To: Biodiversity Team  
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Details of person(s) making submission

Northport Ltd  
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Attention: Thomas Keogh  
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Background

1. Northport Ltd (Northport) is the port owner and operating company of the deep-water multi-purpose commercial port located at Marsden Point, Northland.

2. The company was formed in 2002 in a joint venture between Marsden Maritime Holdings Limited (MMH) and the Ports of Tauranga, who both hold 50% shares in the company.

3. MMH was formed under the Port Companies Act 1988 (PCA) and replaced the former Northland Port Corporation (NZ). Northport is an associate company of MMH, but it is not a port company under the PCA.

4. MMH holds a 50% share in Northport. As a registered Port Company under the PCA, MMH are required to operate profitably. Given that Northport is MMH’s biggest asset and income earner, MMH are committed to safeguarding, fostering, and actively supporting the growth of Northport.

5. MMH owns 195ha of industrial land adjoining Northport. Most of the land is zoned Marsden Point Port Environment under the Operative Whangarei District Plan (WDP) and is scheduled to be rezoned Port Zone under the Proposed WDP.

Comments on the DNPS-IB

General

6. Northport supports efforts to reverse declining trends in indigenous biodiversity, and to achieve better outcomes for indigenous flora and fauna across New Zealand. However, Northport considers that the DNPS-IB must strike an appropriate balance between the protection and improvement of indigenous biodiversity and the continued operation and development of port related infrastructure. For the reasons outlined below, Northport considers that the DNPS-IB will likely prevent the expansion and development of nationally significant infrastructure (including ports).
7. Ecological advice indicates that the criteria for identifying “Significant Natural Areas” (SNAs) will mean that most areas of indigenous vegetation and exotic vegetation that provides habitat for at-risk species will qualify as High Value SNAs.

No realistic consenting pathway for Nationally Significant Infrastructure (NSI)

8. The requirement to avoid all adverse effects in High Value SNAs does not present a realistic consenting pathway for NSI located within or near High Value SNAs, particularly in light of the King Salmon decision on the Supreme Court. This will likely prevent consents being granted for the ongoing operation and/or the future expansion of existing NSI, and the establishment of new NSI. It could also result in lost opportunities for restoration and enhancement by not providing for the use of environmental offsetting and compensation.

No realistic consenting pathway for Regionally Significant Infrastructure (RSI)

9. For the same reasons identified in paragraph 8, Northport is also concerned that there is no consenting pathway for RSI in respect to High Value SNAs.

Maintenance of indigenous biodiversity

10. Northport is concerned about the way the maintenance of indigenous biodiversity has been described in the DNPS-IB. Specifically, as currently worded it requires at least no reduction in several matters such as the size of populations of indigenous species. Technically this means the death of one individual indigenous species is not permissible as it will lead to the reduction in the size of the population.

Northport not captured in the definition for NSI

11. Northport (along with Eastland Port in Gisborne) is not a Port Company as defined under Part A(6) of Schedule 1 of the Civil Defence Management Act 2002. In order to capture these ports, Northport suggests that they be referred to specifically in the definition.

Recommended amendments

12. Northport recommends the following amendments:

a. A review of the criteria utilised for identifying SNAs, with the intention of determining a higher threshold for areas qualifying as high value SNAs.

b. A review of the definition for “maintenance of indigenous biodiversity” to enable more specific/measured assessment of what “maintenance” means in the context of the DNPS-IB.

c. The insertion of the following policy or similar:

The adverse effects of the subdivision, use and development within a significant natural area are to be avoided, remedied, mitigated, offset or compensated where:

(a) the subdivision, use and development is associated with either:
(i) Nationally Significant Infrastructure; or

(ii) Regionally Significant Infrastructure as defined in any Regional Policy Statement, or

(iii) [any other activities the Government considers appropriate to include]; and

(b) the activity is locationally constrained because it has a functional or operational need to operate in a particular location and there are no practicable alternative locations for the activity that would provide for its functional or operational needs to be met.

d. The insertion of the following policy (or similar):

That the operation, maintenance and upgrading of existing Nationally Significant Infrastructure; and the establishment, operation and upgrading of new Nationally Significant Infrastructure is provided for within SNAs and all other areas of indigenous biodiversity.

e. The provision of a clear consenting pathway for both NSI and RSI in Part 3 "Implementation requirements" of the DNPS-IB, allowing decision makers to undertake a full assessment.

f. An amendment to the definition of “nationally significant infrastructure” so that Northport and Eastland ports are captured.

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Thomas Keogh
Planning Consultant

On behalf of Northport Ltd

Dated this 14th day of March 2020