

**IN THE ENVIRONMENT COURT
AT AUCKLAND**

**I TE KŌTI TAIAO O AOTEAROA
KI TĀMAKI MAKĀURAU**

Decision [2023] NZEnvC 093

IN THE MATTER OF appeals under clause 14 of the First
Schedule of the Resource Management
Act 1991

BETWEEN CEP SERVICES MATAUWHI
LIMITED

(ENV-2019-AKL-000111)

ROYAL FOREST AND BIRD
PROTECTION SOCIETY OF NEW
ZEALAND INCORPORATED

(ENV-2019-AKL-000127)

Appellants

AND NORTHLAND REGIONAL
COUNCIL

Respondent

Court: Judge J A Smith sitting alone under s 279 of the Act

Last case event: 8 May 2023

Date of Order: 12 May 2023

Date of Issue: 12 May 2023

CONSENT DETERMINATION AND REPORT



- A: Under section 279(1)(b) of the Resource Management Act 1991, the Environment Court, by consent, orders that the appeals are allowed in accordance with Appendix 1 and 2 to this determination.
- B: This determination resolves the appeals relating to Significant Ecological Areas and Significant Bird Areas.
- C: Under clause 15(3)(a) of the First Schedule to the Act, the Court reports to Northland Regional Council, CEP Services Matauwhi Limited, Royal Forest and Bird Protection Society Incorporated, and the Minister of Conservation that, these provisions are to be included in the regional plan.
- D: Under section 285 of the Resource Management Act 1991, there is no order as to costs.

REASONS

Introduction

[1] This consent determination relates to appeals against Northland Regional Council's decision on the Proposed Regional Plan for Northland, in respect of Significant Ecological Areas (**SEAs**) and Significant Bird Areas (**SBAs**) (Topic 1 – Coastal activities).

[2] The appeals were lodged by:

- (a) CEP Services Matauwhi Limited (**CEP Services**); and
- (b) Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest & Bird**).

[3] The appeals relate to how SEAs and SBAs are addressed in a number of coastal policies and rules.

[4] The SEA and SBA issue was subject to mediation in 2020, but was “parked” pending the outcome of the hearing of appeals relating to the mapping of SEAs.¹ The Court made a final decision on the SEA mapping on 1 July 2021.² Following the Court’s determination, the parties participated in a number of informal discussions and have reached agreement on the appeals relating to SEAs and SBAs.

[5] This consent determination resolves the appeals relating to SEAs and SBAs.

[6] The following persons gave notice of their intention to become parties to one or more of the appeals under section 274 of the Act:

- (a) Channel Infrastructure NZ Limited;
- (b) Northport Limited;
- (c) Mangawhai Harbour Restoration Society;
- (d) Bay of Islands Maritime Park Inc;
- (e) New Zealand Fairy Tern Charitable Trust;
- (f) Transpower New Zealand;
- (g) Yachting New Zealand Inc;
- (h) Patuharakeke Te Iwi Trust Board;
- (i) CEP Services;
- (j) Minister of Conservation;
- (k) Waka Kotahi NZ Transport Agency;
- (l) Federated Farmers of New Zealand;
- (m) Aquaculture Industry Parties (Aquaculture New Zealand, The New Zealand Oyster Industry Association and Moana New Zealand Limited);

¹ Topic 11 – Biodiversity and outstanding natural features / landscapes.

² *CEP Services Mataunghi Limited v Northland Regional Council* [2021] NZEnvC 093.

- (n) Forest & Bird; and
- (o) Northpower Limited.

[7] The joint memorandum in support of the consent order has been signed by each of the Appellants, the Respondent and each of the section 274 parties.

Agreement reached

[8] The agreement reached between the parties on the provisions are detailed in **Appendix 1** to this determination. Additions are shown in underline and deletions in strikethrough. The maps agreed between the parties are shown in **Appendix 2**.

[9] A summary of the proposed changes (including the rationale for the changes) is provided below.

Significant Ecological Areas and Significant Bird Areas

[10] The Proposed Plan is a combined regional air, land, water and coastal plan. It includes map overlays identifying areas that meet the significance criteria for indigenous biodiversity set out in Appendix 5 of the Regional Policy Statement for Northland (**RPS**) (SEA, SBA and Significant Marine Mammal and Seabird Areas).³ The Proposed Plan's mapping is a mechanism for achieving the requirements of section 6(c) of the RMA, Policy 11(a) of the New Zealand Coastal Policy Statement 2010 (**NZCPS**) and the relevant provisions of the RPS.

[11] The SEAs that have been identified and mapped in the Proposed Plan meet one or more of the Appendix 5 criteria for significance. As noted in previous decisions on the Proposed Plan, it has been generally agreed that not all SEAs in the coastal marine area (**CMA**) have yet been identified and mapped.⁴

[12] It has also been acknowledged that, in comparison to the SEA maps, less detailed investigation and mapping has been carried out for SBAs, given the very large

³ Appendix 5 of the RPS provides the methodology for identifying areas of significant indigenous vegetation and significant habitats of indigenous fauna in Northland's terrestrial, freshwater and marine environments.

⁴ *CEP Services Mataurahi Limited v Northland Regional Council* [2021] NZEnvC 039 at [64].

area of bird habitat throughout Northland.⁵ The approach taken to SBA mapping means that much of Northland's coastline has been identified as SBA from Mean High Water Springs up to about 1 kilometre offshore. Some identified SBAs will contain very high ecological bird values, whereas other parts will contain lesser or more transient values.

[13] CEP Services and Forest & Bird have a number of related appeal points on how SEAs and SBAs are addressed in coastal rules and policies:

- (a) CEP Services appealed a number of rules and policies⁶ seeking to change how the provisions apply to SEAs and SBAs. The rationale for CEP Services' appeal is that the SEA and SBA mapping is incomplete and there are considerably more areas in the CMA that are "significant" in terms of the criteria for significance provided in Appendix 5 of the RPS. Accordingly, CEP Services sought that a number of rules and policies should be amended to refer to SEA and/or SBA or "any other area that meets the criteria for 'significance' given in Appendix 5 of the RPS".⁷
- (b) Forest & Bird's appeal challenged the distinction that the Council made between SEAs and SBAs.⁸ It sought that SEAs and SBAs be treated alike. Specific relief included that Rules C.1.1.3, C.1.1.7, C.1.1.9, C.1.1.10, C.1.1.23,⁹ C.1.1.27¹⁰ and C.1.2.13¹¹ (which relate to structures in the CMA and moorings) be amended so that they apply to SEAs and/or SBAs.

[14] Following discussions, the parties agreed to:

⁵ *CEP Services Matauwhi Limited v Northland Regional Council* [2021] NZEnvC 039 at [65].

⁶ Including Rules C.1.1.12, C.1.1.21, C.1.1.22, C.1.1.23, C.1.1.27, C.1.2.5, C.1.2.6, C.1.2.13, C.1.3.1, C.1.3.2, C.1.3.3, C.1.3.4, C.1.3.6, C.1.3.9, C.1.3.10, C.1.3.12, C.1.3.14, C.1.5.1, C.1.5.3, C.1.5.5, C.1.5.7, C.1.5.9, C.1.5.10, C.1.5.11, C.1.5.12, C.1.6.3, C.1.6.4, C.1.7.2, C.1.7.3 and C.1.8 and Policies D.2.18, D.5.2, D.5.11 and D.5.24

⁷ CEP Services Matauwhi Limited – Notice of Appeal – 17 June 2019 at [8]-[8.15].

⁸ Royal Forest & Bird Protection Society of New Zealand Inc – Notice of Appeal – 17 June 2019 at [9] – [14].

⁹ Previously C.1.1.18.

¹⁰ Previously C.1.1.22.

¹¹ Previously C.1.2.11.

- (a) Amend Rules C.1.1.21, C.1.1.22, C.1.1.23, C.1.1.27, C.1.2.14, C.1.5.3, C.1.5.5, C.1.5.7 (relating to structures, moorings and dredging, deposition and disturbance) to include reference to SEAs;
- (b) Identify a subset of SBAs (SBA – Critical bird habitats) based on areas identified as having nationally or locally important feeding or breeding areas for bird species identified as threatened – nationally critical in the NZ threat classification system and include a corresponding mapped layer in the Proposed Plan;
- (c) Amend Rules C.1.1.21, C.1.1.22, C.1.1.23, C.1.1.27, C.1.2.6, C.1.2.14, C.1.5.12, C.1.6.3, C.1.6.5 and C.1.8 (relating to structures, moorings, dredging, deposition and disturbance reclamation and coastal works general conditions) to include reference to SBA – Critical bird habitats;
- (d) Include two new discretionary activity rules for dredging and structures associated with upgrades and maintenance of the state highway network within a SBA – Critical bird habitat and associated consequential amendments to Rule C.1.5.14 Other dredging, deposition or disturbance activities (this is addressed further below); and
- (e) Amend the bird breeding season in Rules C.1.5.3, C.1.5.5 and C.1.5.7 (relating to removal of nuisance marine plant debris, clearing of pipe outlets and clearing tidal stream mouths) from 1 September – 28 February to 1 August – 31 March.

[15] The parties consider that the amendments are appropriate because:

- (a) Including reference to SEAs in the above coastal rules will ensure that the values of SEAs are protected when activities regulated by those rules are undertaken. The amendments are also consistent with the approach taken to other values that the NZCPS seeks to avoid effects on (including, for example, areas of outstanding natural character and outstanding natural landscapes); and

- (b) Amending the bird breeding, roosting and nesting season in Rules C.1.5.3, C.1.5.5 and C.1.5.7 from 1 September – 28 February to 1 August – 31 March is consistent with the bird breeding, roosting and nesting season approved by the Court in the Topic 15 – Mangrove removal decision.¹²

SBA – Critical bird habitats

[16] In terms of SBAs, because of the coarse approach taken to SBA mapping (discussed above), the parties consider that including reference to SBAs in some of the rules as sought by the Appellants will “over protect” some areas, but without changes some areas may be “under protected”. Accordingly, the parties consider that it is appropriate to take a more nuanced approach to SBAs in Northland.

[17] A more nuanced approach is proposed by identifying a subset of SBAs (SBA – Critical bird habitats) based on areas identified as having nationally or locally important feeding or breeding values for bird species identified as threatened – nationally critical in the NZ threat classification system. In Northland, SBA assessment sheets for estuary/harbour and open coast identify nationally and locally important feeding or breeding areas for three species:

- (a) Australasian bittern;
- (b) White heron; and
- (c) NZ Fairy Tern.

[18] As noted above, SBA mapping is broad and can capture the majority of the CMA in each harbour and estuary.¹³ White heron, Australasian bittern and NZ fairy tern do not utilise the entirety of these areas. Therefore, the parties propose that only certain areas are identified in the proposed SBA – critical bird habitats mapping.

¹² *Mangawai Harbour Restoration Society Inc v Northland Regional Council* [2022] NZEnvC 157. See Rules C.1.4.1 and C.1.4.2.

¹³ *CEP Services Matawhiri Limited v Northland Regional Council* [2021] NZEnvC 039.

Australasian bittern

[19] For Australasian bittern, SBA assessment sheets identify nationally and locally important breeding and feeding areas in the following harbours throughout Northland: Bay of Islands, Hokianga, Houhora, Mangawhai, Matapouri, Ngunguru, Kaipara, Parengarenga, Pataua, Rangaunu, Taiharuru, Whananaki, Whangape-Herekino, Whangarei and Whangaruru. In the CMA, this species primarily utilises saltmarsh and mangrove vegetation.¹⁴ The Council has mapped areas of mangrove and saltmarsh throughout Northland. The parties propose that the SBA – Critical bird habitat mapping for Australasian bittern in the relevant harbours comprise of the areas that the existing SBA overlaps with saltmarsh and mangrove mapping.

White heron

[20] For white heron, SBA assessment sheets identify nationally and locally important feeding areas for this species in Hokianga, Kaipara and Parengarenga harbours. White heron favour enclosed creeks retaining water at low tide, away from open sea and human disturbance.¹⁵ They also use mangrove swamps along coasts, estuaries and tidal reaches of watercourses, saltmarsh, bare saltpans, and offshore reefs.¹⁶ The parties propose to use harbour specific SBA mapping, while excluding a narrow 100m wide strip of CMA adjoining coastal settlement areas. This is because white heron are shy, rarely seen and unlikely to be found in the immediate vicinity of waterfront settlements/urban areas.¹⁷

NZ Fairy Tern

[21] For NZ fairy tern, SBA assessment sheets identify nationally and locally important breeding and feeding areas in Mangawhai and Kaipara harbours, and the Waipu estuary. This species primarily utilises open water and channels for foraging

¹⁴<https://www.cambridge.org/core/journals/bird-conservation-international/article/foraging-ecology-and-choice-of-feeding-habitat-in-the-new-zealand-fairy-tern-sternula-neris-davisae/DC2E33BA3F0DC749AA25CC218FE8F4ED>.

¹⁵ Owen, K.L., & M.G. Sell. 1985. Notomis 32: 271-309.

¹⁶ Crawford, D. 1975. S. Aust. Om. 26: 193-5.; Corrick, A.H., & F.I. Norman. 1980. Proc. R. Soc. Viet. 91: 1-15.; Gosper, D.O. 1981. Corella 5: 1-18.; Abbott, I. 1982. Corella 6: 119-22.; Corrick, A.H. 1982. Proc. R. Soc. Viet. 94: 69-87.; Schulz, M. 1989. Import. Wetlands Kakadu NP Waterbeds. Rep. to ANPWS.

¹⁷ Hokianga: Horeke; Parengarenga: Te Hapua and Kaipara: Tinopai, Pahi, and Whakapirau.

and unvegetated open ground for breeding and roosting.¹⁸ The parties propose to use saltmarsh and mangrove vegetation mapping to exclude areas unlikely to be utilised by NZ fairy tern, therefore reducing the mapped extent to the most critical habitat. The SBA – Critical bird habitat would be the existing SBA mapping for Mangawhai harbour, Kaipara harbour and the Waipu estuary, excluding areas of mangrove and saltmarsh. Where the Kaipara harbour mapped area coincides with the 100m exclusion adjoining coastal settlements for white heron (Tinopai, Pahi, and Whakapirau), the parties propose that the fairy tern maps also replicate the excluded areas.

[22] The parties consider that the proposed SBA – Critical bird habitat layer and reference to that layer in the coastal rules referenced above is appropriate as it is a more nuanced approach that will ensure that bird species identified as threatened – nationally critical in Northland will be adequately protected.

[23] The Council’s GIS team are currently preparing the proposed SBA – Critical bird habitat mapping layer. Parties were directed by the Court to confirm their position on the Council’s updated SEA/SBA approach by 20 April 2023.¹⁹ Given agreement was not confirmed until that date, the mapped layer has not yet been finalised. However, draft indicative maps of the SBA – Critical bird habitat layer are shown in **Appendix 2**.

Rules relating to state highway

[24] The two new rules associated with the state highway network provide that structures and dredging, deposition and disturbance activities in the CMA necessary for maintenance, repair or upgrades associated with the state highway are discretionary activities, provided that the activities are consistent with protecting the characteristics, qualities and values of mapped SBA – Critical bird habitat areas. If the activities are not consistent with protecting mapped SBA – Critical bird habitat areas, they become a non-complying activity under Rule C.1.1.27 Structures within a significant area or

¹⁸ <https://www.nzbirdsonline.org.nz/species/fairy-tern>.

¹⁹ Email directions dated 18 April 2023.

Rule C.1.5.14 Other dredging, deposition or disturbance activities. The rules do not apply to the development of new state highway networks.

[25] The parties consider that the rules are appropriate as:

- (a) The state highway network is a lifeline utility under the Civil Defence Emergency Management Act 2002 and also falls within the definition of “Regionally Significant Infrastructure” (**RSI**) in the Proposed Plan. The RPS enables use and development (including to promote RSI), provided that environmental imperatives are met.²⁰ Similarly, the Proposed Plan enables use and development, subject to environmental bottom lines being met (for example, Policy D.2.18 Manage adverse effects on indigenous biodiversity).
- (b) The amendments provide that critical safety and resilience works necessary for maintenance, repair or upgrades associated with the state highway can occur, while ensuring that SBA – Critical bird habitat areas are protected. The parties consider that this is an appropriate balance, in light of the direction relating to RSI and indigenous biodiversity in the RPS and Proposed Plan.
- (c) This approach is also consistent with the mangrove removal provisions²¹ approved by the Court in Topic 15 – Mangrove removal of the Proposed Plan.²²

[26] The parties have also agreed to some consequential amendments to Rule C.1.5.14 Other dredging, deposition or disturbance activities – non-complying, to ensure that if the proposed new rule relating to dredging, deposition and disturbance

²⁰ For example, provided that adverse effects on threatened or at risk indigenous taxa are avoided – see Policy 4.4.1.

²¹ Specifically, Rule C.1.4.7 which provides for mangrove removal (that is not subject to any other rule) as a discretionary activity, provided that the removal is consistent with protecting the characteristics, qualities and values of high value mapped areas.

²² *Mangamhai Harbour Restoration Society Inc v Northland Regional Council* [2022] NZEnvC 157.

associated with the state highway in a SBA – Critical bird habitat is not complied with, it appropriately cascades to a non-complying activity.

Other amendments

[27] The parties have also agreed to delete the reference to “all relevant conditions” in Rules C.1.5.3, C.1.5.5 and C.1.5.7, as sought by Forest & Bird. Forest & Bird sought that this amendment apply to a number of other rules, which have already been resolved as part of separate topics in the Proposed Plan.²³

[28] By deleting the reference to “all relevant conditions” in Rules C.1.5.3, C.1.5.5 and C.1.5.7, activities are required to comply with all Coastal works general conditions. The parties consider that the amendments are appropriate as they are consistent with the Topic 1 – Moorings and anchorages Consent Order issued by the Court on 20 May 2020.

Section 32AA evaluation

[29] Section 32AA of the Act requires a further evaluation for any changes to a proposal since the evaluation report for the proposal was completed.

[30] In terms of an assessment under s 32AA RMA, the parties advised that the proposed changes were discussed at length between the parties through an iterative process. The parties consider that the proposed changes are the most appropriate way to achieve the objectives of the Proposed Plan as well as give effect to the relevant higher-order documents, including the RPS and the NZCPS. The changes are also consistent with other amendments approved by the Court, including the mangrove removal provisions referred to above.

Evaluation

[31] The Court has now read and considered the consent memorandum of the parties dated 8 May 2023.

²³ Topic 1 – Moorings and anchorages.

[32] The Court is making this order under section 279(1) of the Act, such order being by consent, rather than representing a decision or determination on the merits pursuant to section 297. The Court understands for present purposes that:

- (a) all parties to the proceedings have executed the memorandum requesting this order; and
- (b) all parties are satisfied that all matters proposed for the Court's endorsement fall within the Court's jurisdiction, and conform to the relevant requirements and objectives of the Act including, in particular, Part 2.

[33] The approach to SEA, SBA and SMMA has been addressed in many of the earlier cases relating to the Proposed Northland Regional Plan.²⁴ It has been the “elephant in the room” for this Plan Change as a whole.

[34] The Council's approach is predicated on the huge task involved in assessing the attributes and values of most of the CMA over an extensive coastline. The Court will not repeat the discussions on this issue had in many of its decisions on this plan, however, the extent of the task to identify and map these attributes and values is time consuming and costly and was not undertaken prior to the notification of this plan.

[35] While the assessment of these attributes and values is aspirational in the longer term this Court has tried to focus on any immediate gains that can be achieved in the interim. The “low hanging fruit” (or incremental) approach took some time to find footing with the appellants. The result has been the lack of any protections to critical areas (such as the Fairy Tern key feeding areas) while the issues of principal have awaited resolution of other matters.

²⁴ *CEP Services Mataunghi Ltd v Northland Regional Council* [2021] NZEnvC 39; *Royal Forest and Bird Protection Society of New Zealand Inc v Northland Regional Council* [2021] NZEnvC 21; *Mangawhai Harbour Restoration Society Inc v Northland Regional Council* [2022] NZEnvC 157; *Mangawhai Harbour Restoration Society Inc v Northland Regional Council* [2022] NZEnvC 114.

[36] This has not been aided with continuing changes in the freshwater areas (NES-F 2020 and NPSFM-2020) which have led to a declaration decision²⁵ and appeal decision,²⁶ and caused witnesses and the Court to consider changes occurring during or just prior to hearings.

[37] The Proposed Plan represents a document prepared up to 2016 and then adapted to try to capture the amendments to NPSFM-2014 made in 2017.

[38] After Council decisions were appealed in 2019 the Court established an agreed regime with parties to address the appeals. In March 2020, hearings (Topic 15 - mangrove provisions) were abandoned due to the first Covid lockdown. By late 2020 when the Court returned to complete the hearing it learned (via counsel as I recall) that a new NPSFM-2020 had become operational as well as the NES-F.

[39] This led to confusion as on evidence on freshwater issues²⁷ and the relevance of these provisions to saline vegetation.²⁸ That declaration was appealed to the High Court and overturned.²⁹ The position was not clarified until the amendments to the NPSFM in 2023. Nevertheless, the effect of the NPSFM-2020 and NES-F on this plan change was a matter of contention.

[40] The end result is that despite all available efforts of the Court and parties to finalise this Regional Plan we are now addressing a document over five years old with further changes already imposed mandatorily or requiring changes to be introduced over the next few years.

[41] Thus the parties and the Court are anxious to provide some protection for the most important areas until positions are clarified by government or new Plans.

²⁵ *Bay of Islands Maritime Park Inc v Northland Regional Council* [2021] NZEnvC 6.

²⁶ *Minister of Conservation v Mangawhai Harbour Restoration Society Inc* [2021] NZHC 3113.

²⁷ *Federated Farmers of New Zealand v Northland Regional Council* [2022] NZEnvC 16.

²⁸ *Bay of Islands Maritime Park Inc v Northland Regional Council* [2021] NZEnvC 6.

²⁹ *Minister of Conservation v Mangawhai Harbour Restoration Society Inc* [2021] NZHC 3113.

[42] The Court welcomes this pragmatic solution to protect key areas for Australasian Bittern, White Heron and Fairy Tern as Critical SBA's. This elegant mapped solution also has a halo effect not only for other species in the area but, hopefully, for areas adjacent from species spill (i.e. Goat Island).

[43] The subset of SBAs, SBA – Critical bird habitat, appropriately recognises the varying ecological bird values within SBAs. This more nuanced approach ensures appropriate protection, aimed at the right “level”. That the identification of SBA – Critical bird habitats is based on the NZ threat classification system is well considered. The proposed mapping appropriately recognises and provides for specific species and their habitats and behaviours.

[44] For SEA's the limited controls again target the clearest effects both in terms of breeding season for birds but also in highlighting these issues for resource consents. I conclude that the amendments to the rules relating to the state highway network provides for works while ensuring protection.

[45] The changes made ensure consistency with the NZCPS as well as with other decisions/determinations of this Court (particularly those for Topic 1 – Mooring anchorages, and Topic 15 – mangrove removal).

[46] Overall, I conclude that these solutions are a proportionate response to the issues in the current circumstances. This solution enables operative Plan provisions that address key issues. Arguments for further extensions need a more certain statutory basis and direct attention in plan provisions. Thus, I conclude these solutions are the most appropriate to achieve the purpose of the RMA in this Plan.

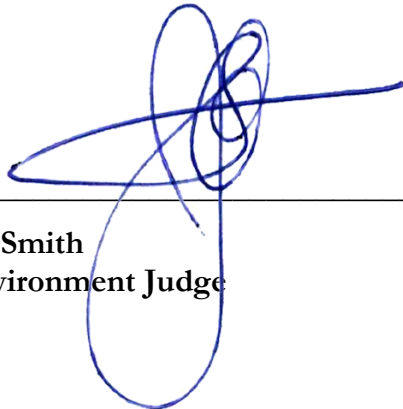
[47] I am satisfied that the agreement reached is one that represents the various interests of the parties. I conclude the parties have taken a practical approach, and the agreed amendments are the most appropriate way to achieve the purpose of the Act and the objectives in the Plan. Overall, I consider the sustainable management purpose and the other relevant requirements of the Act are broadly met.

Order

[48] Therefore, the Court orders by consent that:

- (a) the Proposed Regional Plan for Northland be amended as set out in Appendix 1 and 2 to this determination;
- (b) this order resolves the appeals relating to SEAs and SBAs; and
- (c) there is no order as to costs.

[49] Under clause 15(3)(a) of the First Schedule to the Act, the Court reports to Northland Regional Council, CEP Services Matauwhi Limited, Royal Forest and Bird Protection Society Incorporated, and the Minister of Conservation that these provisions are to be included in the regional plan.



J A Smith
Environment Judge



APPENDIX 1: AMENDMENTS TO THE PROPOSED PLAN

Key:

Blue highlight (underlined or strike through) = amendments agreed between the parties as part of SEA/SBAs.

Yellow highlight (underlined or strike through) = amendments agreed as part of a separate topic in the Proposed Plan (Topic 17 – Outstanding natural landscapes). These amendments have been recorded on draft consent documents and filed with the Court, but a consent order has not yet been issued.

Green highlight (underlined or strike through) = amendments proposed as part of a separate topic in the Proposed Plan (Rule C.1.8). These amendments are agreed as part of the separate topic, but they are not yet recorded on draft consent documents as other conditions in Rule C.1.8 remain unresolved.

C.1.1.21 Structures in Mooring and General Marine Zones – discretionary activity

The erection, reconstruction, placement, alteration, extension, maintenance, repair, removal, or demolition of a structure in a Mooring Zone or the General Marine Zone and any occupation of the common marine and coastal area by the structure that is not a permitted, controlled, restricted discretionary or non-complying activity in Section C.1.1 of this Plan, and the use of the structure are discretionary activities, provided:

- 1) it is not in a mapped (refer I Maps | Ngā mahere matawhenua):
 - a) Nationally Significant Surfbreak, or
 - b) Regionally Significant Anchorage, or
 - c) Outstanding Natural Feature, or
 - d) Area of Outstanding Natural Character, or
 - e) Site or Area of Significance to tāngata whenua, or
 - f) Outstanding natural landscape, or
 - g) Historic Heritage Area, and or
 - h) Significant Ecological Area, or
 - i) Significant Bird Area – critical bird habitats, and
- 2) there is no removal, demolition, partial demolition or replacement of a mapped Historic Heritage Site or part of a Historic Heritage Site (refer I Maps | Ngā mahere matawhenua), and
- 3) the structure has a functional need to be located in the coastal marine area.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, reconstruction, placement, alteration, extension, maintenance, repair, removal or demolition of a structures in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).
- Occupation of the common marine and coastal area with a cable (s12(2)).
- Use of a structure in the coastal marine area (s12(3)).

C.1.1.22 Hard protection structures – discretionary activity

The erection, reconstruction, placement, alteration, extension, maintenance, repair, removal or, demolition of a hard protection structure and the occupation of the common marine and coastal area by the hard protection structure that is not a permitted activity under C.1.1.1 Existing structures – permitted activity or C.1.1.8 Maintenance, repair or removal of hard protection structures – permitted activity, and the use of the hard protection structure, are discretionary activities, provided it is not in a mapped (refer I Maps | Ngā mahere matawhenua):

- 1) Nationally Significant Surfbreak, or
- 2) Outstanding Natural Feature in the coastal marine area, or
- 3) Area of Outstanding Natural Character in the coastal marine area, or
- 4) Historic Heritage Area, or
- 5) Site or Area of Significance to tāngata whenua, or
- 6) Outstanding Natural Landscape, or
- 7) Significant Ecological Area, or
- 8) Significant Bird Area – critical bird habitats.

Note:

A hard protection structure directly associated with the protection of existing regionally significant infrastructure or core local infrastructure is excluded from this rule and is covered by Rule C.1.1.23 Hard protection structures associated with regionally significant or core local infrastructure – discretionary activity.

For the avoidance of doubt this rule covers the following RMA activities:

- The erection, placement, replacement, alteration, extension, maintenance, repair, removal or demolition of a hard protection structure (s9(2)).
- Erection, placement, replacement, alteration, extension, maintenance, repair, removal or demolition of a hard protection structure in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).
- Occupation of the common marine and coastal area with a hard protection structure (s12(2)).

- Use of a structure in the coastal marine area (s12(3)).

C.1.1.23 Hard protection structures associated with regionally significant or core local infrastructure – discretionary activity

The use, erection or placement of a hard protection structure directly associated with

- 1) the protection of existing regionally significant infrastructure, or
- 2) core local infrastructure, or
- 3) a reclamation for regionally significant infrastructure,

and the occupation of the common marine and coastal area by the hard protection structure, are discretionary activities provided it is not located within a mapped (refer I Maps | Ngā mahere matawhenua):

- 4) Outstanding Natural Feature in the coastal marine area, or
- 5) Area of Outstanding Natural Character in the coastal marine area, or
- 6) Nationally Significant Surfbreak, or

7) Outstanding Natural Landscape, or

8) Significant Ecological Area, or

9) Significant Bird Area – critical bird habitats.

For the avoidance of doubt this rule covers the following RMA activities:

- The erection or placement of a hard protection structure (s9(2)).
- Erection or placement of a hard protection structure in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a hard protection structure (s12(2) and s12(3)).
- Use of a structure in the coastal marine area (s12(3)).

C.1.1.27 Structures within a significant area – non-complying activity

The erection, reconstruction, placement, alteration, extension, replacement, maintenance, repair, removal or demolition of a structure in the coastal marine area and any occupation of the common marine and coastal area by the structure that is in a mapped (refer I Maps | Ngā mahere matawhenua):

- 1) Nationally Significant Surfbreak, or
- 2) Regionally Significant Anchorage, or

- 3) Outstanding Natural Feature in the coastal marine area, or
- 4) Area of Outstanding Natural Character in the coastal marine area, or
- 5) Historic Heritage Area, or
- 6) Site or Area of Significance to tāngata whenua, or

7) Outstanding Natural Landscape, or

8) Significant Ecological Area, or

9) Significant Bird Area – critical bird habitats.

and is not a permitted, controlled, restricted discretionary or discretionary activity in Section C.1.1 of this Plan, and the use of the structure are non-complying activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, reconstruction, placement, alteration, extension, replacement, maintenance, repair, removal, demolition of a structure in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).
- Occupation of the common marine and coastal area with a structure (s12(2)).
- Use of a structure in the coastal marine area (s12(3)).

C.1.2.6 Relocation of a mooring by the Harbourmaster – permitted activity

The relocation of a mooring as directed by the Regional Council's Harbourmaster, for navigation safety purposes and the efficient use of available space, is a permitted activity, provided:

1) if the new position of the mooring block is:

a) outside a Mooring Zone, and

b) in a Significant Bird Area – critical bird habitats mapped area (refer I Maps | Ngā mahere matawhenua),

then the new position must not be more than 200m from the original mooring block position, and

2) the mooring is not relocated into the following mapped areas (refer I Maps | Ngā mahere matawhenua):

a) ~~1)~~ Outstanding Natural Feature, or

b) ~~2)~~ Area of Outstanding Natural Character, or

c) ~~3)~~ Significant Ecological Area outside a Mooring Zone, or

d) ~~4)~~ Regionally Significant Anchorage, or

e) ~~4a)~~ Recognised Recreational Anchorage; or

f) ~~5)~~ Site or Area of Significance to tāngata whenua, or

g) ~~6)~~ Marina Zone, or

h) ~~7)~~ Historic Heritage Area or Historic Heritage Site, ~~or~~

i) ~~8)~~ Outstanding Natural Landscape.

For the avoidance of doubt this rule covers the following RMA activities:

- Relocation of a mooring in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).

C.1.2.14 New moorings in significant areas – non-complying activity

The erection or placement of a mooring in the coastal marine area, and any occupation of the common marine and coastal area with the mooring and a vessel using the mooring, in the following **mapped** areas (refer I Maps | Ngā mahere matawhenua):

- 1) Outstanding Natural Feature, or
- 2) Area of Outstanding Natural Character, or
- 3) Regionally Significant Anchorage, or
- 4) Areas of significance to tāngata whenua, or
- 5) Historic Heritage Site, **or**

6) Outstanding Natural Landscape, or

7) Significant Ecological Area, or

8) Significant Bird Area – critical bird habitats,

are non-complying activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Erection or placement of a mooring in, on, under or over the foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1)).
- Occupation of the common marine and coastal area with a mooring and associated moored vessel(s) (s12(2)).

C.1.5.3 Removal of nuisance marine plant debris – permitted activity

The removal of nuisance marine plant debris washed onto a beach in the coastal marine area, including any associated disturbance of the foreshore or seabed, where it restricts safe and legally established public walking access to or along a beach, or the safe use of a beach, are permitted activities, provided:

- 1) the Regional Council's Compliance Manager is notified (in writing or by email) at least 24 hours before the start of any removal, and
- 2) if the activity occurs within a mapped Site or Area of Significance to tāngata whenua (refer I Maps | Ngā mahere matawhenua), the relevant tāngata whenua are notified at least 24 hours before the start of any removal, and
- 3) if the activity occurs within a Significant Bird Area (refer I Maps | Ngā mahere matawhenua) between 1 ~~September~~ **August** and ~~28 February~~ **31 March**, a person with expertise in bird ecology is on site prior to the works commencing to assist with identification of bird species and potential nesting areas. If shore bird nests are identified during the inspections, the person undertaking the activity shall ensure that nesting areas are not disturbed and signage is erected to identify the presence of the nesting bird, and
- 4) if the activity occurs within a Significant Ecological Area (refer I Maps | Ngā mahere matawhenua), a person with expertise in ecology is on site prior to the works commencing to assist with identification of the attributes, qualities and values of the Significant Ecological Area. If particular areas of significance are identified during the inspections, the person undertaking the activity must ensure that those areas are not adversely affected;**
- 5) removed marine plant debris is disposed of outside the coastal marine area and at a location authorised to take such material, and**
- 6) the activity complies with all relevant conditions of C.1.8 Coastal works general conditions.**

For the avoidance of doubt this rule covers the following RMA activities:

- Disturbance of any foreshore or seabed associated with the removal of nuisance marine plant debris (s12(1)).
- Removal of nuisance plant material washed onto a beach in the coastal marine area (s12(3)).

C.1.5.5 Clearing of pipe outlets – permitted activity

The clearing of material from a pipe outlet in the coastal marine area, including any associated disturbance of the foreshore or seabed and the deposition of material excavated from the pipe outlet, are permitted activities, provided:

- 1) any removal of mangroves complies with the requirements of Rule C.1.4.1, and
- 2) the extent of the clearance is limited to that required to create a free-draining path from the outlet to coastal water at mean low water springs, and
- 3) if the activity occurs in a mapped Significant Bird Area (refer I Maps | Ngā mahere matawhenua) between 1 ~~September~~ **August** and ~~28 February~~ **31 March**, a person with expertise in bird ecology is on site prior to the works commencing to assist with identification of bird species and potential nesting areas. If shore bird nests are identified during the inspections, the person undertaking the activity must ensure

that nesting areas are not disturbed and signage is erected to identify the presence of the nesting bird, and

- 4) excavated material is not mounded, banded or deposited in a manner that creates ponding or the diversion of water on the foreshore and the natural contour of the foreshore or seabed is maintained, and
- 5) all cleared vegetation and visibly contaminated material is removed from the coastal marine area and appropriately disposed of, and
- 6) the Regional Council's Compliance Manager is notified (in writing or by email) at least three working days prior to work being undertaken, and
- 7) if the activity occurs within a mapped Site or Area of Significance to tāngata whenua (refer I Maps | Ngā mahere matawhenua), the relevant tāngata whenua are notified at least three working days prior to work being undertaken, and
- 8) if the activity occurs within a Significant Ecological Area (refer I Maps | Ngā mahere matawhenua), a person with expertise in ecology is on site prior to the works commencing to assist with identification of the attributes, qualities and values of the Significant Ecological Area. If particular areas of significance are identified during the inspections, the person undertaking the activity must ensure that those areas are not adversely affected;
- 9) the activity complies with ~~all relevant conditions of~~ C.1.8 Coastal works general conditions.

For the avoidance of doubt this rule covers the following RMA activities:

- Disturbance of any foreshore or seabed and the deposition of material cleared from a pipe outlet onto the foreshore or seabed associated with the clearing of material from a pipe outlet (s12(1)).
- Clearing material from a pipe outlet in the coastal marine area (s12(3)).
- Discharge of water or sediment into water incidental to the activity (s15(1)).

C.1.5.7 Clearing tidal stream mouths – permitted activity

Clearing material (excluding mangroves) from a tidal stream mouth in the coastal marine area, including any associated disturbance of the foreshore or seabed and deposition of excavated material on the foreshore or seabed, are permitted activities, provided:

- 1) the extent of the clearance is limited to that required to create a free-draining path from the stream to coastal water at mean low water springs, and
- 2) the clearance is for the purpose of avoiding flooding of adjacent land, or for releasing impounded water which is stagnant or poses a contact recreation health risk, and

- 3) excavated material is not mounded, banded or deposited in a manner that creates ponding or the diversion of water on the foreshore and the natural contour of the foreshore or seabed is maintained, and
- 4) if the activity occurs in a Significant Bird Area (refer I Maps | Ngā mahere matawhenua) between 1 ~~September~~ ~~August~~ and ~~28 February~~ ~~31 March~~, a person with expertise in bird ecology is on site prior to the works commencing to assist with identification of bird species and potential nesting areas. If shore bird nests are identified during the inspections, the person undertaking the activity must ensure that nesting areas are not disturbed and signage is erected to identify the presence of the nesting bird, and
- 5) all cleared vegetation and visibly contaminated material is removed from the coastal marine area and appropriately disposed of, and
- 6) the Regional Council's Compliance Manager is provided a written statement from a chartered professional engineer or the Northland District Health Board outlining the need for the clearance in accordance with Condition 2, at least two working days before the start of work, and
- 7) if the activity occurs within a mapped Site or Area of Significance to tāngata whenua (refer I Maps | Ngā mahere matawhenua), the relevant tāngata whenua are notified at least two working days before the start of work, and
- 8) if the activity occurs within a Significant Ecological Area (refer I Maps | Ngā mahere matawhenua), a person with expertise in ecology is on site prior to the works commencing to assist with identification of the attributes, qualities and values of the Significant Ecological Area. If particular areas of significance are identified during the inspections, the person undertaking the activity must ensure that those areas are not adversely affected;
- ~~8~~ 9) the activity complies with ~~all relevant conditions of~~ C.1.8 Coastal works general conditions.

For the avoidance of doubt this rule covers the following RMA activities:

- Disturbance of any foreshore or seabed associated with the clearing of material (excluding mangroves) from a tidal stream mouth and the deposition of material cleared (excluding mangroves) from the tidal stream mouth onto the foreshore or seabed (s12(1)).
- Clearing material (excluding mangroves) from a tidal stream mouth in the coastal marine area (s12(3)).
- Discharge of water or sediment into water incidental to the activity (s15(1)).

C.1.5.12 Dredging, deposition and disturbance activities – discretionary activity

The damage, destruction or disturbance of the foreshore or seabed, or deposition of material onto the foreshore or seabed, that is not the subject of any other rule of this Plan are discretionary activities, provided they are not in a mapped (refer I Maps | Ngā mahere matawhenua):

- 1) Nationally Significant Surfbreak, or
- 2) Outstanding Natural Feature, or
- 3) Area of Outstanding Natural Character, or
- 4) Historic Heritage Area or Site, or
- 5) Significant Ecological Area, or
- 6) Site or Area of Significance to tāngata whenua, or
- 7) Outstanding Natural Landscape, or
- 8) Significant Bird Area – critical bird habitats.

For the avoidance of doubt this rule covers the following RMA activities:

- Destruction, damage or disturbance of any foreshore or seabed or the deposition of material in, on or under the foreshore or seabed (s12(1)).
- Discharge of water or sediment into water incidental to the activity (s15(1)).

C.1.6.3 Reclamation for regionally significant infrastructure – discretionary activity

A reclamation in the coastal marine area necessary for regionally significant infrastructure, any associated destruction, damage or disturbance of the foreshore or seabed, deposition of material on to the foreshore or seabed, and the use of the reclamation, that is not a discretionary activity under C.1.6.2 Unlawful reclamation – discretionary activity, are discretionary activities, provided they are not in a mapped (refer I Maps | Ngā mahere matawhenua):

- 1) Significant Ecological Area, or
- 2) Outstanding Natural Feature, or
- 3) Area of Outstanding Natural Character, or
- 4) Outstanding Natural Landscape, or
- 5) Significant Bird Area – critical bird habitats.

For the avoidance of doubt this rule covers the following RMA activities:

- Reclamation of any foreshore or seabed and any associated destruction, damage or disturbance of the foreshore or seabed and deposition of material on to the foreshore or seabed (s12(1)).
- Use of a reclamation in the coastal marine area (s12(3)).
- Discharge of sediment or water into water or onto land incidental to the activity (s15(1)).
- Discharge of sediment or water onto land incidental to the activity (s15(2A)).

C.1.6.5 Reclamation – discretionary activity

A reclamation in the coastal marine area, any associated destruction, damage or disturbance of the foreshore or seabed and deposition of material onto the foreshore or seabed, and the use of the reclamation, that is not a:

- 1) discretionary activity under C.1.6.2 Unlawful reclamation – discretionary activity, or
- 2) discretionary activity under C.1.6.3 Reclamation for regionally significant infrastructure – discretionary activity,

are discretionary activities, provided it is not in a mapped (refer I Maps | Ngā mahere matawhenua):

- 3) Nationally Significant Surfbreak, or
- 4) Significant Ecological Area, or
- 5) Outstanding Natural Feature, or
- 6) Area of Outstanding Natural Character, or
- 7) Historic Heritage Area or Site, or
- 8) Site or Area of Significance to tāngata whenua, or
- 9) Regionally Significant Anchorage, or
- 10) Outstanding Natural Landscape, or
- 11) Significant Bird Area – critical bird habitats.

For the avoidance of doubt this rule covers the following RMA activities:

- Reclamation of any foreshore or seabed and any associated destruction, damage or disturbance of the foreshore or seabed and deposition of material on to the foreshore or seabed (s12(1)).
- Use of a reclamation in the coastal marine area (s12(3)).
- Discharge of sediment or water into water or onto land incidental to the activity (s15(1)).
- Discharge of sediment or water onto land incidental to reclaiming the foreshore or seabed foreshore (s15(2A)).

C.1.8 Coastal works general conditions

...

9) Any visible disturbance of the foreshore or seabed must be remedied or restored within 48 hours of completion of works in a mapped (refer I Maps | Ngā mahere matawhenua):

- a) Area of Outstanding Natural Character Area, or
- b) Outstanding Natural Feature, or
- c) Site or Area of Significance to tāngata whenua, or
- d) Significant Ecological Area, or

e) Outstanding Natural Landscape, or

f) Significant Bird Area – critical bird habitats.

...

11) Outside outstanding natural character, outstanding natural feature, or significant ecological areas or significant bird area – critical bird habitats, any visible disturbance of the foreshore or seabed must be remedied or restored within seven days of completion of works, provided that should adverse circumstances arise that make it unsafe to conduct remediation and restoration work in the CMA, then such remediation or restoration work shall be carried out within ten working days.

C.1.5.14A Dredging, deposition and disturbance activities for operation, maintenance, repair or upgrades, associated with state highways – discretionary activity

The damage, destruction or disturbance of the foreshore or seabed, or deposition of material onto the foreshore or seabed necessary for maintenance, repair or upgrades associated with state highways, are discretionary activities, provided they are consistent with protecting the characteristics, qualities and values of mapped Significant Bird Area – critical bird habitats (refer I Maps | Ngā mahere matawhenua).

For the avoidance of doubt this rule covers the following RMA activities:

- Destruction, damage or disturbance of any foreshore or seabed or the deposition of material in, on or under the foreshore or seabed (s12(1)).
- Discharge of water or sediment into water incidental to the activity (s15(1)).

C.1.5.14 Other dredging, deposition and disturbance activities – non-complying

The damage, destruction or disturbance of the foreshore or seabed, or deposition of material in, on or under the foreshore or seabed, that is not a:

- 1) discretionary activity under C.1.5.12 Dredging, deposition and disturbance activities – discretionary activity, or
- 2) discretionary activity under C.1.5.13 Dumping (deliberate disposal) of certain waste in coastal marine area – discretionary activity, or
- 3) discretionary activity under C.1.5.14A Dredging, deposition and disturbance activities for operation, maintenance, repair or upgrades, associated with state highways – discretionary activity.

are non-complying activities.

For the avoidance of doubt this rule covers the following RMA activities:

- Destruction, damage or disturbance of any foreshore or seabed or the deposition of material in, on or under the foreshore or seabed (s12(1)).
- Discharge of water or sediment into water incidental to the activity (s15(1)).

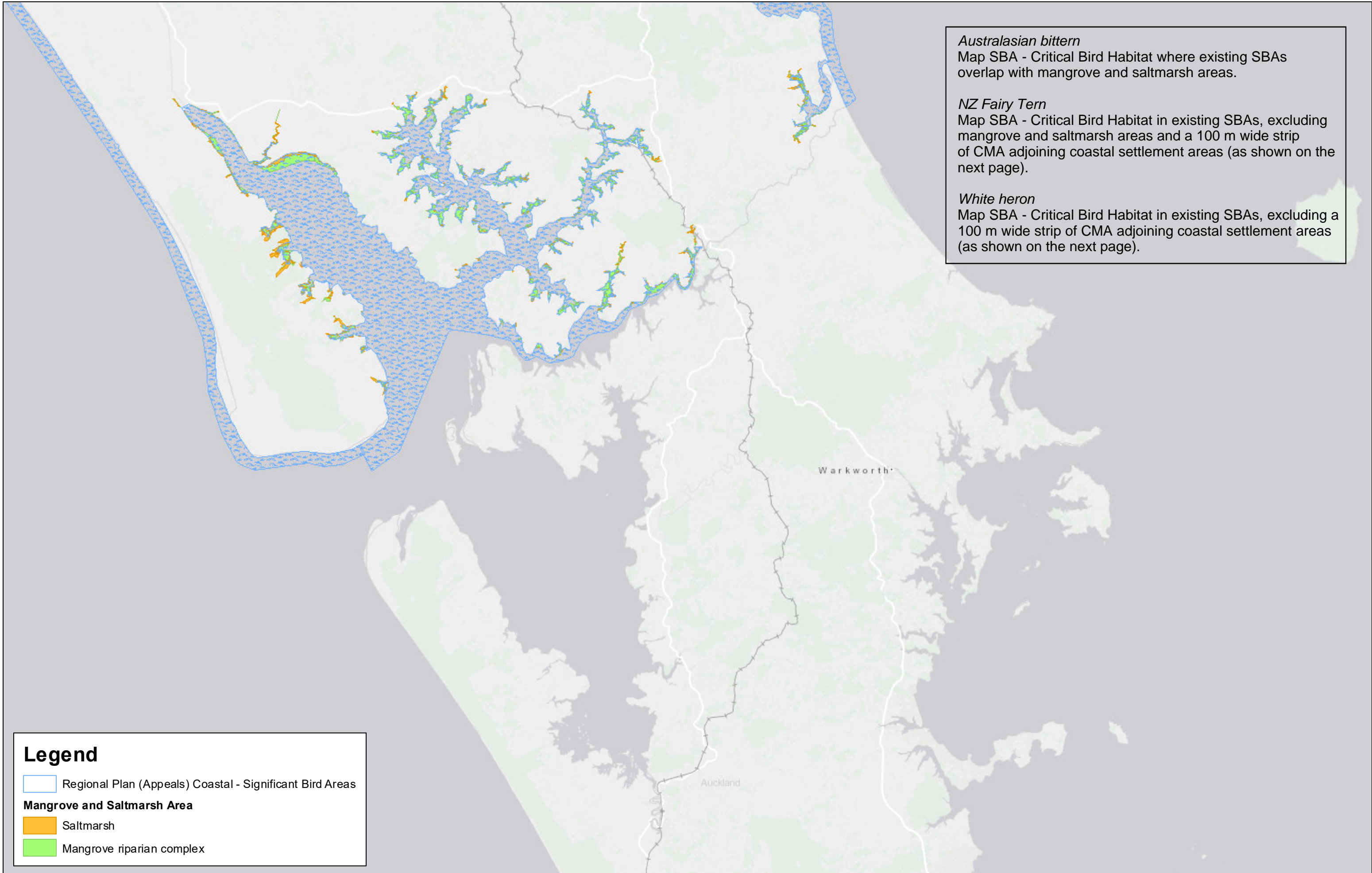
C.1.1.22A Structures, for operation, maintenance, repair or upgrades, associated with state highways – discretionary activity

The erection, reconstruction, placement, alteration, extension, maintenance, repair, removal, or demolition of a structure in the coastal marine area necessary for maintenance, repair or upgrades associated with state highways, and any occupation of the common marine and coastal area by the structure, and the use of the structure, are discretionary activities, provided they are consistent with protecting the characteristics, qualities and values of mapped Significant Bird Area – critical bird habitats (refer I Maps | Ngā mahere matawhenua).

For the avoidance of doubt this rule covers the following RMA activities:

- Erection, reconstruction, placement, alteration, extension, maintenance, repair, removal or demolition of a structures in, on, under or over any foreshore or seabed and any incidental disturbance of the foreshore or seabed (s12(1) and s12(3)).
- Occupation of the common marine and coastal area with a structure (s12(2)).
- Use of a structure in the coastal marine area (s12(3)).

APPENDIX 2: SBA – CRITICAL BIRD AREA MAPPING OVERLAY



Australasian bittern
Map SBA - Critical Bird Habitat where existing SBAs overlap with mangrove and saltmarsh areas.

NZ Fairy Tern
Map SBA - Critical Bird Habitat in existing SBAs, excluding mangrove and saltmarsh areas and a 100 m wide strip of CMA adjoining coastal settlement areas (as shown on the next page).

White heron
Map SBA - Critical Bird Habitat in existing SBAs, excluding a 100 m wide strip of CMA adjoining coastal settlement areas (as shown on the next page).

Legend

Regional Plan (Appeals) Coastal - Significant Bird Areas

Mangrove and Saltmarsh Area

Saltmarsh

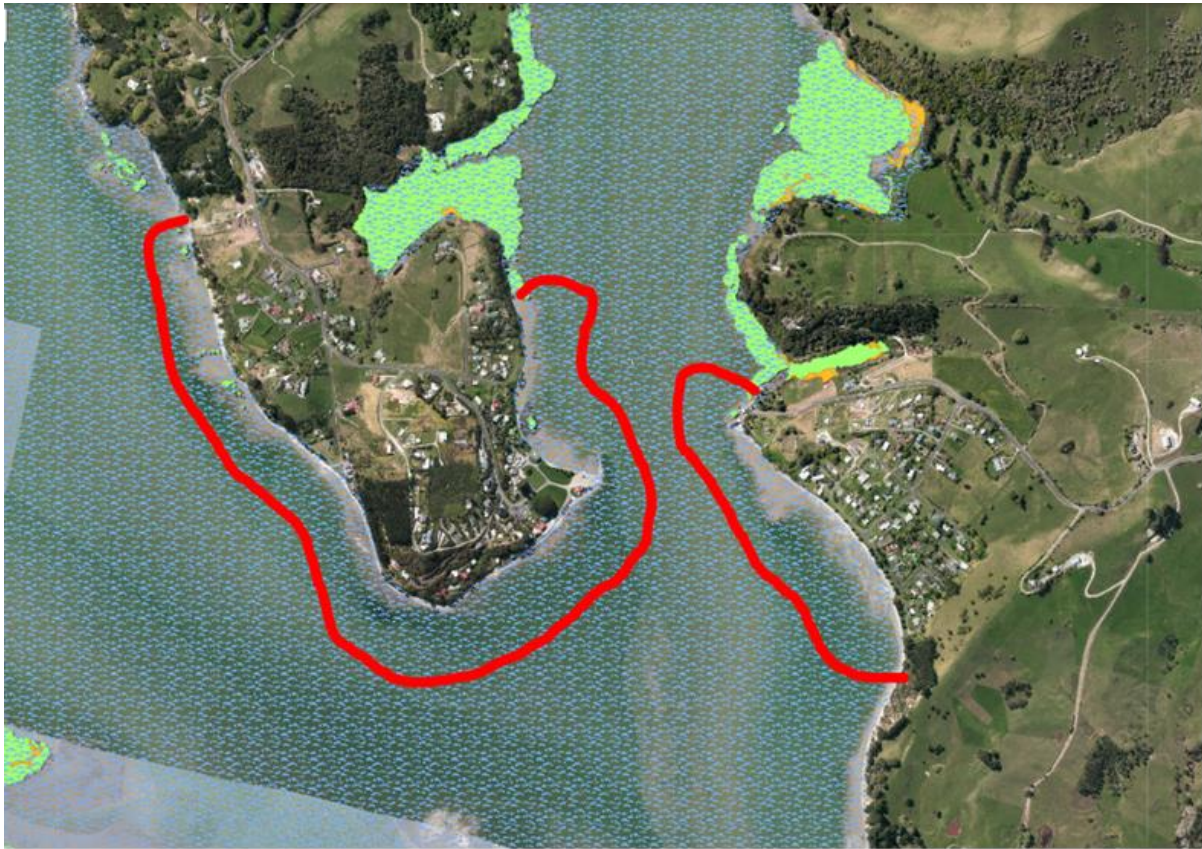
Mangrove riparian complex

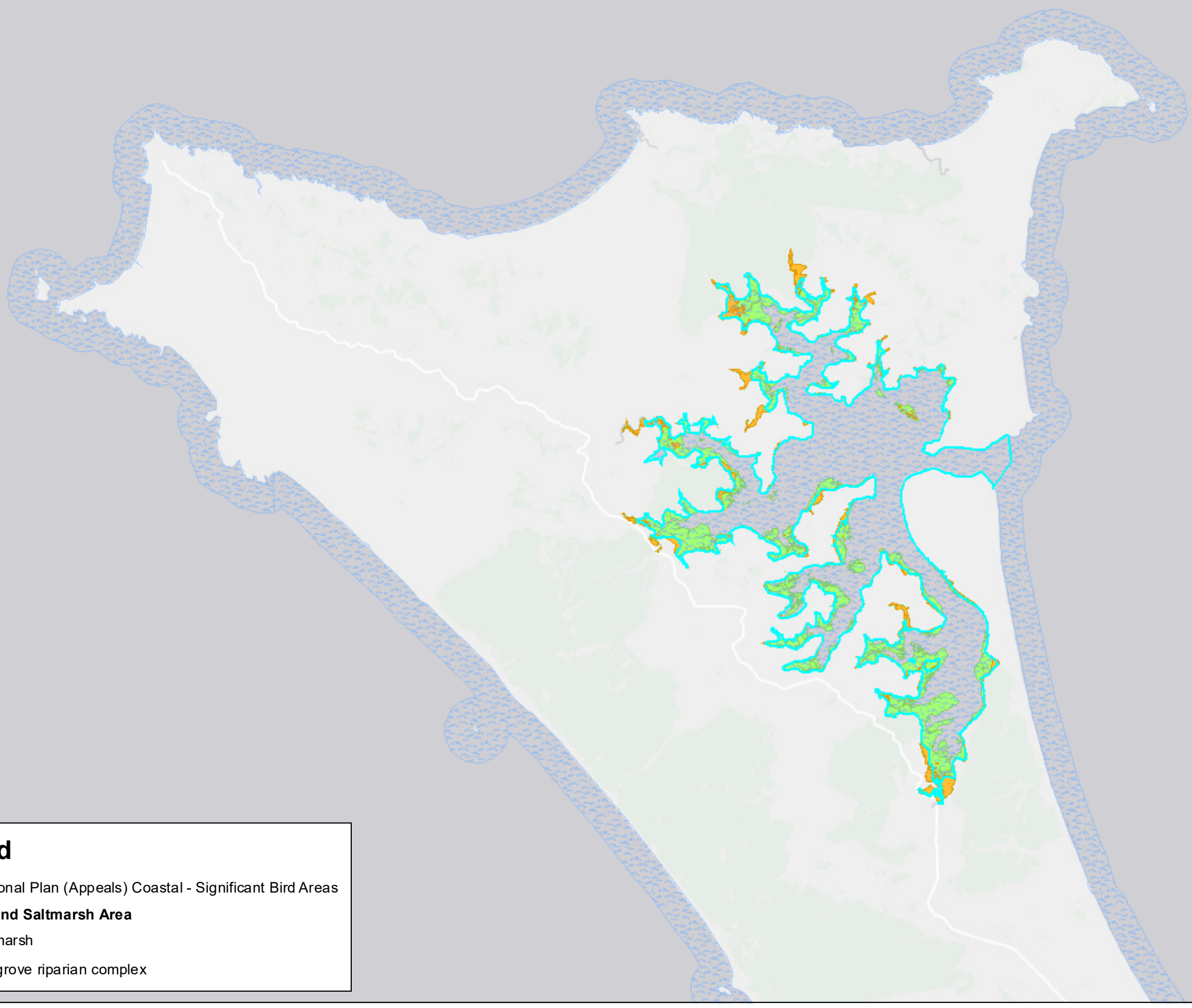
Kaipara

Map showing SBA – Critical bird habitat for white heron and fairy tern with 100 m buffer at Tinopai (Kaipara)



Map showing SBA – Critical bird habitat for white heron and fairy tern with 100 m buffer at Pahi and Whakapirau (Kaipara)





Australasian bittern
 Map SBA - Critical Bird Habitat where existing selected SBAs overlap with mangrove and saltmarsh areas.

White heron
 Map SBA - Critical Bird Habitat in existing selected SBAs, excluding a 100 m wide strip of CMA adjoining coastal settlement areas (as shown on the next page).

Legend

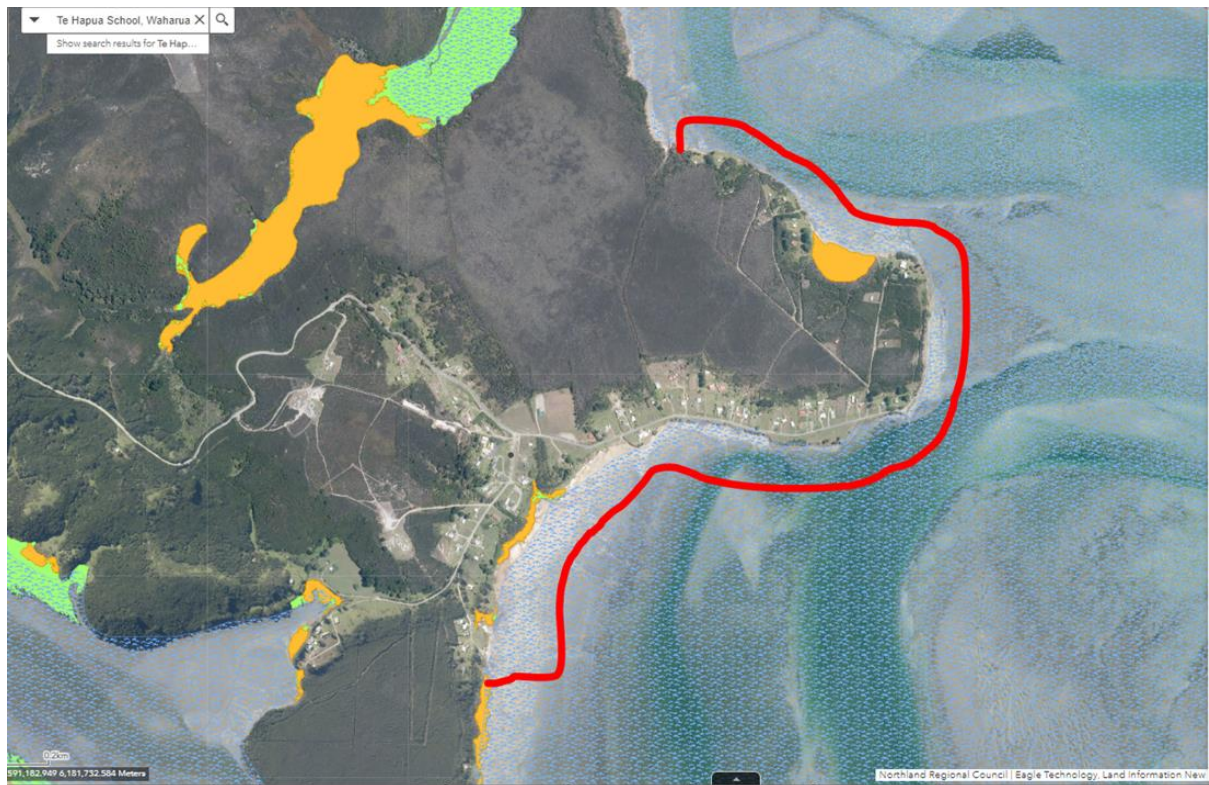
Regional Plan (Appeals) Coastal - Significant Bird Areas

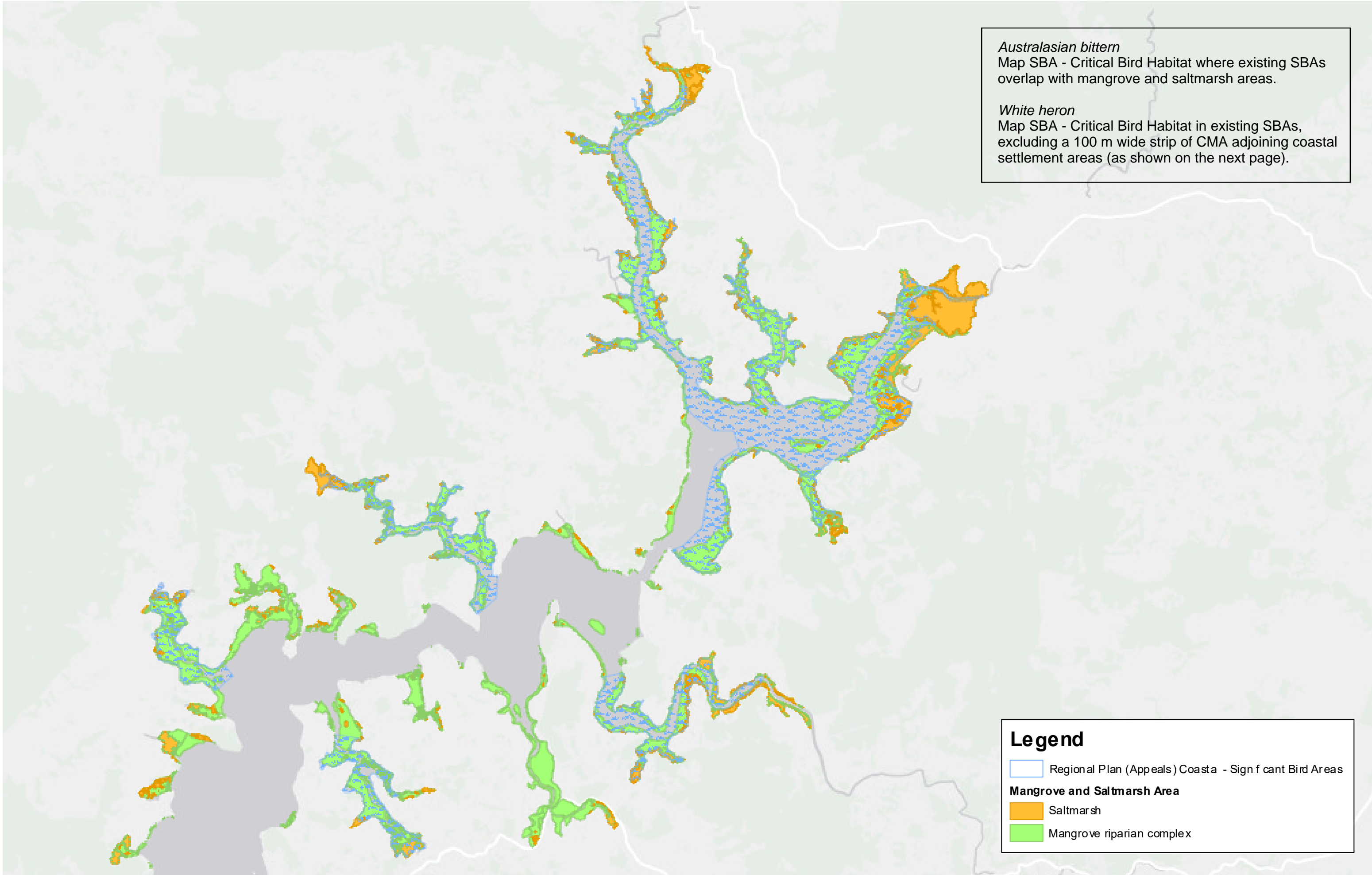
Mangrove and Saltmarsh Area

Saltmarsh

Mangrove riparian complex

Map showing SBA – Critical bird habitat for white heron with 100 m buffer at Te Hapau (Parengarenga)





Australasian bittern
 Map SBA - Critical Bird Habitat where existing SBAs overlap with mangrove and saltmarsh areas.

White heron
 Map SBA - Critical Bird Habitat in existing SBAs, excluding a 100 m wide strip of CMA adjoining coastal settlement areas (as shown on the next page).

Legend

Regional Plan (Appeals) Coastal - Significant Bird Areas

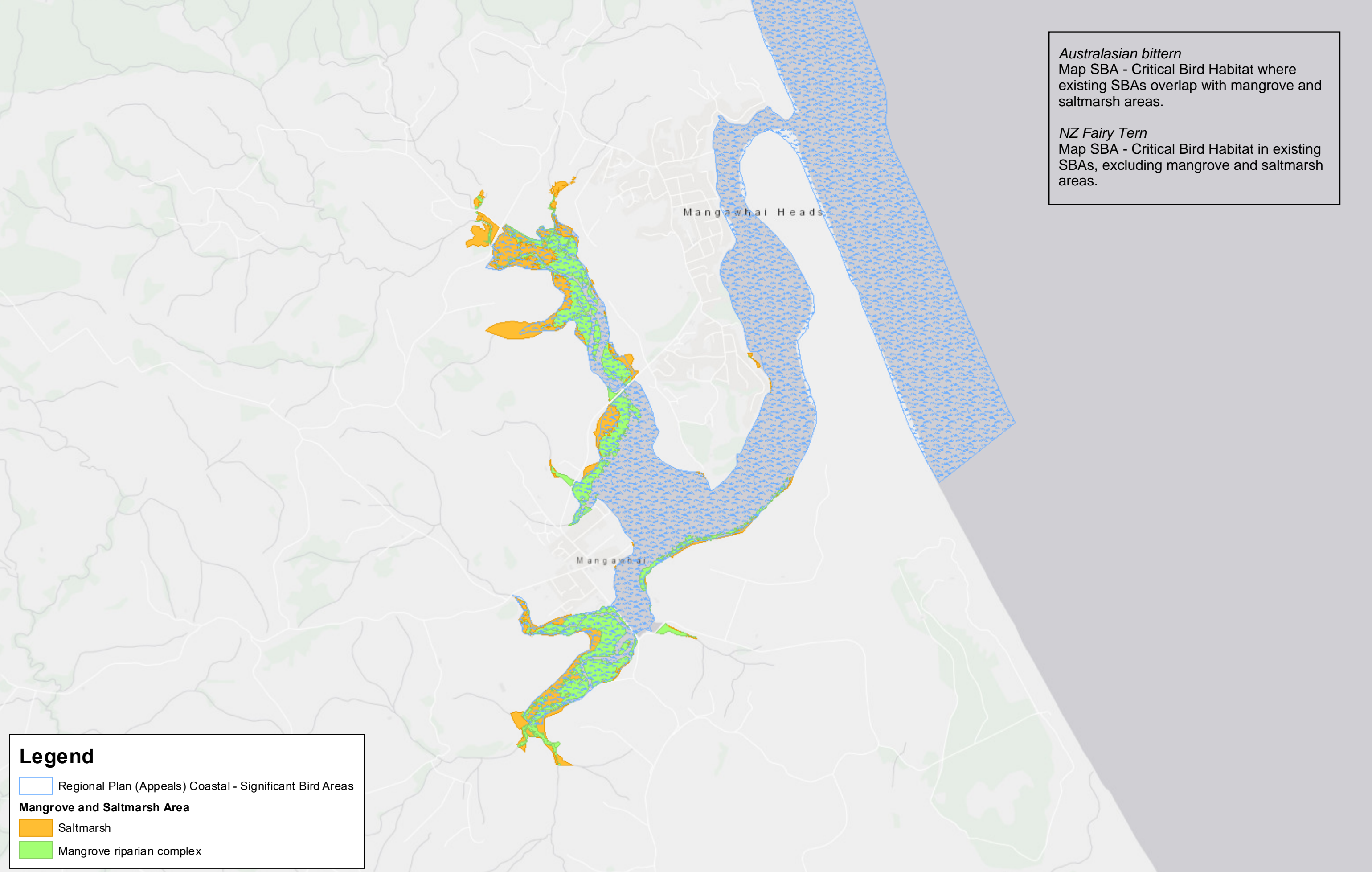
Mangrove and Saltmarsh Area

Saltmarsh

Mangrove riparian complex

Map showing SBA – Critical bird habitat for white heron with 100 m buffer at Horeke (Hokianga)





Australasian bittern
Map SBA - Critical Bird Habitat where existing SBAs overlap with mangrove and saltmarsh areas.

NZ Fairy Tern
Map SBA - Critical Bird Habitat in existing SBAs, excluding mangrove and saltmarsh areas.

Legend

Regional Plan (Appeals) Coastal - Significant Bird Areas

Mangrove and Saltmarsh Area

Saltmarsh

Mangrove riparian complex

Mangawhai

NZ Fairy Tern
Map SBA - Critical Bird
Habitat in existing selected
SBAs, excluding mangrove
and saltmarsh areas.

Legend

Regional Plan (Appeals) Coastal - Significant Bird Areas

Mangrove and Saltmarsh Area

Saltmarsh

Mangrove riparian complex

Waipu

Australasian bittern
Map SBA - Critical Bird Habitat
where existing selected SBAs
overlap with mangrove and
saltmarsh areas.

Legend

Regional Plan (Appeals) Coastal - Significant Bird Areas

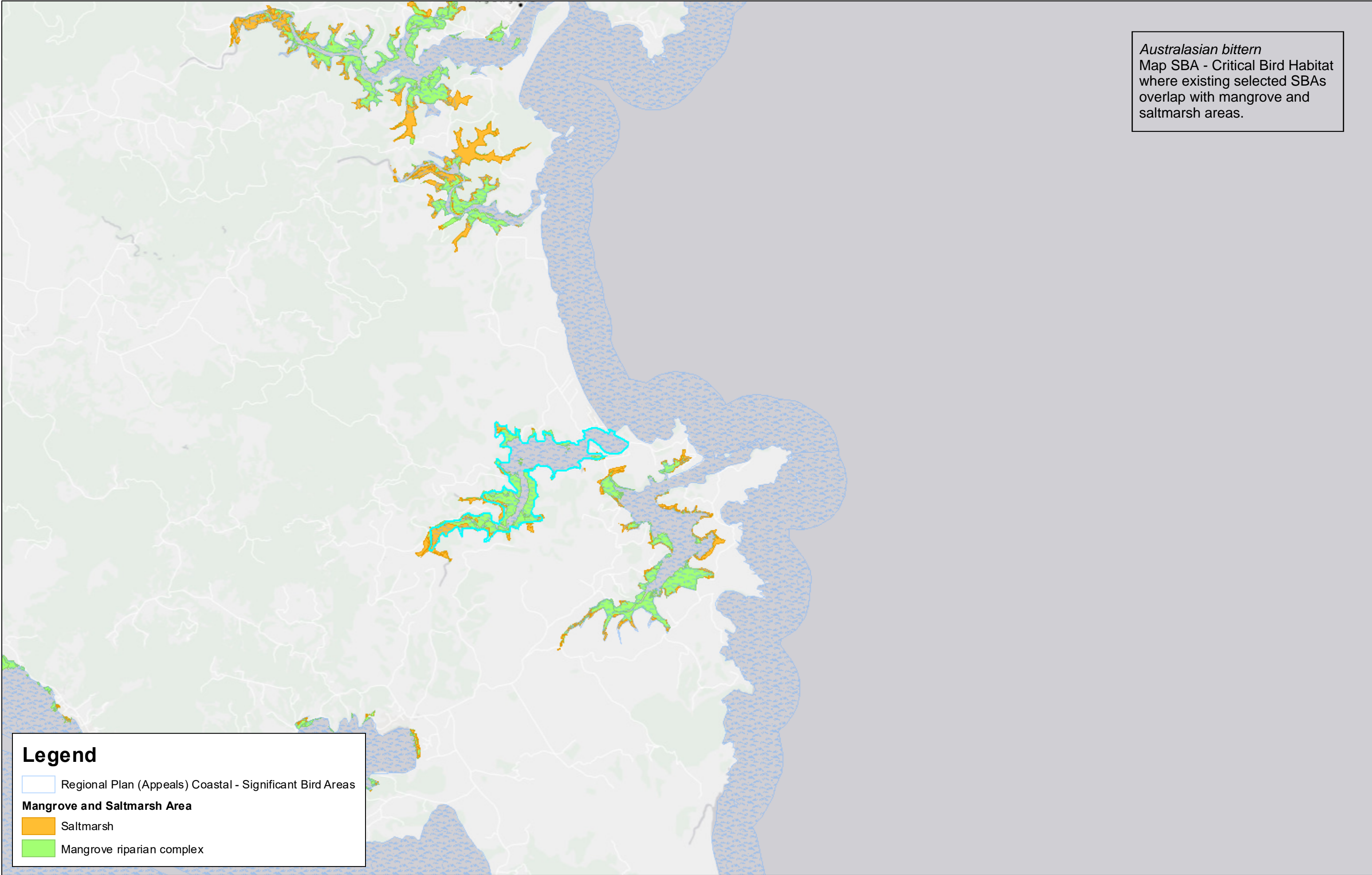
Mangrove and Saltmarsh Area

Saltmarsh

Mangrove riparian complex

Ngunguru

Australasian bittern
 Map SBA - Critical Bird Habitat
 where existing selected SBAs
 overlap with mangrove and
 saltmarsh areas.



Legend

Regional Plan (Appeals) Coastal - Significant Bird Areas

Mangrove and Saltmarsh Area

Saltmarsh

Mangrove riparian complex

Australasian bittern
 Map SBA - Critical Bird Habitat
 where existing selected SBAs
 overlap with mangrove and
 saltmarsh areas.

Legend

Regional Plan (Appeals) Coastal - Significant Bird Areas

Mangrove and Saltmarsh Area

Saltmarsh

Mangrove riparian complex

Northland

REGIONAL COUNCIL

Rangaunu

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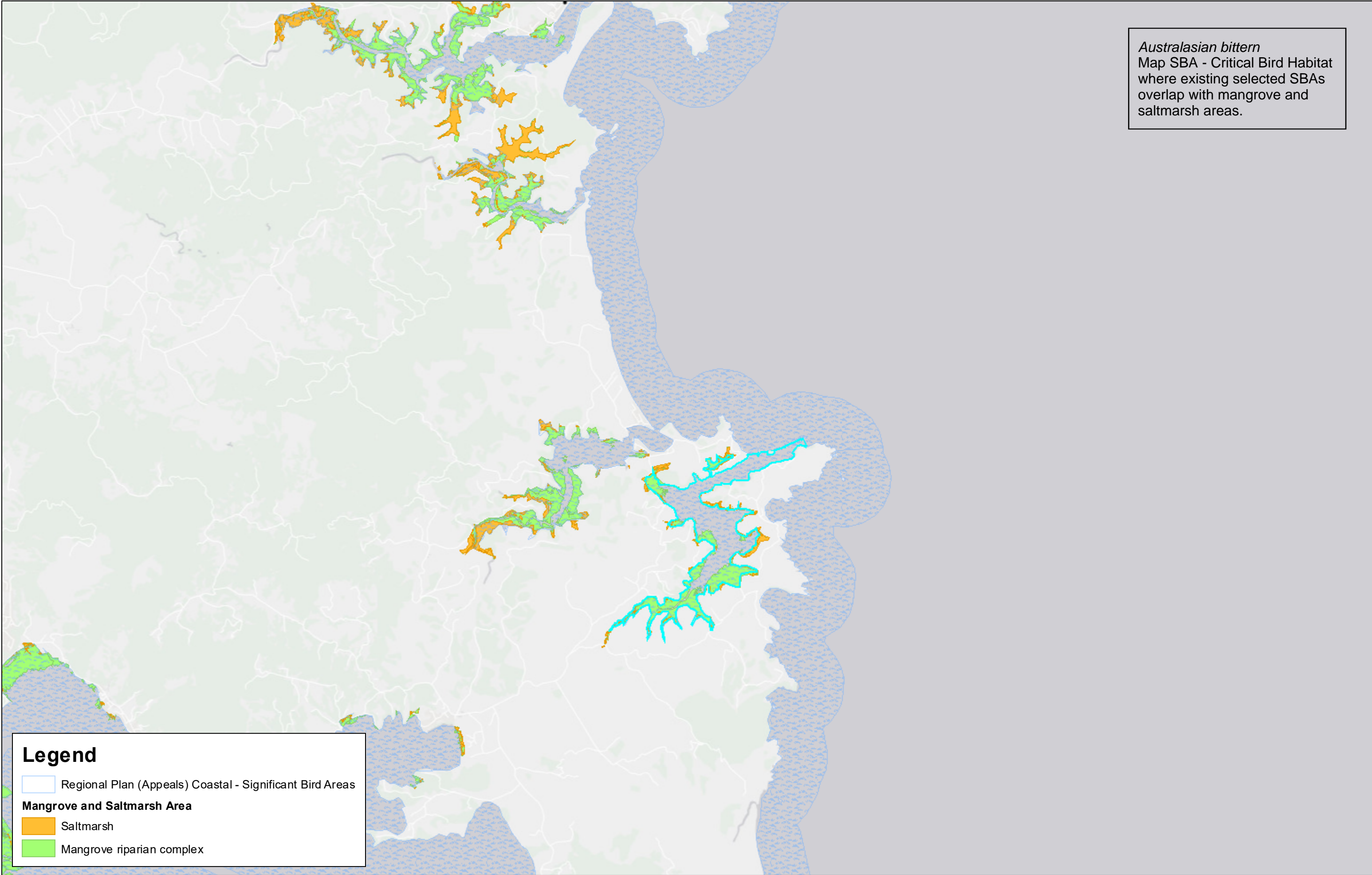
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Kilometers

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May 3 2023

Australasian bittern
Map SBA - Critical Bird Habitat
where existing selected SBAs
overlap with mangrove and
saltmarsh areas.



Legend

 Regional Plan (Appeals) Coastal - Significant Bird Areas




Mangrove and Saltmarsh Area

 Saltmarsh

 Mangrove riparian complex

Australasian bittern
Map SBA - Critical Bird Habitat
where existing selected SBAs
overlap with mangrove and
saltmarsh areas.

Legend

-  Regional Plan (Appeals) Coastal - Significant Bird Areas
- Mangrove and Saltmarsh Area**
-  Saltmarsh
-  Mangrove riparian complex

Whananaki

Australasian bittern
Map SBA - Critical Bird Habitat
where existing SBAs overlap
with mangrove and saltmarsh
areas.

Legend

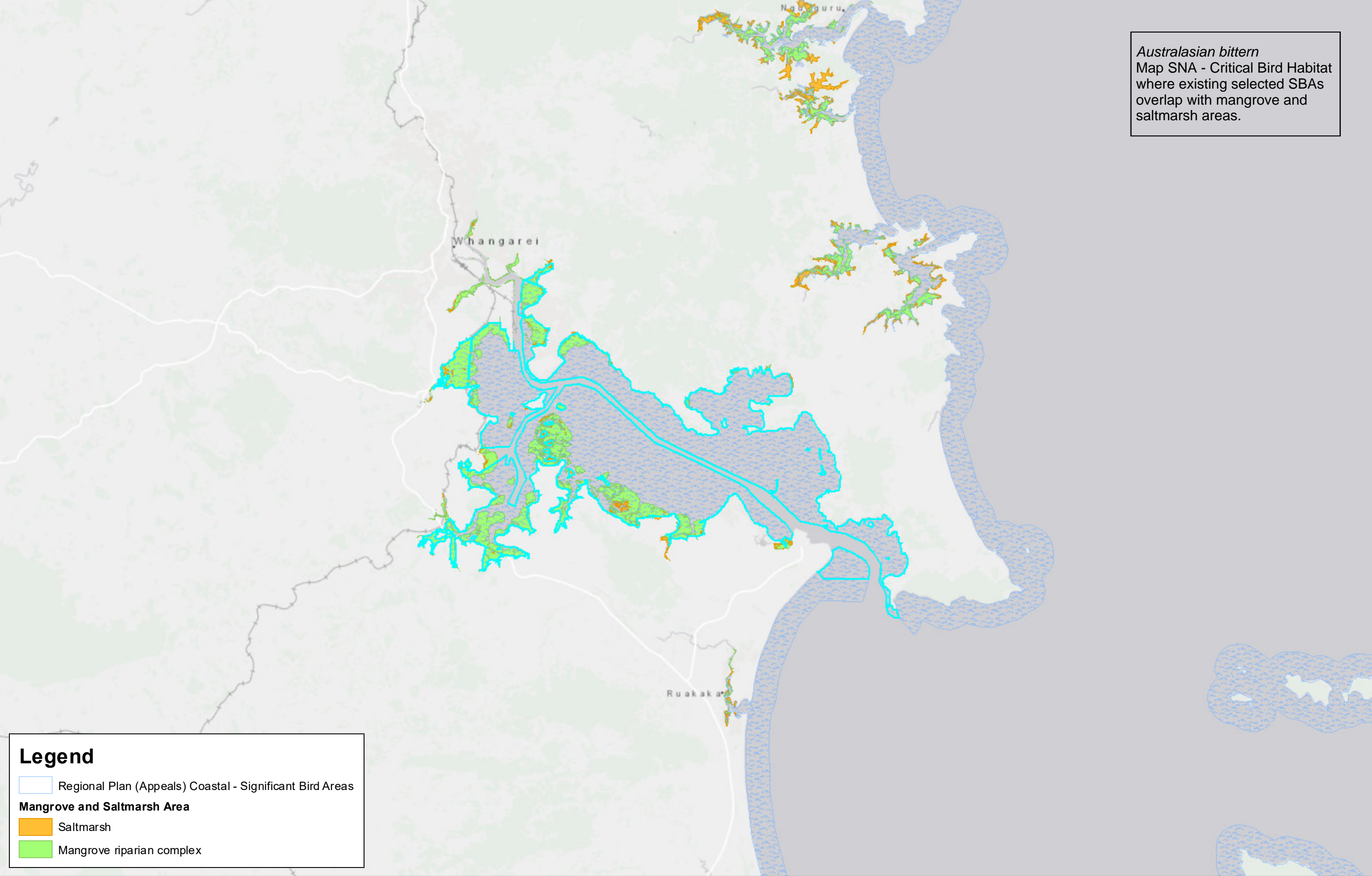
Regional Plan (Appeals) Coastal - Significant Bird Areas

Mangrove and Saltmarsh Area

Saltmarsh

Mangrove riparian complex

Whangape-Herekino



Australasian bittern
Map SNA - Critical Bird Habitat
where existing selected SBAs
overlap with mangrove and
saltmarsh areas.

Legend

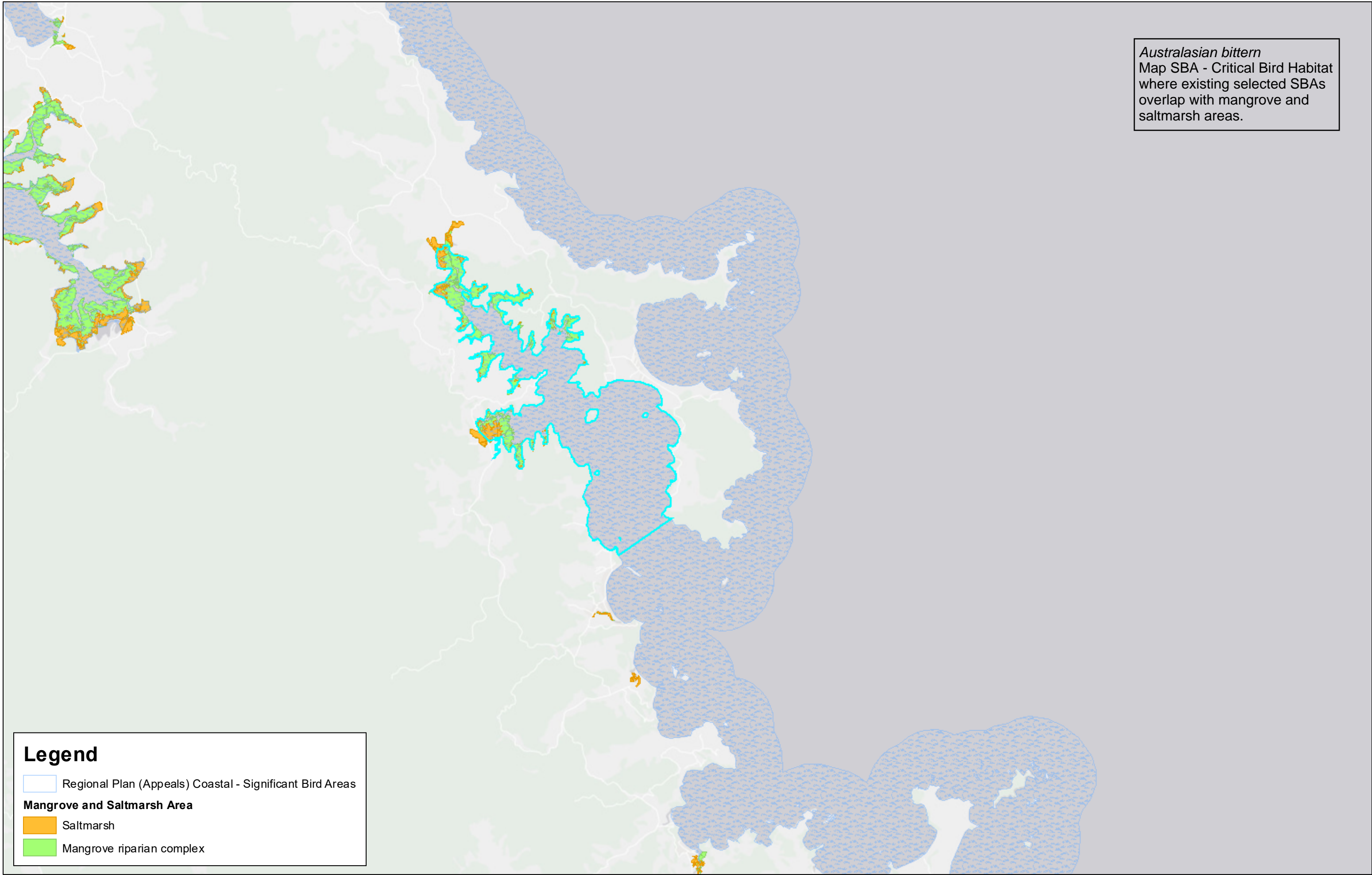
Regional Plan (Appeals) Coastal - Significant Bird Areas

Mangrove and Saltmarsh Area


Saltmarsh

Mangrove riparian complex


Australasian bittern
Map SBA - Critical Bird Habitat
where existing selected SBAs
overlap with mangrove and
saltmarsh areas.




Legend

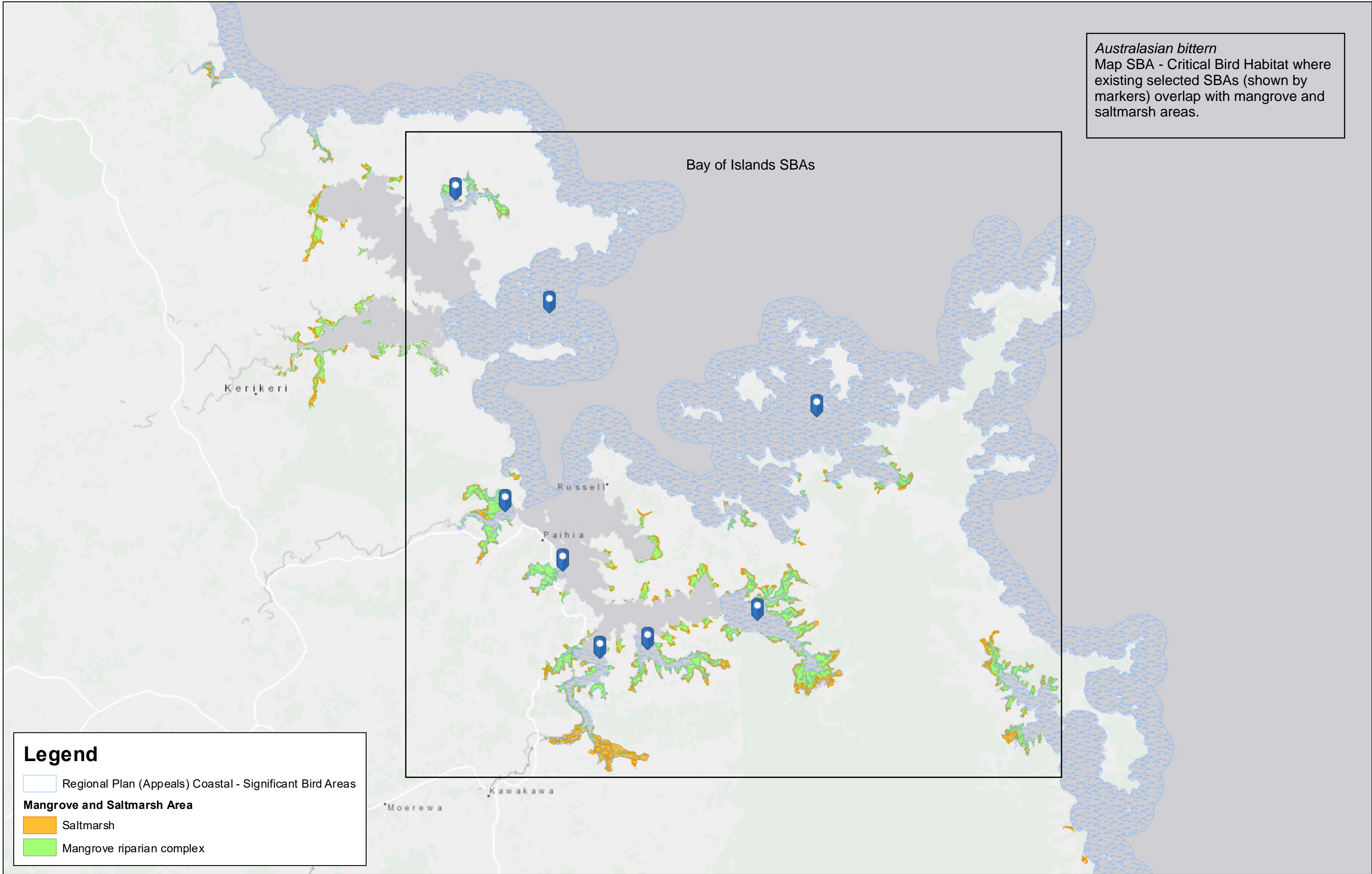
 Regional Plan (Appeals) Coastal - Significant Bird Areas

Mangrove and Saltmarsh Area

 Saltmarsh

 Mangrove riparian complex

Australasian bittern
Map SBA - Critical Bird Habitat where existing selected SBAs (shown by markers) overlap with mangrove and saltmarsh areas.



Legend

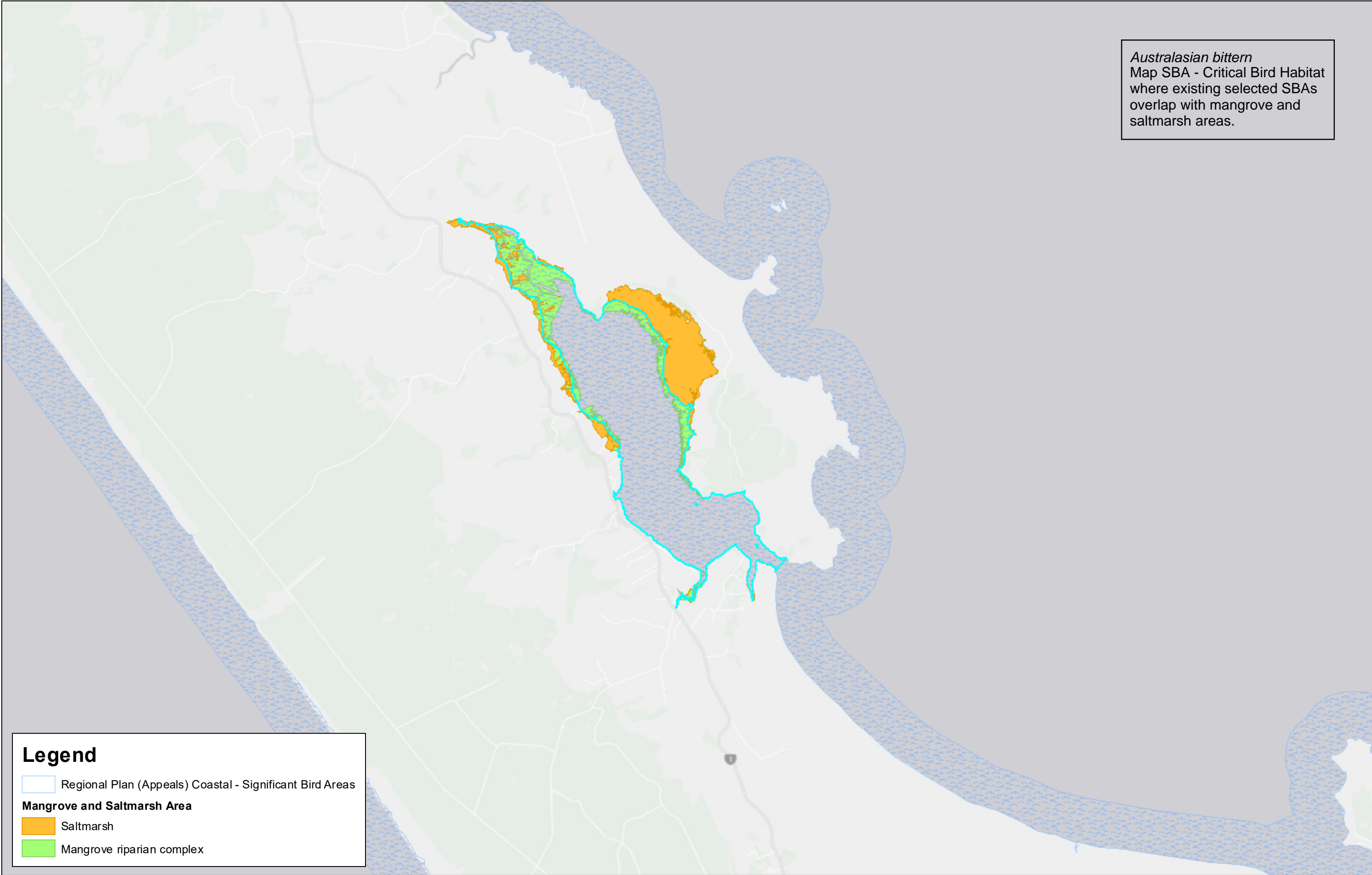
Regional Plan (Appeals) Coastal - Significant Bird Areas

Mangrove and Saltmarsh Area

Saltmarsh

Mangrove riparian complex

Australasian bittern
 Map SBA - Critical Bird Habitat
 where existing selected SBAs
 overlap with mangrove and
 saltmarsh areas.



Legend

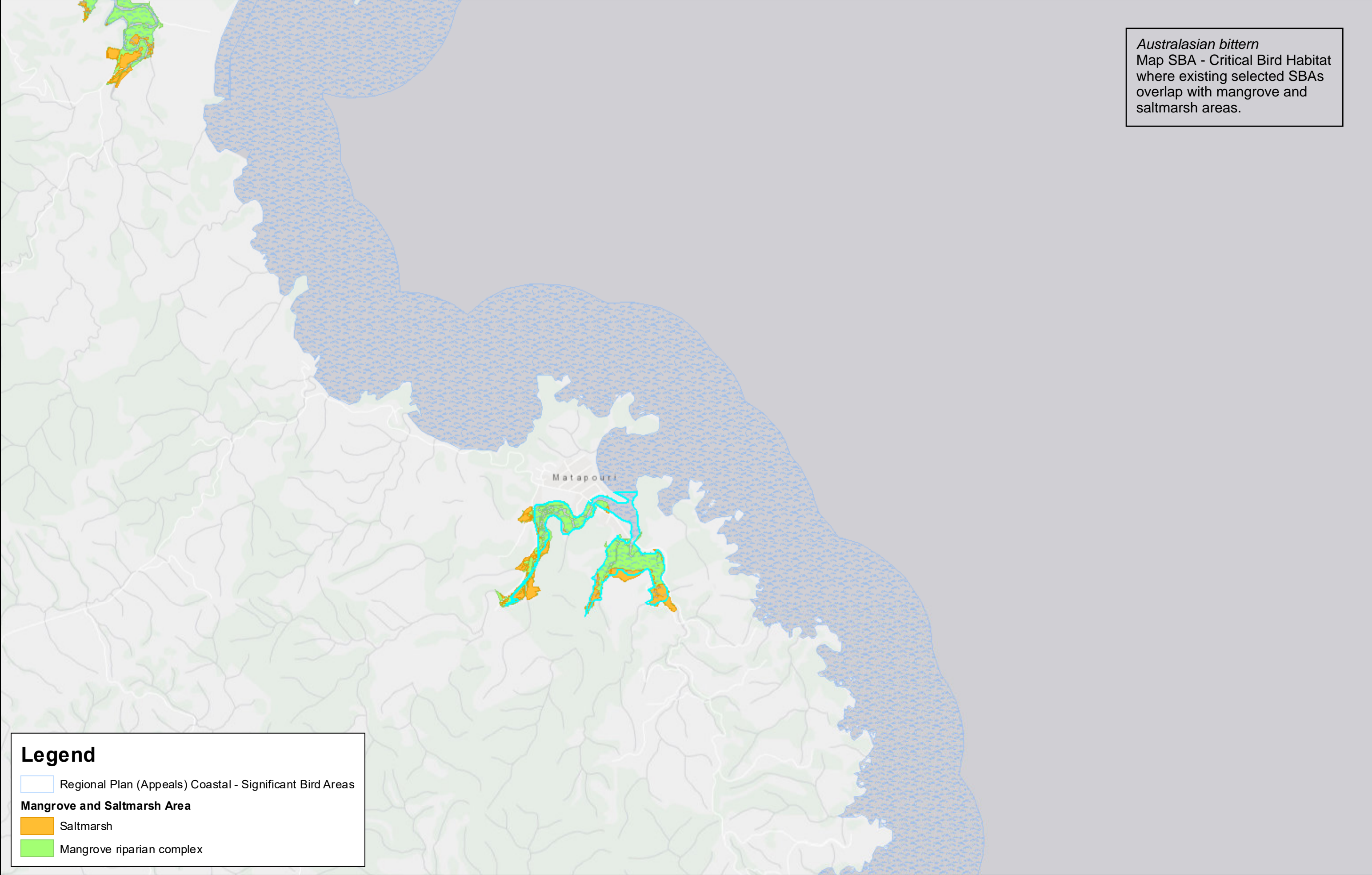
Regional Plan (Appeals) Coastal - Significant Bird Areas

Mangrove and Saltmarsh Area

Saltmarsh

Mangrove riparian complex

Australasian bittern
Map SBA - Critical Bird Habitat
where existing selected SBAs
overlap with mangrove and
saltmarsh areas.



Legend

 Regional Plan (Appeals) Coastal - Significant Bird Areas

Mangrove and Saltmarsh Area

 Saltmarsh

 Mangrove riparian complex