Marine ecology effects (excluding birds and marine mammals) will be minor/transitory, subject to the implementation of management measures. Coastal avifauna effects will be low to very low, taking account of management measures proposed. Marine mammal effects will be less than minor, taking account of best-practice management measures proposed. Effects on terrestrial flora (specifically dune vegetation) and habitat for fauna will be no more than minor.

(e) Channel navigation and safety, and oil spill risk

Potential effects around navigation safety and marine oil spill risk will be appropriately managed.

(f) Biosecurity

Biosecurity risks from construction and from ongoing operation of the expanded port will be appropriately managed.

(g) Archaeology

No archaeological sites have been identified within the Project footprint, and the potential for undetected subsurface remains within the Project area is very low.

(h) Recreation

While the Project will retain many elements of existing recreational amenity, the effects of the loss of beach area associated with the reclamation will be significant for recreational users of the beach, and more than minor at the regional scale. A range of initiatives to mitigate such effects are included in the Project design (for example the "pocket park"), and there are also a range of potential offsite mitigation opportunities that are capable of further managing effects of the Project.

(i) Stormwater discharges/water quality

Effects of discharges from the expanded port will be no more than minor, and consistent with applicable water quality requirements. Appropriate conditions can be attached to any resource consents to adequately provide for these issues.

(j) Air quality

Any air quality impacts, including dust, can will be appropriately managed.

(k) Transport

Traffic effects can be appropriately managed to maintain the safety and efficiency of the road network. Extensive discussions with representatives of NZ Transport Agency Waka Kotahi have traversed these issues.

(l) Cultural

As part of Northport's 2022 RMA Application process and hearing, cultural impacts associated with the proposed port expansion were described by

iwi/hapū. Northport has carefully designed the proposal to minimise effects, including cultural effects, and as part of the 2022 RMA Application Northport included a comprehensive “cultural mitigation proposal” setting out a range of initiatives by way of proposed consent conditions. Northport considers that cultural effects associated with the Project can be appropriately addressed.

Positive effects

While the Project will have adverse effects, it will also have significant positive effects. The major economic benefits that will be delivered by the Project are outlined in response to later questions. In addition to these core economic benefits, the Project will have a range of other positive effects and/or assist to manage adverse effects, including:

- (a) The Project will assist to facilitate trade in Northland (addressed below), and more broadly improve supply chain resilience for the Upper North Island, operating in conjunction with Port of Auckland and Port of Tauranga.
- (b) The Project will enable Northport to fulfil an enhanced role in responding to national or regional emergencies, including under the Civil Defence Emergency Management Act 2002 under which ports are defined as “lifeline utilities”. Specifically, when in a state of regional or national emergency, ports are often crucial to response efforts, as evident in recent events including Cyclone Gabriel, and the Auckland flooding.
- (c) Harbour restoration and other ecological initiatives are proposed to be enabled through conditions of consent.
- (d) The pocket park, cycleway/walkway, and water taxi pontoon will create a range of land and sea-based recreation opportunities (including fishing, swimming, observing port operations from a safe location, and socialising).
- (e) Roosting habitat for variable oystercatcher and NZ dotterel will be provided through the proposed high-tide bird roost.

Upload file:

No file uploaded

Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

The Project is consistent with all applicable national policy statements, being the New Zealand Coastal Policy Statement 2010 (“NZCPS”) and the National Policy Statement for Indigenous Biodiversity 2023 (“NPS-IB”). There are no national environmental standards of material relevance to the Project.

As part of Northport’s 2022 RMA Application, a comprehensive planning assessment by independent expert planning consultants was undertaken, drawing on the evidence of large number of technical experts. That assessment analysed in detail all relevant objectives and policies and other plan provisions and concluded that, overall, the effects of the proposal will be managed such that the proposal is well aligned with the applicable planning documents, including national direction.

NZCPS

Matters in the NZCPS of most relevance to the Project are: indigenous biodiversity, natural character, tangata whenua, public open space, coastal hazards, development in the coastal environment, integrated management, ports, reclamation, biosecurity, natural features and landscapes, sedimentation, and discharges in the coastal marine area.

Overall, the Project is consistent with the NZCPS.

(a) The Project receives specific and directive enabling support from Policy 9 (ports) and Policy 6 (activities in the coastal environment) of the NZCPS. The Project directly aligns with, and gains considerable support from, Policy 9 as it is founded on a need to integrate with and assist the national network of ports in New Zealand to provide for the efficient and essential movement of national and international freight. The Project is also consistent with, and meets the requirements of, Policy 10 of the NZCPS (reclamation).

(b) In addition, through careful assessment and design, involving input from a range of experienced independent expert advisors, Northport has carefully designed the Project so that it achieves the NZCPS’s “avoidance” requirements, including with respect to indigenous biodiversity (Policy 11) and natural character and natural features and landscapes (Policy 13 and 15).

NPS-IB

The NPS-IB provides direction to councils to protect, maintain, and restore indigenous biodiversity. The objective of the NPS-IB is to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity. The NPS-IB only applies to indigenous biodiversity in the terrestrial environment.

To the extent that the NPS-IB applies to the Project, the Project is consistent with the relevant provisions of the NPS-IB. The Project will manage effects on coastal avifauna in a manner that is consistent with the relevant policies in the NPS-IB (including Policy 15). In addition, with respect to terrestrial indigenous biodiversity: there will be no Significant Natural Areas affected; no significant effects on indigenous biodiversity; and residual effects of the Project will be managed in a way that is consistent with the objectives and policies of the NPS-IB.

File upload:

No file uploaded

Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

Access to the proposed fast-track process will likely enable the Project to be processed in a significantly more time and cost-effective manner compared with normal processes. It will provide a much more streamlined process – and a pragmatic decision-making framework – for the consideration of the Project, offering a fit-for-purpose consenting pathway for Northport to deliver a project with clear regional and national benefits. Overall, the proposed faster, cheaper, simpler approvals system – which places more value on quality development – will help remove barriers to the delivery of major proposals like the Northport Container Terminal Expansion.

As outlined above, in October 2022 Northport applied to Northland Regional Council and Whangarei District Council for resource consents under the RMA for substantially the same project (the 2022 RMA Application). The application, which was publicly notified at Northport's request, has been part-heard by Independent Commissioners, with no decision issued. Once a decision is issued, it is likely there will be appeals to the Environment Court, which could take further years to determine.

Northport's ongoing 2022 RMA Application provides recent first-hand experience regarding the undue time, cost, and uncertainty associated with obtaining consents for regionally or nationally significant infrastructure under the RMA and other legislation. Issues include improperly focused attention on the minutiae of policies or plans written to deal with general situations rather than individual applications, unproven or unscientific assertions leading to unnecessary levels of avoidance or precaution, and/or systems not designed to readily discount short-term/"blinkerred" views or irrelevant issues.

Based on its experience, Northport is confident that the fast-track process will provide a much more streamlined approvals regime for the Project, and other regionally or nationally significant proposals across the country, including as a result of the following:

- (a) The purpose of the Fast-track Approvals Bill establishes a clear statutory mandate for a streamlined and efficient process to facilitate the delivery of nationally and regionally significant projects.
- (b) The timeframes provided under the fast-track process are materially more efficient than those the Project would otherwise be subject to.
- (c) The fast-track process applies to approvals under a range of legislation (i.e. it is a "one-stop-shop"), which will streamline the overall approvals process, including by avoiding duplication and providing increased certainty at the conclusion of the fast-track process.
- (d) Under the fast-track process, hearings are not mandatory, public and limited notification is precluded (while appropriate provision for third-party involvement is maintained), and appeals are limited to points of law. As noted above, while the council-level hearing for Northport's 2022 RMA Application is nearly complete, a lengthy Environment Court appeals process, including hearing, is possible/likely.
- (e) The hierarchy under which expert panels must assess resource consent applications elevates the purpose of the Fast-track Approvals Bill above other considerations, including the purpose and key provisions of the RMA and associated policy and plan documents. This will assist to avoid unnecessary rigidity in the assessment of projects, including so that directive provisions within policy or plan documents are not given inappropriate significance.

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

The Project will not negatively impact the efficient operation of the fast-track process. Rather, it will contribute to the efficient operation of the fast-track regime.

The work already undertaken for Northport's 2022 RMA Application – including extensive consultation, the engagement of independent experts, and the finalisation of a comprehensive package of expert assessments and evidence – means that a substantive consent application under the fast-track system can be packaged imminently (it is essentially "on the shelf"). In addition, the consenting issues associated with the Project are readily amenable to efficient and effective determination through the fast-track process.

Has the project been identified as a priority project in a:

Local government plan or strategy

Please explain your answer here:

The Project is identified as a priority in numerous documents.

Te Tai Tokerau Resilience Action Plan

Central government commissioned the Te Tai Tokerau Resilience Action Plan to outline short, medium, and long-term resilience-building priorities for Northland. The Plan was published in February 2024 and identifies Northport's expansion as a "key action for resilience".

Whangarei District Council Long Term Plan

Northport's expansion is explicitly identified as a "key priority" in Whangarei District Council's Long Term Plan 2021-2031, which states:

...we need to continue to prioritise... advocating for future opportunities – like [the] Northport expansion...

Northport is identified as one of five "key strategic priority areas", which have "framed decision-making through the LTP process, including the

prioritisation of projects and funding". These priorities align to and underpin the Council's vision for "an inclusive, resilient and sustainable District."

The proposed dry-dock facility to the west of Northport is also identified in the Long Term Plan. [Note: the dry-dock proposal is not part of this application, and is a related infrastructure proposal associated with the existing Northport facility.]

RMA planning documents

As outlined above, the Project receives specific and directive enabling support from the RMA plan/policy framework. Northport and/or its expansion are identified in several RMA plans or policy statements. For example:

- (a) As outlined above, Northport is recognised as regionally significant infrastructure in the Northland Regional Policy Statement ("RPS") (Appendix 3); the Northland Regional Plan (Operative in Part) ("Regional Plan", which is now essentially operative) (Appendix H.9); and the District Plan (see the Definitions Chapter). Regionally Significant Infrastructure has elevated importance in the planning framework through specific objectives and policies, including provisions that seek to recognise, promote, and enable it (see for example RPS Objective 3.7; and Regional Plan Objective F.1.6).
- (b) The RPS and the Regional Plan provide direct and compelling support for the Project. Within the coastal marine area, the Project sits entirely within the Marsden Point Port Zone ("MPPZ") in the Regional Plan, the purpose of which is to:
"Recognise that the purpose of the Coastal Commercial Zone and Marsden Point Port Zone is to enable the development and operation of existing and authorised maritime-related commercial enterprises or industrial activities located within these zones."
- (c) Policy PORTZ-P1 'Regional Significance' of the District Plan, relating to landward port functions is:
"To recognise the regional significance of the Port by providing for a wide range of existing and future port operations and port activities within the Port Zone."
- (d) Development of Northport at this particular location, including by dredging and reclamation, has very clearly been considered and is specifically provided for in the zone provisions. Directive enabling support is provided by the MPPZ zoning. Relevantly, the MPPZ zone is limited to one location in all of Northland – being the area immediately around the existing Northport facility. This singular location includes all of the seaward area within which the Project is located.
- (e) Port-related development is therefore not only contemplated at this location in the RMA planning documents, but it is specifically directed.

Other documents

Tai Tokerau Northland Economic Action Plan (2019 Refresh) identifies the Project as a key project to improve logistics/transport infrastructure and services.

In addition, more than 20 economic studies have been conducted on the future of the upper North Island supply chain and implications for Port of Auckland, the Port of Tauranga, and Northport. This includes two recent well-resourced studies published by the NZ Government (Ministry of Transport (2018), Upper North Island Supply Chain Strategy – appointed Working Group, August 2018; and Sapere (2020), Analysis of the Upper North Island Supply Chain Strategy Working Group Options for moving freight from the Port of Auckland.) The Upper North Island Supply Chain Strategy Independent Working Group identified shifting Port of Auckland Ltd's freight to Northport as the preferred option.

Will the project deliver regionally or nationally significant infrastructure?

National significant infrastructure

Please explain your answer here:

The Project will deliver infrastructure that is both regionally and nationally significant.

- (a) As outlined above, Northport currently plays a vital role in Northland's regional economy, supporting imports and exports and a range of related activities. This role has expanded and diversified materially since Northport began operating. Northport is recognised as regionally significant infrastructure in the RPS, the Regional Plan, and the District Plan.
- (b) Beyond its local and regional importance, and due to its integration into the national port network, Northport is significant nationally for its freight handling, commercial, transportation, and infrastructure functions.
- (c) Under the Civil Defence Emergency Management Act 2002, Northport is defined as a "lifeline utility". Lifeline utilities are entities that provide essential infrastructure services to the community. These services support communities, enable business, and underpin the provision of public services.
- (d) The Project will facilitate the much-needed expansion of Northport, catalysing meaningful benefits for the district, the region, and the nation. Delivery of the Project will further solidify and enhance Northport's regional and national significance as an infrastructure resource, enabling Northport to operate in tandem with Port of Tauranga and Port of Auckland to form an integrated and resilient Upper North Island Supply Chain.

Overall, the Project represents a significant and valuable opportunity to expand the Port as a key regional asset and nationally significant infrastructure resource, and to contribute to regional and national social and economic wellbeing in an environmentally sustainable manner.

Will the project:

increase the supply of housing, address housing needs, contribute to a well-functioning urban environment

Please explain your answer here:

As a commercial, infrastructure, and transportation hub, Northport contributes to a range of wider economic, social, and environmental benefits. The Project will enhance the capability of Northport to fulfil its full range of functions.

The Project will assist with increasing housing supply and addressing housing needs and contributing to a well-functioning urban environment. The port operates as a transport hub for importation and distribution of construction materials, including steel, and for pre-fabricated modular housing. For example, TLC Modular currently uses Northport to import and store pre-fabricated pods before shipping them to building projects across the upper North Island, including Kāinga Ora residential buildings.

Well-functioning urban environments are also environments that support reductions in greenhouse gas emissions and are resilient to climate change effects. The Project will make contributions in these ways by facilitating increased emissions-efficient transportation, compared to some other commercial transport modes, and enhancing resilience to climate change impacts (as outlined below).

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

The Project will deliver a range of significant economic, employment, social, and other benefits. It will generate considerable positive economic effects for the local, regional, and national economies, enabling the expansion of a highly valuable physical resource (i.e. the port), thereby enabling the community to provide for its social, cultural, and economic wellbeing.

The significant and enduring economic benefits that will be facilitated by the Project include the following:

(a) Multi-Regional Input Output assessment undertaken by Market Economics shows that:

(i) With the delivery of the Project, the annual value of Northport's direct role (as a business) in the Northland economy could range from **s 9(2)(b)(ii)** added under a Business as Usual ("BAU") scenario to **s 9(2)(b)(ii)** under a higher-growth North Auckland Imports ("NAI") scenario, by 2050. The value added at this level could sustain the equivalent of 320 to 480 jobs annually.

(ii) With the delivery of the Project, the annual value of the economic activity facilitated by Northport (which includes the trade tasks it handles) in the Northland economy could range from approximately **s 9(2)(b)(ii)** added under a BAU scenario, to **s 9(2)(b)(ii)** added under the NAI scenario by 2050. In terms of jobs, this is equivalent to sustaining between 14,800 and 16,100 jobs for a year, each year.

(iii) The Project will deliver a range of synergistic economic and other benefits with the major dry-dock proposal to the west of Northport, which is also identified as a priority in Whangarei District Council's Long term Plan 2021-2031; and with other proposed/potential major projects such as four-laning the highway from Whangārei to Port Marsden, and the rail spur to Marsden Point.

(iv) The Project will also have a symbiotic relationship with the master-planned development proposed by Marsden Maritime Holdings Ltd ("MMH") – the He Ara Huringa Business Park and Tech Hub. Port-related aspects of the MMH proposal, such as bulk storage, packing and unpacking of containers, freight forwarding, distribution hubs, cool stores, warehousing, workshops and engineering, will be enabled by the port's expansion, which will support Northland unlocking its potential and improve the socio-economic well-being across the region.

(b) The Project will improve the efficiency and resilience of the national port network, representing an integral part of an efficient national network of safe ports.

Will the project support primary industries, including aquaculture?

Yes

Please explain your answer here:

As a commercial, infrastructure, and transportation hub, Northport facilitates and contributes to a wide range of business sectors, including primary industry. For example, while Northport's role has diversified significantly since its inception in 2002 – which at that time was principally to facilitate forestry exports – Northport remains a major forestry export port. In addition, Northport facilitates trade in other primary industries, including agriculture (for example, refrigerated export of kiwifruit). There are also opportunities for a wide range of other primary industries to utilise Northport in the future.

The Project will enhance Northport's capability to support primary industry.

Will the project support development of natural resources, including minerals and petroleum?

Yes

Please explain your answer here:

As outlined above, as a commercial, infrastructure, and transportation hub, Northport facilitates and contributes to a wide range of business sectors, including those that involve the development of natural resources. For example, logs, woodchip, and processed timber for export have comprised the bulk of cargo handled by the port. Northport has a business relationship with Golden Bay Cement, who process natural aggregate resources into cement, both in terms of handing/storing imports of raw material and coastal shipping of bulk cement products to Lyttelton (originally established as part of the Christchurch earthquake recovery). Northport is also used for the supply of coal and gypsum to Golden Bay Cement, which are used in the cement-making process. Golden Bay cement is New Zealand's only local supplier of cement powder. In addition, Northport works with Channel Infrastructure to handle import and export of infrastructure for the adjacent (former) refinery and now refined petroleum products import and distribution terminal. As a multi-purpose facility, there are also opportunities for a wide range of other industries that involve the development of natural resources to utilise Northport in the future, for example the transport of renewable energy generation components.

The Project will enhance Northport's capability to support such industries.

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Yes

Please explain your answer here:

At the macro scale, the Project will facilitate increased maritime shipping, which is an efficient form of commercial transport in terms of greenhouse gas emissions. There are also ongoing opportunities in the maritime shipping sector to reduce greenhouse gas emissions, for example implementing a "hub and spoke" concept for international container lines through Northport, better utilising lower emission coastal shipping.

At the local scale, Northport is acutely aware of the importance of a move towards future de-carbonisation. The company has, and continues to, actively explore how it may contribute to emissions reductions. This has included projects to improve efficiency and reduce waste, and progressively upgrading equipment to achieve technology gains. While the technology is not yet economic, Northport is committed to the use of sustainable fuels and/or electrification of its vehicle fleet over time. Cranes purchased in 2015 and 2020 are both capable of being connected to shore-power, removing the need for onboard diesel generators. Smaller port service vehicles have also been replaced with electric vehicles, and the latest edition to the small vehicle fleet is a hybrid. Larger plant, such as container handlers, are not yet readily available fully electric, and while alternative fuels are being explored by the industry these are not yet available. Notwithstanding, Northport has embarked on a replacement programme using Euro-5 engine technology to improve emissions. The Project will help accelerate Northport's decarbonisation efforts.

Will the project support adaptation, resilience, and recovery from natural hazards?

Yes

Please explain your answer here:

The Project will enable Northport to be resilient to natural hazards (addressed below). It will also enable Northport to fulfil an enhanced role in responding to national or regional emergencies, including under the Civil Defence Emergency Management Act 2002 under which ports are defined as "lifeline utilities". Specifically, when in a state of regional or national emergency, ports are often crucial to response efforts, as demonstrated in recent events including Cyclone Gabriel and the Auckland flooding. The Project will enhance Northport's contribution to resilience in the Upper North Island regions, including by improving disaster recovery capability throughout those regions, with Northport operating in conjunction with Port of Auckland and Port of Tauranga.

As noted above, Te Tai Tokerau Resilience Action Plan, which outlines resilience-building priorities for Northland, identifies Northport's expansion as a "key action for resilience". The Rationale and Approach document accompanying the Te Tai Tokerau Resilience Action Plan states that Northport "...is continuing a program of expansion of the port, contributing to Northland's economic resilience and functioning as an alternative supply point for the region" (page 18).

Will the project address significant environmental issues?

Yes

Please explain your answer here:

The Project will address significant environmental issues. The ways in which the Project will contribute positively to significant environmental issues have been outlined in response to other questions. Principal among these is that the Project will improve the efficiency and resilience of the national port network/infrastructure, which is recognised as a critical environmental issue. Policy 9 of the NZCPS is a specific policy for ports. It recognises the importance of ports to a sustainable national transport system in New Zealand and provides support for the Project.

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

The Project is consistent with district and regional planning documents, including the RPS, the Regional Plan, and the District Plan.

As outlined earlier, the Project receives specific and directive enabling support from the local plan/policy framework, including the RPS, Regional Plan, and District Plan. The Project is located in District and Regional Plan zones created specifically for port establishment, operation, and upgrading/development. In addition, the Project has a very high level of alignment with the objectives and policies pertinent to these zones, to regionally significant infrastructure, and to economic development in general.

In addition, through careful assessment and design, and proposed conditions of consent (all involving input from a range of experienced independent expert advisors) Northport has carefully designed the Project such that it achieves the planning framework's strict "avoidance" requirements applying to certain effects/features, including with respect to the indigenous biodiversity provisions of the Regional Plan and RPS.

In summary, the Project is consistent with the planning provisions relating to the following key resource management matters (topics) in the district and regional planning documents:

(a) Regionally Significant Infrastructure.

- (b) Indigenous biodiversity.
- (c) Reclamation.
- (d) Dredging, disturbance, and deposition.
- (e) Natural character.
- (f) Amenity values (including port noise).
- (g) Tangata Whenua.

Anything else?

Please write your answer here:

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

Yes

If yes, please explain:

Ports have a functional need to locate in the coastal marine area. They are therefore exposed to coastal natural hazards, including as a result of climate change.

Natural hazard risks associated with the Project, including tsunami risk and hazards associated with increasing sea levels, have been assessed by a range of independent experts. Natural hazard impacts on the proposed expanded port will be avoided as far as practicable, and otherwise appropriately managed through the implementation of a suite of best-practice modern design and management measures. Relevant design measures include the proposed height of the port deck above sea level, proposed rock armouring of the reclamation extents, and inclusion of an appropriate/modern stormwater treatment and conveyance system.

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

Northport is extremely conscious of its corporate and community responsibilities in terms of environmental sustainability. Working at the mouth of the Whangārei Harbour, Northport is strongly committed to protecting the local environment.

Northport operations are carefully managed to avoid, remedy or mitigate any adverse effects on the environment, and to effectively and efficiently address any issues/complaints that arise.

Northport has a positive track-record of environmental compliance. With respect to the relevant legislation, Northport has identified the attached compliance/enforcement actions only. None of the attached matters progressed beyond the issuing of an abatement notice, and none remain ongoing.

Load your file here:

File D Northport relevant compliance enforcement record.pdf was uploaded

Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

Chris Simmons

Important notes