

## PROPOSED WDC CONDITIONS: NORTHPORT LIMITED (UPDATED/FINAL VERSION 16 MAY 2024)

### PORT EXPANSION, SH15, MARSDEN POINT (Operations)

To undertake the following activities at or near Ralph Trimmer Drive, Marsden Point:

- Port activities on the proposed reclamation and wharves, and on those parts of the proposed port development area above Mean High Water Springs (including activities on the reserve area and associated amenities).

**Note:** All location coordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection (unless expressly stated otherwise).

SUBJECT TO THE FOLLOWING CONDITIONS

#### DEFINITIONS:

- “Building”** means a temporary or permanent moveable or immovable physical construction that:
- (a) is partially or fully roofed, and
  - (b) is fixed or located on or in land, but
  - (c) excludes any motorised vehicle or other mode of transport that could be moved under its own power.
- “Council”** means Whangārei District Council or its successor;
- “Current Port Noise Contour Map”** means the map showing predicted incident port noise levels required to be prepared and updated pursuant to Condition 25(e).
- “Commencement of these consents”** means the date the last of the consents applied for by Northport for its Expansion Project commences according to s 116 of the RMA;
- “Expansion Project”** means the Northport expansion to the east of the existing consented and/or constructed port for the purposes of constructing, operating, and maintaining a container terminal as authorised by these consents (and associated regional consents), and all associated activities and works;
- “Major Structure”** means any:
- (a) vehicle used as residential activity, excluding temporary activities.
  - (b) network system exceeding 1.5m in height above ground level or 3m<sup>2</sup> ground coverage.
  - (c) fence or wall, or combination of either, greater than 2m in height above ground level. Where there is less than a 1m separation distance

between any separate fence or wall, or combination of either, then their height must be measured from the lowest ground level of to the highest point of either.

- (d) tank or pool exceeding 35,000 litres.
- (e) structure greater than 2.2m in height above ground level or greater than 9m<sup>2</sup> ground coverage, including outdoor stockpiles or areas of storage, but excluding amateur radio configurations.

**“Pocket Park”**

means the public park (recreational open space) area near the south-eastern corner of the Expansion Project site, as shown in Boffa Miskell “Proposed Concept Plan”, BM220519-201 (Revision B, 25.7.22); and

**“Port Activities”**

means the use of land and/or Buildings for port related activities, including but not limited to:

- (a) port and ancillary port activities;
- (b) cargo handling, including the loading, unloading, storage, processing and transit of cargo;
- (c) debarking;
- (d) fumigation;
- (e) transport, storage and goods handling activities;
- (f) maritime passenger handling/services;
- (g) construction, maintenance and repair of port operations and facilities;
- (h) port administration;
- (i) refuelling/fuel handling facilities;
- (j) activities associated with surface navigation, berthing;
- (k) maintenance or repair of a reclamation or drainage system;
- (l) marine and port accessory structures and services;
- (m) repair and maintenance services and facilities ancillary to port activities;

**“Practical Completion”**

in relation to the reclamation, means the date that the completed reclamation (or any part thereof) is available for Port Activities;

**“RMA”**

means the Resource Management Act 1991;

**“Suitably Qualified and Experienced”**

means a person or persons with a recognised qualification and/or relevant experience relevant to the topic being assessed.

## GENERAL:

1. Works/activities authorised by these consents must be undertaken in general accordance with the application received by Council on 6 October 2022 and all supporting information, including the following documents and plans (including as amended through the application and hearing process). If there is any conflict between the relevant documents/plans and these conditions of consent, these conditions of consent prevail.

### AEE reports

- Marshall Day Acoustics Ltd '*Northport Container Terminal Expansion Noise Assessment*' (Rp 002 R07 20200547) dated 29 September 2022.
- Enviser Ltd '*Draft Construction Environmental Management Plan*' (Enviser ref. 1116) dated October 2022.
- MetOcean Solutions '*Effects of Proposed Reclamation and Dredging Layout on Hydrodynamics*' dated August 2022.
- Tonkin and Taylor Ltd '*Coastal Process Assessment*' (ref. 1017349 v3) dated September 2022.
- Coast and Catchment Ltd '*Assessment of Ecological Effects*' Report number 2021-24 dated September 2022.
- Boffa Miskell Ltd '*Coastal Avifauna Assessment*' Rev. G dated 3 October 2022.
- Cawthron Institute '*Potential Effects of the Proposed Northport reclamation on Marine Mammals in the Whangarei Harbour Region*' Report no. 3652 dated September 2022.
- Brown NZ Ltd '*Assessment of Landscape, Natural Character and Amenity Effects*' dated September 2022.
- Clough and Associates Ltd '*Archaeological Assessment*' dated June 2022.
- WSP Ltd '*Concept Design Report*' Ref. 6-DV652.00 Rev. C dated August 2022.
- Rob Greenaway and Associates '*Recreation Effects Assessment*' dated September 2022.
- Hawthorn Geddes Ltd '*Stormwater Pond Assessment Report*' HG ref. 12377 Rev. 3 dated 10.8.22.
- Pattle Delamore Partners Ltd '*Air Quality Assessment*' Ref. A03566800R001 dated 5.8.22.
- Market Economics Ltd '*Economic Assessment*' Ref. NPL 001.20 dated September 2021.
- Patuharakeke Te Iwi Trust Board '*Interim Cultural Effects Assessment*' dated November 2021.
- Styles Group '*Assessment of Underwater Noise Effects*' dated 2 August 2022.
- Northport '*Navigation Safety Report*' dated September 2022.
- WSP Ltd '*Traffic Impact Assessment*' Ref. 1-19278.01/00006 dated 30.08.22.
- 4Sight Ltd '*Intertidal Ecology Report*' dated May 2018.

### RFI responses

- Response to information request dated 25 October 2022.
- Response to information request dated 21 February 2023.
- Response to information request dated 13 July 2023.

### Plans/drawings

- WSP Ltd 'Design Drawings' 1-19278.01(03) – Sheets C01 (Rev. D), C02 (Rev. D), C03 (Rev. D), and C04 (Rev E).
  - Boffa Miskell Ltd – 'Pocket Park Concept Plan' – BM220519-201 and BM 220519-200 (Rev B).
  - Reyburn and Bryant – 'Northport Expansion (Berth 5) – O14656 (Rev. A).
  - Northport – 'Relocated Tug Facility Eastern End – Concept Plan' (R0) dated September 2022.
2. A copy of these consents and the most up-to-date certified versions of all management plans required by these consent conditions must be kept on site at all times and made available to persons undertaking activities authorised by these consents.
  3. Within ten (10) working days of the section 245(5) certificate being issued for the reclamation the consent holder must provide a copy of the certificate to the Council.
  4. All monitoring/sampling required under these consents must be undertaken by or under the supervision of a Suitably Qualified and Experienced person(s).

### Complaints

5. The consent holder must maintain a Complaints Register for the purpose of recording and dealing with any complaints that are received by the consent holder in relation to the exercise of these resource consents. The Complaints Register must record, where this information is available:
  - (a) Name of complainant, if provided to the consent holder;
  - (b) The date and time of the complaint;
  - (c) A description of the complaint;
  - (d) The location of the issue raised;
  - (e) Weather conditions at the time of complaint, including a description of wind speed and wind direction when the complaint occurred (if relevant).
  - (f) Any possible cause of the issue raised;
  - (g) Any investigations that the consent holder undertook in response to the complaint; and
  - (h) Any corrective action taken to address the cause of the complaint, including the timing of that corrective action; and
  - (i) Any feedback provided to the complainant.
6. The consent holder must provide a copy of the complaints register to the Council within five working days of receiving a request to do so from the Council.

### Certification

7. Where any condition requires the consent holder to submit design plans, engineering plans, a report or management plan to the Council for "**certification**" it means the process set out in the following paragraphs (a) to (d) and the terms "certify" and "certified" have the equivalent meanings:

- (a) The consent holder supplies design plans, engineering plans, reports, or a management plan to the Council, and the Council assesses the documentation submitted. The certification process for design plans, engineering plans, management plans and reports required by conditions of this consent must be confined to confirming that the plans or reports give effect to their purposes, consent condition requirements, and schedule requirements, and contain the required information;
  - (b) Should the Council determine that the documentation supplied in accordance with (a) above achieves the requirements of the relevant condition(s), the Council must issue a written confirmation of certification to the consent holder;
  - (c) If the Council's response is that it is not able to certify a design plan, engineering plan, management plan or report, it must provide the consent holder with reasons and recommendations for changes to the plan or report in writing. The consent holders must consider any reasons and recommendations of the Council and resubmit an amended design plan, engineering plan, management plan, or report for certification;
  - (d) A design plan, engineering plan, management plan or report cannot be subject to a third-party approval. The Council in deciding whether to certify the design plan, engineering plan, management plan or report, however, may also obtain advice from other qualified person(s).
8. The process in Condition 7 must be repeated until the Council is able to provide written confirmation that the requirements of the applicable condition(s) have been satisfied.
  9. The consent holder must comply with the certified management plan or report at all times.

#### **Review under s128 of the RMA**

10. The Council may serve notice on the consent holder of its intention to review the conditions of these consents pursuant to Section 128 of the RMA either:
  - (a) Annually during the month of March, for any one or more of the following purposes:
    - (i) To require the adoption of the Best Practicable Option to remove or reduce any adverse effect on the environment; or
    - (ii) To deal with any change(s) to the materials handled through the Port Terminal; or
    - (iii) To respond to any new technology, standards or monitoring parameters relevant to the environmental monitoring undertaken in accordance with these consents.
  - (b) At any time, for the following purpose:
    - (i) To deal with any adverse effects on the environment which may arise from the exercise of the consents and which it is appropriate to deal with at a later stage, including effects identified in the consent holders monitoring results or reports from activities authorised by these consents and/or as a result of Council's state of the environment monitoring in the area.
11. The consent holder must meet all reasonable costs of any such review.

### Stakeholder and Communications Management Plan

12. The Consent Holder must continue to comply with the following requirements of the Stakeholder and Communications Management Plan (SCMP) approved under Conditions 13-16: of [Insert WDC consent reference]
- (a) Procedures for responding to queries and complaints; and
  - (b) Engaging with stakeholders such as Channel Infrastructure, Seafuels, affected landowners, tangata whenua, community groups, local businesses and representative groups, residents' organisations, other interested groups or individuals, network utility operators, Northland Regional Council and associated local authorities, Waka Kotahi, and the Council;
  - (c) Informing the Whangarei community of any proposed maintenance dredging;
  - (d) Engaging with the community to foster good relationships and to provide opportunities for learning about the port;
  - (e) Making each management plan relating to ongoing port operations publicly available once a management plan is finalised.

**Advice note:** *The SCMP prepared under Conditions 13-16 of the WDC land use consent for port construction [insert WDC consent reference] may contain a separate section relating to port operations only, covering matters (a)-(e) above.*

### LAPSING OF CONSENTS

13. This resource consent will lapse twenty (20 years) after commencement, except the consents for port activities that are subject to Section 116(2) of the RMA for which the lapse date is five (5) years after the commencement of those resource consents.

**Advice Note:** *Pursuant to section 116(2)(b) of the RMA any district resource consent relating to an area of the coastal marine area that is proposed to be reclaimed must not commence until the proposed location of the activity has been reclaimed and a certificate has been issued under section 245(5) in respect of the reclamation.*

### CONSENT SURRENDERS

14. Within three (3) months of the date of Practical Completion of the Expansion Project reclamation, the consent holder will give notice of the surrender of the following resource consents:
- (a) RC36355.1 (Berth 1 and 2); and
  - (b) Decision #11 – Whangārei District Council: Land Use Consent No. 1 (Berth 3 and 4) (no known consent reference number).

**Advice Note:** *The surrender of the above resource consents will consolidate, including for monitoring and enforcement purposes, resource consents and conditions applying to the expanded Northport.*

### **Pocket Park – Maintenance**

15. The consent holder must maintain the Pocket Park in perpetuity in accordance with the Maintenance Management Plan certified by Condition 25 of the WDC land use consent for port construction [insert WDC consent reference].

### **Landscape Planting**

16. The consent holder must maintain the landscape planting in perpetuity in accordance with the approved Landscape Planting Plan in Condition 27 of the WDC construction consent [insert WDC consent reference]. If any plants fail or are removed, they must be replaced as soon as practicable and prior to the end of the following planting season (April – October) with an equivalent specimen.

## **PORT OPERATION**

### **Port Activities – location**

17. From the first commencement of any of these resource consents, Port Activities may occur on any land within the area shown in the figure at **Appendix 1**

### **Operational noise**

#### Application

18. Upon Practical Completion of the Expansion Project reclamation, Conditions 19 to 29 apply to all Port Activities within the area shown in the figure at **Appendix 1**.

***Advice Note:** In accordance with Condition 18, the consent holder is required to provide written notice to the Council of its intention to surrender the existing Berth 1 and 2 and Berth 3 and 4 resource consents relating to port noise. This will consolidate, including for monitoring and enforcement purposes, the operational port noise resource consents and conditions applying to the expanded Northport, meaning that a single resource consent and single set of conditions will apply to all Northport operational port noise.*

#### Port noise limits

19. Noise from Port Activities within the areas shown in the figure at **Appendix 1** must be measured and assessed in accordance with NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning.
20. Noise from Port Activities within the areas shown in the Figure at **Appendix 1**, when received on land, must not exceed the levels shown in the Future Port Noise Contour Map in **Appendix 3** which reflects limits of 58 dB L<sub>dn (5-day)</sub> in the Settlement Zone in Reotahi and 54 dB L<sub>dn (5-day)</sub> in the Residential zone in Marsden Bay.

***Advice Note:** The noise contours in the Future Port Noise Contour Map were interpolated between grid points calculated at 10m intervals and 1.5m above ground level. Topographical contours and building outlines were sourced from LINZ (2017) and assumed a generic building height of 4.5m.*

### Port noise mitigation

21. Where the measured or predicted incident port noise level shown on the Current Port Noise Contour Map (required under Condition (e) exceeds 55 dB L<sub>dn</sub> (5-day) at the external façade of a habitable space in a residential unit existing at the Commencement of these consents, the consent holder must offer to the landowner the option to install (at the consent holder's cost) mechanical ventilation and cooling. The Current Port Noise Map is informed by a periodic review as part of the Port Noise Management Plan detailed in Condition 25(e). Any works must:
- (a) Achieve an indoor design noise level no greater than 40 dB L<sub>dn</sub> (5-day) in all habitable rooms of the residential unit when the windows and doors are closed;
  - (b) Satisfy clause G4 of the New Zealand Building Code;
  - (c) Provide occupant-controlled ventilation that provides at least six (6) air changes per hour, or occupant controlled cooling that can maintain the inside temperature of the habitable room below 25°C;
  - (d) Provide relief for equivalent volumes of spill air; and
  - (e) Locate any outdoor heat pump condenser unit at least 5m from the direct external entrance to a living area.
22. Mechanical ventilation and cooling noise within dwellings identified in Condition 21 must be measured in accordance with AS/NZS 2107:2016 "Acoustics- Recommended design sound levels and reverberation times for building interiors". The mechanical ventilation and cooling design noise levels in habitable spaces must not exceed the following on the low-speed setting:
- (i) 30 dB L<sub>Aeq</sub> in bedrooms, and
  - (ii) 40 dB L<sub>Aeq</sub> in all other habitable spaces.
23. If the offer under Condition 21 is accepted by the landowner, the mechanical ventilation/cooling, must be installed at the expense of the consent holder as soon as practicable and no later than 18 months of the offer being accepted.

**Advice Note:** *The consent holder's obligations extend only to installation of the mechanical ventilation or cooling. To avoid doubt, the consent holder is not responsible for ongoing maintenance.*

24. Acceptance of the offer under Condition 21 may be made by the landowner within 24 months of the offer.

### Port Noise Management Plan

25. At least three (3) months prior to the commencement of any Expansion Project Port Activities (excluding Expansion Project construction) a Port Noise Management Plan must be prepared in accordance with the requirements in Section 8 of NZS 6809:1999 Acoustics – Port Noise Management and Land Use Planning and submitted to the Council for certification. The Port Noise Management Plan must contain the following information:
- (a) The Port Noise Management Plan objectives and methods to achieve the objectives, including:
    - (i) To ensure the consent holder complies with the noise limits in Condition 20;



- (ii) To provide a framework for the measurement, monitoring, assessment, and management of port noise levels;
  - (iii) To identify and adopt the best practicable options for the management of noise effects;
  - (iv) To engage with the community and manage noise complaints in a timely manner, including through participation in a Port Noise Liaison Committee to be established as a sub-committee of the existing Community Liaison Group;
- (b) Noise modelling, continuous noise monitoring, auditing, and reporting procedures to be undertaken and funded by the consent holder;
- (c) Practices that will be used to manage noise effects, including procedures for achieving noise reduction through port operational procedures and staff and contractor training;
- (d) Procedures to receive and respond to complaints, and to maintain a register of all complaints received, the details of the complaints, and any action taken to investigate and/or resolve the complaints;
- (e) The Current Port Noise Contour Map;
- (f) Identification of all properties where Condition 21 applies;
- (g) Details of the Port Noise Liaison Committee required under Condition 25(a)(iv) including:
- (i) The functions and processes of the Committee, including to consider all noise issues arising from the port and to ensure that mitigation functions identified in the Port Noise Mitigation Plan are carried out;
  - (ii) The members for the Committee and their roles, with Committee seat invitations being required to be made as follows:
    1. Two representatives of the port operator;
    2. Two port user representatives (with invitations to be made to two different port users);
    3. One representative of Northland Regional Council;
    4. One representative of Whangārei District Council;
    5. One community representative for Reotahi;
    6. One community representative for Albany Road;
    7. One representative of the Ruakākā Parish Residents & Ratepayers Association;
    8. One representative of the Whangārei Heads Citizens Association;
    9. One representative of Patuharakeke Te Iwi Trust Board; and
    10. One representative of Ngātiwai Trust Board;
    11. One representative of Te Parawhau Hapu.
  - (iii) Details of the secretarial and logistical support to the Committee which must be provided and fully funded by the consent holder;

- (iv) The frequency of Committee meetings, which must be annually at a minimum, and procedures for calling an emergency meeting of the Committee;
  - (v) Procedures for recording minutes of the Committee, which must be made publicly available;
  - (vi) Procedures for consideration by the consent holder of any recommendations by the Committee; and
  - (h) Where applicable, any recommendations made by the Port Noise Liaison Committee, and any actions by the consent holder to implement those recommendations (this requirement must not apply to the first Port Noise Management Plan produced).
26. The Port Noise Management Plan, including the appended Current Port Noise Contour Map, must be reviewed annually (at a minimum). An annual report must be prepared for the Port Noise Liaison Committee that:
- (a) Details any changes to the Port Noise Management Plan and Current Port Noise Contour Map resulting from the revision; and
  - (b) Provides a record of:
    - (i) All acoustic mitigation works undertaken in the preceding twelve (12) months, including records of offers of mitigation that have been refused or not responded to; and
    - (ii) Any physical monitoring undertaken and the results of that monitoring.
27. The Port Noise Management Plan must be certified in writing by the Council prior to Expansion Project activities (excluding Expansion Project construction works) commencing. The consent holder must undertake all activities in accordance with the certified Port Noise Management Plan.
28. Any material variation to the Port Noise Management Plan, including as a result of a revision under Condition 26, must be subject to certification by the Council.
29. The first Port Noise Management Plan must be in general accordance with the draft Port Noise Management Plan provided as part of the resource consent application (*Marshall Day Acoustics: Northport Port Noise Management Plan, Rp 001 20170776, 3 August 2022*).

### **Operational lighting**

30. From the first commencement of any of these resource consents, within the area shown in the figure at **Appendix 1**:
- (a) Artificial lighting required for health and safety purposes will not exceed the following standards:
    - (i) 15 Lux at the boundary of a road reserve; and
    - (ii) 10 Lux at the boundary of any other allotment not within the ownership of the consent holder.
  - (b) Subject in each case to (a) above, the consent holder must ensure that:

- (i) new flood lighting luminaires installed use LED (Light Emitting Diode) or LEP (Light Emitting Plasma) lamps or any other advanced technology lamps;
  - (ii) all lighting poles have recessive colour finishes;
  - (iii) where practicable, lighting is directed below the horizontal plane;
  - (iv) the colour temperature of lamps used for new flood lighting are no more 4000°K; and
  - (v) new flood lighting luminaires are designed so that the principal output is, as far as practicable, directed to within the container terminal and adjoining wharfs or to land that is zoned Port Zone.
31. The consent holder must engage a Suitably Qualified and Experienced lighting engineer to design/review new flood lighting installed at Northport.

#### Operational lighting management plan

32. At least three (3) months prior to Practical Completion, the consent holder must prepare an Operational Lighting Management Plan (“OLMP”) for certification by the Council. The objectives of the OLMP is to minimise visual impacts and impacts on avifauna from the use artificial lighting during night-time Port operations authorised by this consent, having regard to Condition 30 and the requirements of the Avifauna Management Plan required by the regional consent conditions [insert NRC consent reference]. The OLMP must:
- (a) Detail the positions and technical specifications of all exterior light sources and indicate the means by which compliance with the relevant Whangārei District Plan artificial lighting standards are to be achieved; and
  - (b) Include comments of the Community Liaison Group on the plan and the consent holder’s response to these.

#### **Operational transport**

##### Crash Monitoring Assessment

33. No later than 12 months following Practical Completion, the consent holder must engage an independent Suitably Qualified and Experienced Person to undertake a “Crash Monitoring Assessment”, utilising Waka Kotahi’s Crash Analysis System (CAS).

Thereafter the consent holder must undertake a Crash Monitoring Assessment biennially (every two years) for twenty years. The purpose of the Crash Monitoring Assessment is to determine a trend in crashes to identify any safety concerns (based on 7-days (Monday-Sunday), measured over 5-year periods) along SH15 from SH1 to Ralph Trimmer Drive, including at all intersections.

The “Crash Monitoring Assessment” must include details of:

- (a) The number and type of crashes, identifying those involving speed, such as loss of control and turning crashes, including where sight lines are only just met, with a focus on fatal and serious crashes;
- (b) Vehicle type, weather, date/time of the crash (where such information is available); and

- (c) Any mitigation recommended to address safety concerns.
34. The consent holder must provide a copy of the Crash Monitoring Assessment to Council, Waka Kotahi NZ Transport Agency, and the road controlling authority within one month of its completion.

#### SH15 Traffic Monitoring Report

35. No later than 18 months following Practical Completion, the consent holder must prepare a SH15 Traffic Monitoring Report, utilising the telemetry traffic data collected continuously on SH15 by Waka Kotahi, if available.

**Advice Note:** *The telemetry station site is located on SH15, just north-east of Bens View Road.*

Thereafter, the consent holder must undertake a SH15 Traffic Monitoring Report either:

- (a) Annually until replaced by the Northport Traffic Monitoring Report if the telemetry traffic data collected continuously on SH15 by Waka Kotahi is available to the consent holder; or
- (b) Once every three years until replaced by the Northport Traffic Monitoring Report, if the consent holder is required to collect traffic data (which is to be collected at the same location as the Waka Kotahi Telemetry site).

The purpose of the SH15 Traffic Monitoring Report is to identify if traffic volumes on SH15 at the telemetry site exceed either one of the following:

(i) 970 vph two-way; or

(ii) 670 vph one way;

for three or more days in any calendar month.

The consent holder must submit a copy of each SH15 Traffic Monitoring Report to the Council and Waka Kotahi NZ Transport Agency and the road controlling authority within one month of its completion.

#### Northport Traffic Monitoring Report

36. If the SH15 Traffic Monitoring Report required by Condition 35 shows that either of the traffic volumes on SH15 at the telemetry site are exceeded, the consent holder must continuously measure the volume of all port traffic at or near all the Northport entry and exit points during peak times as specified in Condition 37 Table Two: *Northport Peak Traffic Volumes*, and report on these volumes in the Northport Traffic Monitoring Report.

The Northport Traffic Monitoring Report is to be prepared six monthly or until all the intersections listed in Condition 37 Table Two: *Northport Peak Traffic Volumes* have received the recommended mitigation, as detailed within the Intersection Assessment Report required by Condition 39.

The consent holder must submit a copy of each Northport Traffic Monitoring Report to the Council, Waka Kotahi NZ Transport Agency, and the road controlling authority within one month of its completion.

#### Northport Traffic and Peak Times

37. If the Northport Traffic Monitoring Report identifies that port traffic exceeds the volumes set out in Table Two: *Northport Peak Traffic Volumes*, the consent holder must, within ten working days, Advise the

Council, Waka Kotahi NZ Transport Agency and the road controlling authority of the exceedance and which of the following options it is proceeding with:

- (a) Reduce and maintain all port traffic below the Peak Trigger Volumes in Table Two; or
- (b) Engage a Suitably Qualified and Experienced person to undertake and prepare an Intersection Assessment Report as per Condition 39.

**Table Two: Port Traffic Trigger Volumes**

Intersection	Northport Inbound AM		Northport Outbound AM		Northport Inbound PM		Northport Outbound PM	
	Peak	Hour	Peak	Hour	Peak	Hour	Peak	Hour
	Trigger Volumes		Trigger Volumes		Trigger Volumes		Trigger Volumes	
SH15/Marsden Bay Drive	700		200		300		600	
SH15/Marsden Point Road	700		200		200		700	
SH15/One Tree Point Road	300		200		200		300	

**Advice Note:** For the purpose of these consents, the AM Peak hours are between the hours of 0630-0830 and the PM peak hours are between the hours of 1600-1800, weekdays excluding public holidays.

38. If the Consent Holder has elected to reduce and maintain all port traffic below the levels in Condition 37 Table 2: *Northport Peak Traffic Volumes*, then within two months of the initial exceedance, the consent holder must provide written notice to Council, Waka Kotahi NZ Transport Agency, and the road controlling authority that identifies either that:
- (i) Traffic volumes are compliant with the limits specified in Table 2 above; or
  - (ii) Traffic volumes remain in excess of the limits specified within Table 2 above measured during a continuous five-day weekday count.

If, within six months, the Consent Holder cannot reduce and maintain traffic volumes to the limits specified in Table 2: *Northport Peak Traffic Volumes*, then it must action Condition 39.

#### Intersection Assessment Report

39. If required by conditions 37 or 38, the Consent Holder must engage a Suitably Qualified and Experienced person to undertake and prepare an Intersection Assessment Report.

The purpose of the Intersection Assessment Report is to investigate safety and operational concerns and identify mitigation measures to address those safety and operational concerns at the intersection(s) for which the trigger volumes in Condition 37 Table 2: *Northport Peak Traffic Volumes* have been exceeded.

The report must include:

- (a) Traffic data collected at the relevant intersection(s) including traffic movements during peak and interpeak periods.
  - (b) Intersection modelling methodologies and expected operation of these intersections, including Level of Service (LOS), queueing, and delays for 3 traffic volume scenarios:
    - (i) Using the observed data; and
    - (ii) Two future scenarios (reflecting appropriate design years reflecting port expansion timing), that include expected Northport traffic growth and other traffic growth.
  - (c) Safe System assessments for the relevant intersection(s) listed in Table 2.
  - (d) Recommended mitigation to address safety and operational concerns to achieve:
    - (i) LOS-D or better on each approach to the intersection (for scenarios that include existing traffic conditions and future scenarios that include all existing and anticipated port traffic generated by activities authorised by these consents); and
    - (ii) A degree of saturation for turning movements no higher than 95%
40. A copy of the Intersection Assessment Report is to be submitted to the Council, Waka Kotahi NZ Transport Agency, and the road controlling authority within three months of:
- (i) Condition 37(b) being notified to the Council, Waka Kotahi NZ Transport Agency and the road controlling authority as the selected option; or
  - (ii) Condition 38 being activated.
41. Until the recommended mitigation detailed within the Intersection Assessment Report (required by Condition 39) is implemented at the intersection(s), or as otherwise agreed by Council, Waka Kotahi NZ Transport Agency and the road controlling authority, all port traffic at peak times must be kept below the volumes outlined in Condition 37 Table 2: *Northport Peak Traffic Volumes*.

Active modes connection (Augier condition)

42. In the event that a future cycling route between Ruakaka and Marsden Cove gains funding for detailed design and/or implementation, the consent holder must:
- (a) If this consent has commenced, within 24 months of funding being publicly announced, investigate and implement an active modes connection from Northport to the new cycling route, except that the Northport connection is not required to extend beyond Mair Road.
  - (b) If funding is announced prior to this consent commencing, within 24 months of the consent commencing, investigate and implement an active modes connection from Northport to the new cycling route, except that the Northport connection is not required to extend beyond Mair Road.

The active modes connection is not required to be on land owned by the consent holder.

**BUILDINGS, STOCKPILES AND MAJOR STRUCTURES**

43. Upon Practical Completion of the Expansion Project reclamation, within the area shown in **Appendix 1**:

- (a) Building height and Major Structure height (excluding public utilities, light towers, silos, aerials, tanks, cargo handling equipment, cranes, and shipping containers) must not exceed 20m above ground level.
- (b) The height of public utilities, light towers, silos, aerials, tanks, and cargo handling equipment (excluding cranes and shipping containers) must not exceed 60m above ground level.
- (c) The operational height for cranes must not exceed 85m above ground level.
- (d) The height of shipping container stacks must not exceed 30m above ground level.
- (e) The height of stockpiles must not exceed 20m above ground level.

**Advice Note:** The definitions of “Building” and “Major Structure” in these resource consents are based on the current corresponding definitions in the Whangārei District Plan (Operative in Part 2022).

#### **PUBLIC ACCESS**

- 44. The consent holder must provide public recreational access to and across the Pocket Park, except as required to ensure operational or public safety, or in an emergency response scenario.

**Advice Note:** Revocation of the esplanade reserve for the Pocket Park must have Council resolution prior to construction.

- 45. The consent holder must continue to provide public access to the existing fishing jetty on the western edge of the reclamation from Papich Road.

#### **LANDSCAPE PLANTING**

- 46. The consent holder must continue to maintain the landscape planting shown on the Stephen Brown Landscape Architecture Plan dated December 1999 and as amended on the Boffa Miskell Plan dated 31/01/2002 (copies of plans attached as **Appendix 2**) but excluding the Pohutukawa planting on the eastern side of the reclamation (area shown outlined in red on the plan in **Appendix 2**) which is to be removed.

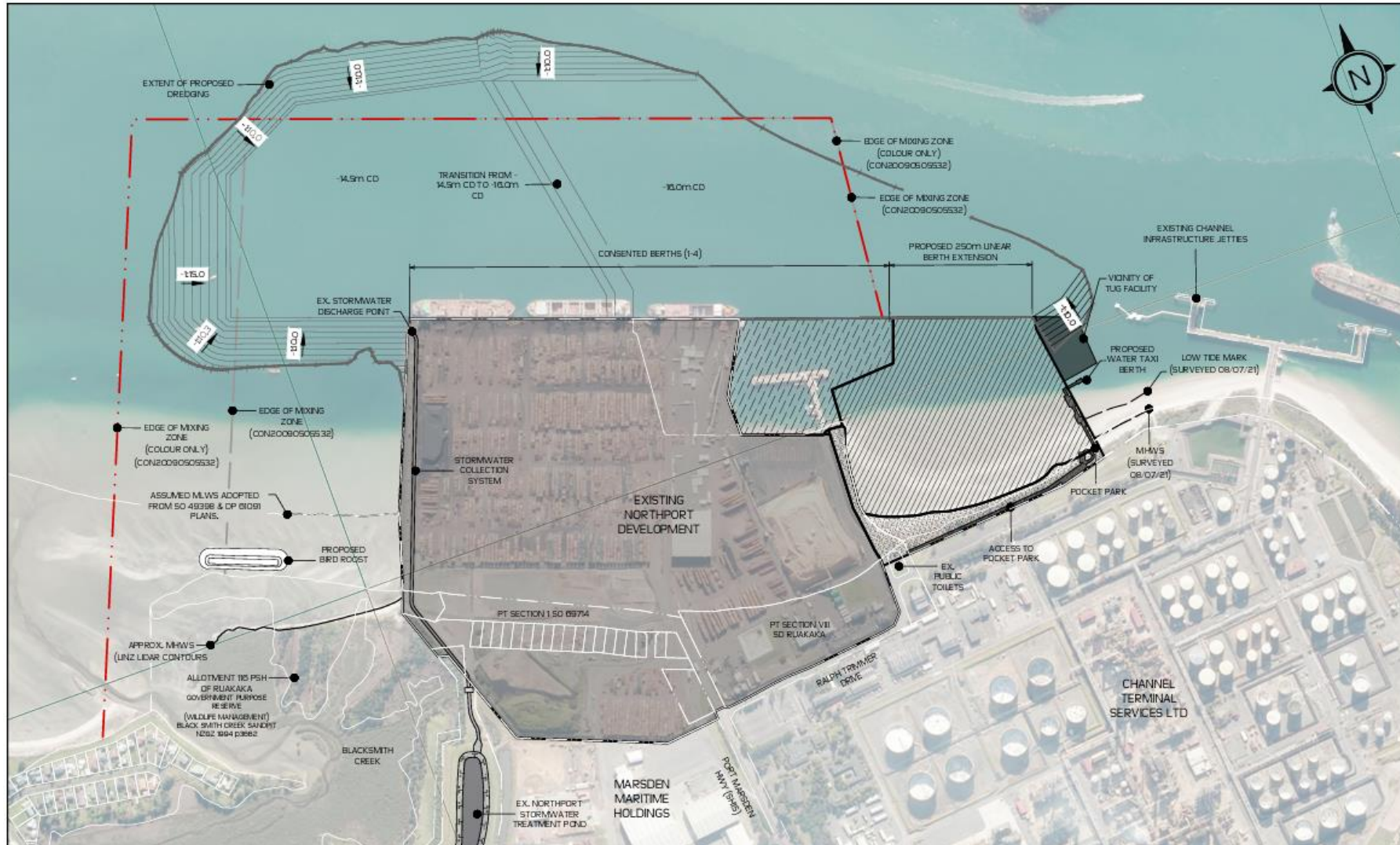
**Advice Note:** Any planting will be designed and maintained to meet the security requirements of Maritime Security Act 2004.

Sensitivity: General

**APPENDIX 1: PLAN**

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TITLE		CLIENT	
NORTHPORT EXPANSION (BERTH 5)		NORTHPORT MARSDEN POINT	
DATE	SCALE	REV.	DESCRIPTION
JULY 2023	1:6000 @A3	B	10/07/23
NO.	SHEET	A	08/07/23
014656	1/1	REV.	DATE
		A	
		TEXT AMENDMENTS - BH/TM	
		FIRST ISSUE - BH/TM	
		DESCRIPTION	
		REF. DATA	

**CAUTION:**

- THIS DRAWING SHOULD NOT BE AMENDED MANUALLY.
- AREAS & DIMENSIONS ARE APPROXIMATE ONLY AND ARE SUBJECT TO FINAL SURVEY.
- THE SERVICES & PURCHASER MUST CONTACT THE SURVEYOR IF SCALE & PURCHASER AGREEMENTS ARE ENTERED INTO USING THIS PLAN.
- SERVICES MUST NOT BE POSITIONED USING THIS PLAN.
- DO NOT SCALE OFF DRAWINGS.
- THIS PLAN IS COPYRIGHT TO REYBURN & BRYANT (2023) LIMITED.
- DESIGNED BY REYBURN & BRYANT - (NEW ZEALAND) - (NEW ZEALAND)
- 0691 4046 2023 RURAL AERIAL, SOURCED FROM AERIAL SURVEYS LTD INFORMATION AVAILABLE ON LINZ DATA SERVICE.
- BOUNDARIES SOURCED FROM QUICKMAP, COORDINATED IN TERMS OF MILITARY (2023) 2023.

KEY:	
	PARCEL BOUNDARY
	CONSENTED DEVELOPMENT (NOT YET CONSTRUCTED)
	PROPOSED RECLAMATION
	EXTENT OF BULK EARTHWORKS
	EXISTING NORTHPORT DEVELOPMENT

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**APPENDIX 2: LANDSCAPE PLANTING PLANS**

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**APPENDIX 3: FUTURE PORT NOISE MAP**

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