Appendix I

Rules assessment

Table 17 National Environmental Standards for Freshwater 2020

Rule	Status	Standards / Assessment Criteria		Comment
Maintenance and operation of specified infrastructure and other infrastructure				
46		Permitted Activities	*(3) The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a permitted activity if it—* *a) is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and* *b) complies with the conditions.* *(4) The conditions are that—* *a) the activity must comply with the general conditions on natural wetland activities in regulation 55 (but regulation 55(2), (3)(b) to (d), and (5) do not apply if the activity is for the purpose of maintaining or operating hydro-electricity infrastructure); and* *b) the activity must not be for the purpose of increasing the size of the specified infrastructure or other infrastructure; and* *c) the activity must not result in the formation of new pathways, boardwalks, or other accessways; and* *d) if the activity is vegetation clearance, earthworks, or land disturbance, the activity must not occur over more than 500 m2 or 10% of the area of the natural wetland, whichever is smaller; and* *e) if the activity is earthworks or land disturbance,—* *(i) trenches dug (for example, to maintain pipes) must be backfilled and compacted no later than 48 hours after being dug; and* *(ii) the activity must not result in drains being deeper, relative to the natural wetland's water level, than they were before the activity.*	<u>Not applicable</u> The Whāngarei WWTP is specified infrastructure as it is identified as regionally significant infrastructure in the regional plans. Wetlands 1 and 2 that the WWTP discharges to have been artificially constructed for the purpose of wastewater treatment and therefore do not meet the definition of a natural wetland[20] and as such the NES FW standards do not apply to them. However, as the discharge from the constructed wetlands is to a 'natural wetland' including those in the coastal marine area (i.e. coastal wetlands in the CMA) as determined by the recent High Court decision[21], the NES FW standards do apply. Regulation 46 however is not applicable as Condition 46(4)(a) and 55(3)(d) cannot be met.
47	Restricted discretionary activities	*(3) The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a restricted discretionary activity if it—* *a) is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and* *b) does not comply with any of the conditions in regulation 46(4), but does comply with the conditions in subclause (5) of this regulation.* *(5) The conditions are that—*		**Restricted Discretionary Activity** The proposed ongoing operation and associated discharge from the Whāngarei WWTP is a restricted discretionary activity pursuant to Regulation 47(3) and the

[20] natural wetland means a wetland (as defined in the Act) that is not: (a) a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former natural wetland); or (b) a geothermal wetland; or (c) any area of improved pasture that, at the commencement date, is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain derived water pooling

[21] Minister of Conservation v Mangawhai Harbour Restoration Society Incorporated [2021] NZHC 3113 [18 November 2021]

Rule	Status	Standards / Assessment Criteria	Comment
		a) the activity must be undertaken only for as long as necessary to achieve its purpose; and *b) before the activity starts, a record must be made (for example, by taking photographs) of the original condition of the natural wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (c) to be verified; and* *c) the bed profile and hydrological regime of the natural wetland must be returned to their original condition no later than 30 days after the start of the activity.* *(6) However, the condition in subclause (5)(c) does not apply to any part of the bed that is in direct contact with a part of the specified infrastructure or other infrastructure that was constructed for maintenance purposes.* ***56 Restricted discretionary activities: matters to which discretion is restricted*** *The discretion of a consent authority is restricted to the following matters if an activity is a restricted discretionary activity under this subpart:* *a) the extent to which the nature, scale, timing, intensity, and location of the activity may have adverse effects on—* *(i) the existing and potential values of the natural wetland, its catchment, and the coastal environment; and* *(ii) the extent of the natural wetland; and* *(iii) the seasonal and annual hydrological regime of the natural wetland; and* *(iv) the passage of fish in the natural wetland or another water body:* *b) (whether there are practicable alternatives to undertaking the activity that would avoid those adverse effects:* *c) the extent to which those adverse effects will be managed to avoid the loss of the extent of the natural wetland and its values:* *d) other measures to minimise or remedy those adverse effects:* *e) how any of those adverse effects that are more than minor may be offset or compensated for if they cannot be avoided, minimised, or remedied:* *f) the risk of flooding upstream or downstream of the natural wetland, and the measures to avoid, minimise, or remedy that risk:* *g) the social, economic, environmental, and cultural benefits (if any) that are likely to result from the proposed activity (including the extent to which the activity may protect, maintain, or enhance ecosystems).*	conditions (Regulation 47(5)) associated with this rule appear to relate more to construction or maintenance activities. Ongoing operation is considered to include discharges associated with the operation of specified infrastructure, such as those of treated wastewater from the Whangarei WWTP. Our current view is that the discharge associated with the operation of specified infrastructure falls under Regulation 47 and some of the conditions (eg 47(5)(c)) are not applicable to this activity. The matters to which discretion is restricted have been considered within Sections 6 and 7 of this AEE.

Table 18 PRPN (Appeals version – May 2021)

RMA section	Rule	Standards / Assessment Criteria	Assessment and Activity Status	Operative/appeal status
Section C1 – Coastal Activities				
12	***Rule C1.1.1 – Permitted Activity Rule*** for *the occupation of the common marine and coastal area by the following structures that:* *1. Existed at 30 June 2004, or* *2. Were previously authorised; or* *are permitted activities:* *…* *3. Outlet pipes, and* *…* *Provided:*	*15. the structure complies with all relevant conditions of C.1.8 Coastal works general conditions, and* *16. the structure is not within a Marina Zone, and* *17. the structure owner can provide, if requested by the Regional Council:* *(v) clear written or photographic evidence the structure existed at 30 June 2004, or* *(vi) a copy of the necessary authorisation(s) for the structure.* ***C.1.8 Coastal works general conditions*** *4. Prior to undertaking activities on private land, including land owned by a territorial authority, written approval must be obtained from the landowner and provided to the Regional Council's Compliance Manager upon request.* *5. Structures must at all times:* *a) be maintained in good order and repair, and* *b) except for culverts, not impede fish passage between fresh water and coastal water. For culverts, there must be no perched entry or exit which prevents the passage of fish to upstream waterbodies or downstream to coastal water, except that temporary restrictions of fish passage may occur to enable construction work to be carried out, and* *c) not cause a hazard to navigation.* *6. Maintenance, alteration or addition to a structure must not result in a weakening of the structural integrity or strength of the structure.* *7. Restrictions on public access along and through the coastal marine area beyond the footprint of the structure, during construction or disturbance for reasons of public health and safety, must not last more than seven days unless an alternative access route or controlled access is provided.* *8. Disturbance, construction, alteration, addition, maintenance or removal activities must only be carried out during the hours between sunrise and sunset or 6.00am and 7.00pm, whichever*	**Not applicable** The majority of the conditions of standard C.1.8 are applicable to establishment or maintenance works of structures rather than the existing structures themselves. At this stage it is not anticipated that any maintenance works on the bypass outfall will be required over the term of the consent. Condition 16 (a) however does stipulate that a discharge from an outlet pipe must not occur for more than five consecutive days and for more than 12 hours per day. In the event the emergency bypass outfall is used, the reason for its use which may include failure of infrastructure to the wetland, a discharge may occur for more than 12 hours per day.	Appealed By: Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

RMA section	Rule	Standards / Assessment Criteria	Assessment and Activity Status	Operative/appeal status
		occurs earlier, and on days other than public holidays. The exceptions to this are: *a) the requirement to undertake emergency remedial work such as if a structure is damaged by a natural hazard event, and* *b) maintenance of regionally significant infrastructure, where the maintenance is required to be undertaken outside these times to minimise disruption to the services provided by the regionally significant infrastructure, and* *c) the removal of nuisance marine plant debris under Rule C.1.5.3.* *9. Upon the completion of a new structure, the structure owner must notify in writing (including a scale plan of the completed works) the Regional Council's Compliance Manager.* *10. All machinery, equipment and materials used for the activity must be removed from the foreshore and seabed at the completion of the activity. Additionally, vehicles and equipment must be in a good state of repair and free of any fuel or oil leaks. Refuelling must not be carried out in the coastal marine area and for the duration of the activity, no vehicle or equipment is to be left in a position where it could come into contact with coastal water.* *11. There must be no damage to shellfish beds in mapped Significant Ecological Areas (refer I Maps |Ngā mahere matawhenua) and no damage to saltmarsh or seagrass meadows, except as necessary for the installation of an aid to navigation under Rule C.1.1.4.* *12. 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 tangata whenua, or* *d) Significant Ecological Area.* *13. There must be no disturbance of indigenous or migratory bird nesting or roosting sites.* *14. Outside outstanding natural character, outstanding natural feature or significant ecological areas, any visible disturbance of the foreshore or seabed must be remedied or restored within seven days.* *15. The structure or activity must not:*		

RMA section	Rule	Standards / Assessment Criteria	Assessment and Activity Status	Operative/appeal status
		a) cause permanent scouring or erosion of banks, or *b) cause or exacerbate flooding of other property, or* *c) materially reduce the ability of a river to convey flood flows into the coastal marine area (including as a result of debris accumulating against structures).* *16. Any discharge must not:* *a) occur for more than five consecutive days, and for more than 12 hours per day, or* *b) cause any of the following effects in the receiving waters beyond the zone of reasonable mixing:* *i. The production of conspicuous oil or grease films, scums or foams, of floatable or suspended materials, or* *ii. any conspicuous change in the colour or visual clarity, or* *iii. an emission of objectionable odour.*		
12	***Rule C.1.1.20 – Discretionary Activity Rule*** *for occupation of the common marine and coastal area with an existing authorised structure in the coastal marine area, that is not a permitted, controlled, or restricted discretionary activity in section C.1.1 of this Plan, and the use of the structure.*		**Discretionary Activity** Due to the potential for a discharge to occur for greater than 12 hours, the occupation and use of the bypass outlet pipe has been assessed as a discretionary activity.	Operative
Section C2 – Activities in the beds of lakes and rivers and in wetlands				
13	***Rule C.2.2.2 – Permitted Activity Rule*** *for structures in wetlands* *1. the use, erection, reconstruction, placement, alteration, extension, demolition or removal of any fence, wetland interpretive signage, bird-watching hide, maimai or game bird shooting shelter, or boardwalk structure, and* *2. the use and maintenance (a form of alteration) of a structure forming part of regionally*	*3. in a significant wetland:* *a) any bird-watching hide, maimai, or game bird shooting structures do not exceed 10 square metres in area, and* *b) boardwalk structures are no wider than 1.8 metres and cumulatively are no longer than 40 metres per wetland, and* *c) any damage, destruction, disturbance or removal of a plant or any part of a plant necessary for the use and maintenance of core local or regionally significant infrastructure is limited to an area less than 200m^2, and* *d) any other structure does not exceed five square metres in area, and* e) *the Regional Council's Compliance Manager is notified (in writing or by email) at least 10 working days prior to works*	**Not Applicable** This rule does not apply to the existing cascade structures within the wetland as the wetland does not form part of the bed of a river or lake, when it reaches the highest level without exceeding its margins.	Appealed By: i) Royal Forest & Bird Protection Society NZ ENV – 2019-AKL-000127 ii) Northland Fish & Game Council ENV-2019-AKL-000120

RMA section	Rule	Standards / Assessment Criteria	Assessment and Activity Status	Operative/appeal status
	significant infrastructure or core local infrastructure, are permitted activities, provided:	*commencing, with the timing and extent of the activities and contact details of the person responsible, and the activities comply with all relevant conditions of C.2.3 General conditions.*		
Section C6 – Discharges to land and water				
15	***Rule C.6.2.2 – Discretionary Activity Rule** for the discharge of treated wastewater from a wastewater treatment plant into water or onto or into land, and any associated discharge of odour into air resulting from the discharge, are discretionary activities.*	N/A	**Discretionary Activity** In accordance with rule C6.2.2, the continued discharge of wastewater to water from the constructed wetlands into Limeburners (Hāhā) Creek (CMA) and to ground from seepage through the base of the wetlands, and the proposed application of reused treated wastewater to Council owned gardens/sports fields will require resource consent as a Discretionary Activity.	Operative
15	***Rule C.6.2.3 – Prohibited Activity Rule** for the discharge of untreated wastewater from a wastewater treatment plant into water or onto or into land where it may enter water is a prohibited activity*	N/A	**Not applicable** All wastewater discharged from the WWTP is as a minimum pre-treated (screened/grit removal and partially primary treated) and UV disinfected, prior to being discharged to the wetlands.	Operative
Section C7 – Discharges to air				
15	***Rule C.7.2.7 – Permitted Activity Rule** for the discharge of a contaminant into air that is not the subject of any other rule in this Plan is a permitted activity, provided:*	1. *The discharge is not from an industrial or trade premises and, other than for discharges from motor vehicles, aircraft, trains, or vessels, the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject property or in the coastal marine area, and* 2. *The discharge is not from dry abrasive blasting, except as provided for by rule C.7.2.9 Dry abrasive blasting of infrastructure outside an enclosed booth – controlled activity.*	**Not applicable** Discharges to air/odour associated with the discharge of wastewater from a WWTP is anticipated for in Rule C.6.2.2.	Operative

Appendix J

Planning objectives and policies assessment

Table 19 Relevant objectives and policies of the New Zealand Coastal Policy Statement

Objective/Policy		Comment
Objective 1	To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by: – maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature; – protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and – maintaining coastal water quality and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.	The proposal includes an Adaptive Management Approach. A fundamental component of the Adaptive Management Approach is the robust monitoring programme, as outlined in section 4.2, which will further confirm the condition of the existing environment and determine and monitor triggers in which further upgrades to the WWTP (and associated improvements to discharge quality) will be implemented when necessary to maintain coastal water quality.
Objective 2	To preserve the natural character of the coastal environment and protect natural features and landscape values through: – recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution; – identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and – encouraging restoration of the coastal environment	The proposed activity is the continued discharge of treated wastewater to the CMA. The receiving environment is an estuarine, coastal wetland - mangrove environment. The proposed discharge activity is not considered to detract from the natural character.
Objective 3	To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by: – recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources; – promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act; – incorporating mātauranga Māori into sustainable management practices; and – recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua	Iwi partners have been collaborated with throughout development of this project and the mapping out of the adaptive management approach. As outlined in section 6.6, a Cultural Impact Assessment (CIA) is under preparation by iwi partners and it is anticipated that this will be provided to Regional Council in early 2022. The process undertaken to date is considered to give effect to Objective 3 and policy 2 of the NZCPS.
Policy 2	In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment (a) recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations; … (d) provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with	The proposed activity is informed by engagement with Te Parawhau and RewaRewa D Incorporation as tangata whenua of the Limeburners (Hāhā) Creek and Upper Whangarei Harbour area and the CIA commissioned as part of this consent application (anticipated to be supplied in early 2022. This engagement is discussed in Section 8. On this basis it is considered the continuation of the discharge meets the intent of Policy 2.

Objective/Policy		Comment
	cultural localities or issues of cultural significance, and Māori experts, including pūkenga, may have knowledge not otherwise available; (e) take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and (i) where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and (ii) consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans; (f) provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as: (i) bringing cultural understanding to monitoring of natural resources; (ii) providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua; (iii) having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaitai or other non commercial Māori customary fishing; and (g) in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the right to choose not to identify places or values of historic, cultural or spiritual significance or special value: (i) recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments; and (ii) provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.	
Policy 11	To protect indigenous biological diversity in the coastal environment: (a) avoid adverse effects of activities on: (i) indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists; (ii) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened; (iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare; (iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;	Policy 11 specifically relates to the protection of indigenous biodiversity in coastal environments with the avoidance of significant adverse effects and to avoid remedy or mitigate adverse effects. The receiving environment is potentially habitat for indigenous species and is a coastal wetland. The water quality and ecological investigations have confirmed that the effects of the existing activity and thus proposed activity are not significant adverse effects (refer to Section 6.2). The proposed activity also includes a robust monitoring programme, as outlined in section 4.2, which will further confirm the condition of the existing environment and determine triggers in which further upgrades to the WWTP (and associated improvements to discharge quality) will be implemented.

Objective/Policy		Comment
	(v) areas containing nationally significant examples of indigenous community types; and (vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on: (i) areas of predominantly indigenous vegetation in the coastal environment; (ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; (iii) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh; (iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes; (v) habitats, including areas and routes, important to migratory species; and (vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy.	
Policy 13	(1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development: (a) avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and (b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by: (c) assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and (d) ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions. (2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as: (a) natural elements, processes and patterns; (b) biophysical, ecological, geological and geomorphological aspects; (c) natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks; (d) the natural movement of water and sediment; (e) the natural darkness of the night sky; (f) places or areas that are wild or scenic; (g) a range of natural character from pristine to modified; and	Policies 13 and 14 relate to the preservation and restoration of natural character. The proposed activity is the continued discharge of treated wastewater to the CMA. The receiving environment is an estuarine, coastal wetland - mangrove environment. The proposed discharge activity is not considered to detract from the natural character.

Objective/Policy		Comment
	(h) experiential attributes, including the sounds and smell of the sea; and their context or setting.	
Policy 14	Promote restoration or rehabilitation of the natural character of the coastal environment, including by : (a) identifying areas and opportunities for restoration or rehabilitation; (b) providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans; (c) where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include: (i) restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or (ii) encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or (iii) creating or enhancing habitat for indigenous species; or (iv) rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or (v) restoring and protecting riparian and intertidal margins; or (vi) reducing or eliminating discharges of contaminants; or (vii) removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or (viii) restoring cultural landscape features; or (ix) redesign of structures that interfere with ecosystem processes; or (x) decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area.	
Policy 21	Enhancement of water quality Where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water based recreational activities, or is restricting existing uses, such as aquaculture, shellfish gathering, and cultural activities, give priority to improving that quality by: (a) identifying such areas of coastal water and water bodies and including them in plans; (b) including provisions in plans to address improving water quality in the areas identified above; (c) where practicable, restoring water quality to at least a state that can support such activities and ecosystems and natural habitats; …	The receiving environment is a potential habitat for indigenous species and is a coastal wetland. The water quality and ecological investigations have confirmed that the effects associated with the existing activity and thus proposed activity are not significant adverse effects (refer to Section 6.2). The proposed activity also includes a robust monitoring programme, as outlined in section 4.2, which will further confirm the condition of the existing environment and determine triggers in which further upgrades to the WWTP (and associated improvements to discharge quality) will be implemented. On the basis of the above, the proposed activity is considered to be in alignment with Policy 21.

Objective/Policy		Comment
	(e) engaging with tangata whenua to identify areas of coastal waters where they have particular interest, for example in cultural sites, wāhi tapu, other taonga, and values such as mauri, and remedying, or, where remediation is not practicable, mitigating adverse effects on these areas and values.	
Policy 23	Discharge of contaminants (1) In managing discharges to water in the coastal environment, have particular regard to: (a) the sensitivity of the receiving environment; (b) the nature of the contaminants to be discharged, the particular concentration of contaminants needed to achieve the required water quality in the receiving environment, and the risks if that concentration of contaminants is exceeded; and (c) the capacity of the receiving environment to assimilate the contaminants; and: (d) avoid significant adverse effects on ecosystems and habitats after reasonable mixing; (e) use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and (f) minimise adverse effects on the life-supporting capacity of water within a mixing zone. (2) In managing discharge of human sewage, do not allow: (a) discharge of human sewage directly to water in the coastal environment without treatment; and (b) the discharge of treated human sewage to water in the coastal environment, unless: (i) there has been adequate consideration of alternative methods, sites and routes for undertaking the discharge; and (ii) informed by an understanding of tangata whenua values and the effects on them. (3) Objectives, policies and rules in plans which provide for the discharge of treated human sewage into waters of the coastal environment must have been subject to early and meaningful consultation with tangata whenua.	When managing discharges to the CMA, the sensitivity and capacity of the receiving environment, the nature of contaminants, the effect on coastal ecosystems and the effects on water quality should be considered. These matters have been assessed in Section 6 of this report and the effects of the discharge are considered to be no more than minor. The policy does not support the discharge of untreated human waste directly into the coastal environment. In regards to the continuation of the existing discharge, a high level of treatment is provided for normal flows and preliminary screening, settlement and UV disinfection is provided to high flows before the wastewater enters the CMA to ensure the discharge of gross solid pollutants is avoided. The Adaptive Management approach outlined in section 4.2 will further ensure that upgrades undertaken throughout the duration of the proposed activity will address effects on the environment identified through a proposed robust monitoring regime, and to also respond to developing policy and legislatively requirements. Policy 23 also specifies that in managing the discharge of treated human sewage to the coastal environment, this cannot be allowed unless there has been an adequate consideration of alternative methods, sites and routes and the discharge has been informed by an understanding of tangata whenua values and the effects on them. The consideration of alternative methods, sites and routes for this wastewater discharge have been explored in Section 4.1 and Appendix H of this report. The alternatives method consideration concludes that the preferred option is to maintain the existing discharge location in the short to medium term and to have no further degradation on water quality and ultimately maintain water quality in the Upper Whangarei Harbour. In addition, and as required by Policy 23, the approach outlined in this consent is informed by engagement with Te Parawhau and RewaRewa D Incorporation as tangata whenua of the Limeburners (Hāhā) Creek and Upper Whangarei Harbour area and the CIA commissioned as part of this consent application. This engagement is discussed in Section 8. On this basis it is considered the continuation of the discharge meets the intent of Policy 23.

Table 20 Relevant objectives and policies of the National Policy Statement for Freshwater Management

Objective	Policy	Comment
(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises: (a) first, the health and well-being of water bodies and freshwater ecosystems (b) second, the health needs of people (such as drinking water) (c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.	Policy 9 protects habitats of indigenous freshwater species.	A robust monitoring programme is to be developed in the first few months of consent and implemented over the first 18 months of consent with reporting to be provided within 2 years of consent to confirm long-term triggers and ongoing long-term monitoring requirements. The proposed activity is therefore considered to protect habitats of indigenous freshwater species through this robust monitoring programme and aligns with Policy 9. The proposed re-use of treated wastewater is considered to align with the objectives and policies of the NPS FW. The proposed re-use involves temporary watering of Council trees and annual garden beds during drought restriction levels (level 1 or above) in order to maintain these facilities whilst relieving pressure on the portal water supply for Whangarei residents and businesses. This not only reduces water consumption during such periods, it also reduces wastewater being discharged to water – i.e. having a double benefit. Application of treated wastewater would avoid instances where any runoff could get to freshwater locations and would be more than; 20 m from any property boundary (not owned by the WDC), 15 m of the coastal marine area, 15m of a freshwater body (and 100 m of any natural wetland), or 5m of any identified stormwater flow paths. Therefore, it is not considered that the proposed beneficial re-use of treated water in such instances as outlined in this AEE would be contrary to the objectives and policies of the NPS FW.
	Policy 12 sets a national target for water quality improvement.	The improvements relating to Policy 12 has been and will continue to be largely achieved through augmentation works and future upgrades to the disinfection system. One of the key variations sought in 2011 was to disinfect all flows from the plant which was achieved in 2014 and now WDC are to optimise the system to get better pathogen removal as part of the augmentation works. The proposed activity is therefore considered to align with Policies 12 and 13.
	Policy 13 requires that the condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.	
	Policy 15: Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.	The proposed activity includes an adaptive management approach during which significant upgrades to the Whangārei WWTP will be undertaken around approximately 2030. The form and scale of these upgrades as outlined in section 4.2.3 will be informed in part through the environmental monitoring proposed.

Table 21 Relevant objectives and policies of the Proposed National Policy Statement for Indigenous Biodiversity 2019

Relevant Objective	Relevant Policy	Comment
Objective 1: to maintain indigenous biodiversity:	Policy 2: to ensure that local authorities adopt a precautionary approach towards proposed activities with effects on indigenous biodiversity that are uncertain, unknown, or little understood but potentially significant:	Please refer to Section 7.2.3 of the report for the assessment against the relevant objectives and policies on the Proposed National Policy Statement for Indigenous Biodiversity.
	Policy 5: to improve information on the effects of existing and proposed subdivision, use and development on indigenous biodiversity	
Objective 2: to take into account the principles of the Treaty of Waitangi in the management of indigenous biodiversity:	Policy 1: to recognise the role of tangata whenua as kaitiaki of indigenous biodiversity within their rohe, providing for tangata whenua involvement in the management of indigenous biodiversity and ensuring that Hutia Te Rito is recognised and provided for:	
Objective 3: to recognise and provide for Hutia Te Rito in the management of indigenous biodiversity:	N/A	
Objective 4: to improve the integrated management of indigenous biodiversity:	N/A	
Objective 5: to restore indigenous biodiversity and enhance the ecological integrity of ecosystems	Policy 11: to provide for the restoration and enhancement of specific areas and environments that are important for maintaining indigenous biodiversity:	
Objective 6: to recognise the role of landowners, communities and tangata whenua as stewards and kaitiaki of indigenous biodiversity by b) allowing people and communities to provide for their social, economic and cultural wellbeing now and in the future; and c) supporting people and communities in their understanding of and connection to, nature	N/A	
N/A	Policy 6: to identify and protect areas of significant indigenous vegetation or significant habitat of indigenous fauna by identifying and managing them as SNAs	
	Policy 7: to manage subdivision, use and development outside SNAs as necessary to ensure indigenous biodiversity is maintained	
	Policy 8: to recognise the locational constraints that apply to specific subdivisions, uses and developments:	

Relevant Objective	Relevant Policy	Comment
	Policy 10: to provide for appropriate existing activities that have already modified indigenous vegetation and habitats of indigenous fauna:	
	Policy 12: to identify and protect indigenous species and ecosystems that are taonga	
	Policy 13: to identify possible presence of, and manage highly mobile fauna:	
	Policy 14: to require the development of regional biodiversity strategies:	
	Policy 15: to require the monitoring and assessment of indigenous biodiversity.	

Table 22 Relevant objectives and policies of the Northland Regional Policy Statement

Objectives	Policies	Comment
3.1 Integrated catchment Management Integrate the management of freshwater and the subdivision, use and development of land in catchments to enable catchment-specific objectives for fresh and associated coastal water to be met.	N/A	The adaptive management approach outlined is considered to meet the objective of integrated catchment management whereby ongoing environmental monitoring will be undertaken to inform any mitigation works required as well as subsequent upgrades to the WWTP.
3.2 Region-wide water quality Improve the overall quality of Northland's fresh and coastal water with a particular focus on: a. Reducing the overall Trophic Level Index status of the region's lakes; b. Increasing the overall Macroinvertebrate Community Index status of the region's rivers and streams; c. Reducing sedimentation rates in the region's estuaries and harbours; d. Improving microbiological water quality at popular contact recreation sites, recreational and cultural shellfish gathering sites, and commercial shellfish growing areas to minimise risk to human health; and	4.2.1 Policy - Improving overall water quality Improve the overall quality of Northland's water resources by: a. Establishing freshwater objectives and setting region-wide water quality limits in regional plans that give effect to Objective 3.2 of this regional policy statement. b. Reducing loads of sediment, nutrients, and faecal matter to water from the use and development of land and from poorly treated and untreated discharges of wastewater; and c. Promoting and supporting the active management, enhancement and creation of vegetated riparian margins and wetlands	Under the adaptive management approach the water quality of Limeburners Creek and the Hatea River will be maintained to its current level, with extensive monitoring being undertaken during the lifetime of the consent and monitored against trigger levels set in the first 2 years of consent to ensure environmental degradation is appropriately managed through upgrades of the plant or alternative disposal locations.

Objectives	Policies	Comment
e. Protecting the quality of registered drinking water supplies and the potable quality of other drinking water sources		
3.4 Indigenous ecosystems and biodiversity Safeguard Northland's ecological integrity by: a. Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna; b. Maintaining the extent and diversity of indigenous ecosystems and habitats in the region; and c. Where practicable, enhancing indigenous ecosystems and habitats, particularly where this contributes to the reduction in the overall threat status of regionally and nationally threatened species.	4.4.1 Policy – Maintaining and protecting significant ecological areas and habitats 1. In the coastal environment, avoid adverse effects, and outside the coastal environment avoid, remedy or mitigate adverse effects of subdivision, use and development so they are no more than minor on: a. Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists; b. Areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5; c. Areas set aside for full or partial protection of indigenous biodiversity under other legislation. 2. In the coastal environment, avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of subdivision, use and development on: a. Areas of predominantly indigenous vegetation; b. Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes; c. Indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass, northern wet heathlands, coastal and headwater streams, floodplains, margins of the coastal marine area and freshwater bodies, spawning and nursery areas and saltmarsh. 3. Outside the coastal environment and where clause (1) does not apply, avoid, remedy or mitigate adverse effects of subdivision, use and development so they are not significant on any of the following: a. Areas of predominantly indigenous vegetation;	The ecological surveys of benthic macroinvertebrate communities in Limeburners (Hāhā) Creek found differences at the upstream and downstream of the site, with the downstream being more popular and diverse as described in Section 6.2.2. The results of the survey and the monitoring program indicate the WWTP will not have an effect on the macroinvertebrate communities present in the creek. Under the proposed adaptive management approach, environmental monitoring will be undertaken with regular reviews, with the aim of responding to change over the long term. Under this pathway potential effects on Indigenous ecosystems and biodiversity will be mitigated as they arise.

Objectives	Policies	Comment
	b. Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes; c. Indigenous ecosystems and habitats that are particularly vulnerable to modification, including wetlands, dunelands, northern wet heathlands, headwater streams, floodplains and margins of freshwater bodies, spawning and nursery areas. 4. For the purposes of clause (1), (2) and (3), when considering whether there are any adverse effects and/or any significant adverse effects: a. Recognise that a minor or transitory effect may not be an adverse effect; b. Recognise that where the effects are or maybe irreversible, then they are likely to be more than minor; c. Recognise that there may be more than minor cumulative effects from minor or transitory effects. 5. For the purpose of clause (3) if adverse effects cannot be reasonably avoided, remedied or mitigated then it maybe appropriate to consider the next steps in the mitigation hierarchy i.e. biodiversity offsetting followed by environmental biodiversity compensation, as methods to achieve Objective 3.4.	
3.5 Enabling economic wellbeing Northland's natural and physical resources are sustainably managed in a way that is attractive for business and investment that will improve the economic wellbeing of Northland and its communities.	N/A	The use of Limeburners (Hāhā) Creek as a disposal area for the WWTP provides economic wellbeing for the area, through the safe and efficient removal and treatment of waste.
3.7 Regionally significant infrastructure Recognise and promote the benefits of regionally significant infrastructure, (a physical resource), which through its use of natural and physical resources can significantly enhance Northland's economic, cultural, environmental and social wellbeing.	5.3.2 Policy – Benefits of regionally significant infrastructure Particular regard shall be had to the significant social, economic, and cultural benefits of regionally significant infrastructure when considering and determining resource consent applications or notices of requirement for regionally significant infrastructure.	The WWTP is regionally significant infrastructure and provides social cultural and economic benefits to the community through the safe and efficient removal and treatment of waste.
3.8 Efficient and effective infrastructure	N/A	Under the adaptive pathway planning approach, the existing WWTP infrastructure will be optimised until

Objectives	Policies	Comment
Manage resource use to: a. Optimise the use of existing infrastructure; b. Ensure new infrastructure is flexible, adaptable, and resilient, and meets the reasonably foreseeable needs of the community; and c. Strategically enable infrastructure to lead or support regional economic development and community wellbeing.		monitoring and review indicate upgrades are required. This ensures that the WWTP meets the needs of the community and supports development.
3.12 Tangata whenua role in decision-making Tangata whenua kaitiaki role is recognised and provided for in decision-making over natural and physical resources	N/A	Consultation has been undertaken with key stakeholders including Iwi throughout the project. A Cultural Impact Assessment is also being prepared for the project.
3.14 Natural character, outstanding natural features, outstanding natural landscapes and historic heritage Identify and protect from inappropriate subdivision, use and development; a. The qualities and characteristics that make up the natural character of the coastal environment, and the natural character of freshwater bodies and their margins; b. The qualities and characteristics that make up outstanding natural features and outstanding natural landscapes; c. The integrity of historic heritage.	4.6.1 Policy – Managing effects on the characteristics and qualities natural character, natural features and landscapes 1. In the coastal environment: a. Avoid adverse effects of subdivision use, and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural character, outstanding natural features and outstanding natural landscapes. b. Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character, natural features and natural landscapes. Methods which may achieve this include: i. Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and ii. In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and	The natural character of the coastal environment will be maintained to its current standard and monitored over the lifetime of the consent to ensure effects on natural character of the coastal environment are mitigated.

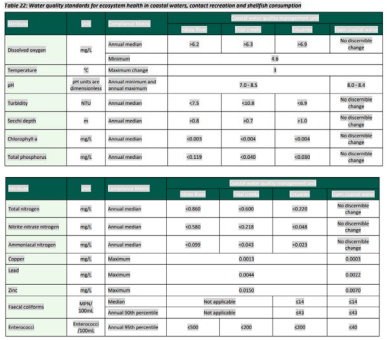
Objectives	Policies	Comment
	modification (including earthworks / disturbance, structures, discharges and extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and iii. Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural character and landscape has already been compromised. 2. Outside the coastal environment avoid significant adverse effects and avoid, remedy or mitigate other adverse effects (including cumulative adverse effects) of subdivision, use and development on the characteristics and qualities of outstanding natural features and outstanding natural landscapes and the natural character of freshwater bodies. Methods which may achieve this include: a. In outstanding natural landscapes, requiring that the location and intensity of subdivision, use and built development is appropriate having regard to, natural elements, landforms and processes, including vegetation patterns, ridgelines and freshwater bodies and their margins; b. In outstanding natural features, requiring that the scale and intensity of earthworks and built development is appropriate taking into account the scale, form and vulnerability to modification of the feature; c. Minimising, indigenous vegetation clearance and modification (including earthworks / disturbance and structures) to natural wetlands, the beds of lakes, rivers and their margins. 3. When considering whether there are any adverse effects on the characteristics and qualities of the natural character, natural features and landscape values in terms of (1)(a), whether there are any significant adverse effects and the scale of any adverse effects in terms of (1)(b) and (2), and in	

Objectives	Policies	Comment
	determining the character, intensity and scale of the adverse effects: a. Recognise that a minor or transitory effect may not be an adverse effect; b. Recognise that many areas contain ongoing use and development that: i. Were present when the area was identified as high or outstanding or have subsequently been lawfully established ii. May be dynamic, diverse or seasonal; c. Recognise that there may be more than minor cumulative adverse effects from minor or transitory adverse effects; and d. Have regard to any restoration and enhancement on the characteristics and qualities of that area of natural character, natural features and/or natural landscape.	
3.15 Active management Maintain and / or improve; a. The natural character of the coastal environment and fresh water bodies and their margins; b. Outstanding natural features and outstanding natural landscapes; c. Historic heritage; d. Areas of significant indigenous vegetation and significant habitats of indigenous fauna (including those within estuaries and harbours); e. Public access to the coast; and f. Fresh and coastal water quality by supporting, enabling and positively recognising active management arising from the efforts of landowners, individuals, iwi, hapū and community groups.	N/A	The proposed adaptive management approach will maintain the discharge quality currently achieved by the WWTP, therefore maintaining the water quality of Limeburners (Hāhā) Creek and the Hātea River. As the plant is upgraded the water quality will be improved to better align with legislative and community requirements.

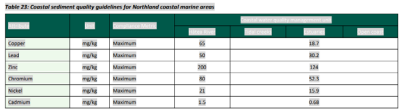
Table 23 Relevant objectives and policies of the Proposed Regional Plan for Northland (Appeals Version October 2021[22])

Relevant objective	Relevant Policy	Status	Comment
F.1.2 Water Quality Manage the use of land and discharges of contaminants to land and water so that: 1. existing overall water quality is at least maintained, and improved where it has been degraded below the river or lake water quality standards set out in H.3 Water quality standards and guidelines, and 2. the sedimentation of continually or intermittently flowing rivers, lakes and coastal water is minimised, and 3. the life-supporting capacity, ecosystem processes and indigenous species, including their associated ecosystems, of fresh and coastal water are safeguarded, and 4. the health of people and communities, as affected by contact with fresh and coastal water, is safeguarded, and 5. the health and safety of people and communities, as affected by discharges of sewage from vessels, is safeguarded, and 6. the quality of potable drinking water sources, including aquifers used for potable supplies, is protected, and 7. the significant values of outstanding freshwater bodies and natural wetlands are protected, and	D.4.1 Maintaining overall water quality[23] When considering an application for a resource consent to discharge a contaminant into water: 1. have regard to the need to maintain the overall quality of water including the receiving water's physical, chemical and biological attributes and associated water quality dependent values, and 2. have regard to the coastal sediment quality guidelines in H.3 Water quality standards and guidelines, and 3. generally, not grant a proposal if it will, or is likely to, exceed or further exceed a water quality standard in H.3 Water quality standards and guidelines.	Objective operative Policy under appeal to the Environment Court	Extensive monitoring of water quality in the receiving waters will be undertaken over the duration of the consent and monitored against trigger values to be set in the first 2 years of consent to ensure degradation of water quality is avoided through identification of when upgrades or alternative disposal options are needing to be considered/implemented for the plant.

[22] The Objective and policies, and status of the appeals are the most up to date as at October 2021
[23] Appeal to Environment Court by i) Minister of Conservation ENV-2019-AKL-000122
ii) Mangawhai Harbour Restoration Society ENV-2019-AKL-000110
iii) NIWA ENV-2019-AKL-000108

8. kai is safe to harvest and eat, and recreational, amenity and other social and cultural values are provided for.			
	D.4.3 An application for resource consent to discharge municipal, domestic, horticultural or farm wastewater to water will generally not be granted unless: 1) the storage, treatment and discharge of the wastewater is done in accordance with recognised industry good management practices, and 2) a discharge to land has been considered and found not to be environmentally, economically or practicably viable.		The proposed activity is for the discharge of municipal wastewater after treatment. The proposed process, being augmentation upgrades and adaptive management processes to determine appropriate long-term upgrades is considered to be best practice and will enable the upgrade regime to be informed by both environmental effects determined through a robust monitoring regime and the changing legislative environment. The proposed activity is therefore considered to align with Policy D.4.3.
N/A	Policy H.3.3 Coastal water quality standards[24] The water quality standards in Table 22: Water quality standards for ecosystem health in coastal waters, contact recreation and shellfish consumption apply to Northland's coastal waters, and they apply after allowing for reasonable mixing. *Table 22: Water quality standards for ecosystem health in coastal waters, contact recreation and shellfish consumption* 	Appealed to the Environment Court	Section 3.3.2 and 6.2.1 gives an assessment of effects on water quality of the existing and proposed WWTP discharges and concludes that the high degree of flushing in the Hātea River to a great extent mitigates the adverse effects that can result from wastewater discharges, with effects to Hātea River water quality associated with the WWTP discharge considered to be minor.

[24] Appeal to Environment Court by
i) NIWA ENV-2019-AKL-000108
ii) iMangawhai Harbour Restoration Society ENV-2019-AKL-000110
iii) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127 – request reinstatement (with amendment) of Notified Policies D.4.1-D.4.4 iv) Minister of Conservation ENV-2019-AKL-000122

N/A	Policy H.3.4 Coastal sediment quality guidelines[25] A discharge of a contaminant into coastal water or any surface water flowing to coastal water must not cause any of the following benthic sediment quality standards to be exceeded in the coastal marine area. 	Appealed to the Environment Court	The Hātea River sediment monitoring indicated phosphorous and nitrogen bound to sediment is attributed to catchment sources and there is no indication of the WWTP discharges having a notable adverse effect on sediment quality, with effects to sediment considered to be minor (refer to 6.2).
F.1.3 Indigenous ecosystems and biodiversity In the coastal marine area and in fresh waterbodies, safeguard ecological integrity by: 1. protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna, and 2. maintaining regional indigenous biodiversity, and 3. where practicable, enhancing and restoring indigenous ecosystems and habitats to a healthy functioning state, and reducing the overall threat status of regionally and nationally Threatened or At Risk species, and 4. preventing the introduction of new marine or freshwater pests into Northland and slowing the spread of established marine or freshwater pests within the region.	D.2.18 Managing adverse effects on indigenous biodiversity Manage the adverse effects of activities on indigenous biodiversity by: 1. in the coastal environment: a. avoiding adverse effects on: i. indigenous taxa that are listed as Threatened or At Risk in the New Zealand Threat Classification System lists, and ii. the values and characteristics of areas of indigenous vegetation and habitats of indigenous fauna that are assessed as significant using the assessment criteria in Appendix 5 of the Regional Policy Statement, and, and iii. areas set aside for full or partial protection of indigenous biodiversity under other legislation, and b. avoiding significant adverse effects and avoiding, remedying	Operative	The water quality of Limeburners (Hāhā) Creek will be closely monitored during the consent's lifetime, to assess water quality and effects on ecology. Additionally, the ecological survey undertaken as part of the application indicated the WWTP does not have an effect on the macroinvertebrate communities and therefore the ecological values of Limeburners (Hāhā) Creek. The proposed activity is therefore considered to align with Objective F.1.3 and Policy D.2.18.

[25] Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127 – request reinstatement (with amendment) of Notified Policies D.4.1- D.4.4

	or mitigating other adverse effects on: i. areas of predominantly indigenous vegetation, and ii. habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes, and iii. Indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, intertidal zones, rocky reef systems, eelgrass, northern wet heathlands, coastal and headwater streams, spawning and nursery areas and saltmarsh, and 2. outside the coastal environment: a. avoid remedying or mitigating adverse effects so they are no more than minor on: i. indigenous taxa that are listed as Threatened or At Risk in the New Zealand Threat Classification System lists, and ii. areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5 of the Regional Policy Statement, and iii. areas set aside for full or partial protection of indigenous biodiversity under other legislation, and		

	b. avoiding, remedying or mitigating adverse effects so they are not significant on: i. areas of predominantly indigenous vegetation, and ii. habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes, and iii. indigenous ecosystems and habitats that are particularly vulnerable to modification, including wetlands, wet heathlands, headwater streams, spawning and nursery areas, and 3. recognising areas of significant indigenous vegetation and significant habitats of indigenous fauna a. Significant Ecological Areas, and b. Significant Bird Areas, and c. Significant Marine Mammal and Seabird Areas, and 4. recognising damage, disturbance or loss to the following as being potential adverse effects: a. connections between areas of indigenous biodiversity, and b. the life-supporting capacity of the area of indigenous biodiversity, and c. flora and fauna that are supported by the area of indigenous biodiversity, and d. natural processes or systems that contribute to the area of indigenous biodiversity, and		

	5. assessing the potential adverse effects of the activity on identified values of indigenous biodiversity, including by: a. taking a system-wide approach to large areas of indigenous biodiversity such as whole estuaries or widespread bird and marine mammal habitats, recognising that the scale of the effect of an activity is proportional to the size and sensitivity of the area of indigenous biodiversity, and b. recognising that existing activities may be having existing acceptable effects, and c. recognising that minor or transitory effects may not be an adverse effect, and d. recognising that where effects may be irreversible, then they are likely to be more than minor, and e. recognising that there may be more than minor cumulative effects from minor or transitory effects, and 6. recognising that appropriate methods of avoiding, remedying or mitigating adverse effects may include: a. careful design, scale and location proposed in relation to areas of indigenous biodiversity, and b. maintaining and enhancing connections within and between areas of indigenous biodiversity, and c. considering the minimisation of effects during sensitive times such as indigenous freshwater		

	fish spawning and migration periods, and d. providing adequate setbacks, screening or buffers where there is the likelihood of damage and disturbance to areas of indigenous biodiversity from adjacent use and development, and e. maintaining the continuity of natural processes and systems contributing to the integrity of ecological areas, and f. the development of ecological management and restoration plans, and 7. recognising that significant residual adverse effects on biodiversity values can be offset or compensated: a. in accordance with the Regional Policy Statement for Northland Policy 4.4.1, and b. after consideration of the methods in (6) above, and 8. recognising the benefits of activities on biodiversity values that: a. restore, protect or enhance ecosystems, habitats and processes, ecological corridors and indigenous biodiversity, and b. improve the public use, value or understanding of ecosystems, habitats and indigenous biodiversity.		
	D.2.20 Precautionary approach to managing effects on significant indigenous biodiversity Decision makers adopt a precautionary approach where the adverse effects of		

	proposed activities are uncertain, unknown or little understood, on: 1. indigenous biodiversity, including significant ecological areas, significant bird areas and other areas that are assessed as significant under the criteria in Appendix 5 of the Regional Policy Statement; and 2. the coastal environment where the adverse effects are potentially significantly adverse, particularly in relation to coastal resources vulnerable to the effects of climate change.		
F.1.5 Enabling economic wellbeing[26] Northland's natural and physical resources are managed in a way that is attractive for business and investment that will improve the economic well-being of Northland and its communities.	N/A	Appealed to the Environment Court	Limeburners (Hāhā) Creek will be maintained to the level outlined in the PRPN, as such it is not considered the WWTP discharge will have an effect on business and investment opportunities with the potential to improve economic wellbeing in the community.
F.1.6 Regionally significant infrastructure Recognise the national, regional and local benefits of regionally significant infrastructure and renewable energy generation and enable their effective development, operation, maintenance, repair, upgrading and removal.	D.2.5 Benefits of regionally significant infrastructure Particular regard must be had to the national, regional and locally significant social, economic, and cultural benefits of regionally significant infrastructure. D.2.7 Minor adverse effects arising from the establishment and operation of regionally significant infrastructure Enable the establishment and operation (including reconsenting) of regionally significant infrastructure by allowing any minor adverse effects providing 1. The regionally significant infrastructure proposal is consistent with: a. all policies in Section D.1 Tangāta whenua, and	Objective operative Policy D.2.9 – under appeal to the Environment Court all other policies are operative	The WWTP is considered to be regionally significant infrastructure, as it provides for social and economic wellbeing through the provision of safe and reliable wastewater removal and treatment. The WWTP will be monitored during the consent lifetime, with plant upgrades being undertaken when environmental (or other) triggers monitored indicate a need for change. Additionally, the WWTP is not considered to have a more than minor effect on the environment. However, this will be validated through an intensive 12 month baseline environmental monitoring regime outlined as part of the adaptive management approach. The discharge from the WWTP to the coastal marine area, first goes through the "mixing zone" (Limeburner's Creek), as such it has low recreational use and shellfish collection (nor is it recommended). The assessment in Section 6.3 above assess the risk for contact recreation and shellfish consumption in the Hātea River, the results indicate there is a possible risk to recreational users in the immediate Hātea Basin, however as it is not commonly used by recreational users, it is considered to be low. The wider area of harbour is considered to be safe for swimming, except when exceedances of microbial contamination increase during heavy rainfall.

[26] Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

	b. Policy D.2.16 Managing adverse effects on historic heritage, and c. Policy D.2.17 Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features, and d. Policy D.2.18 Managing adverse effects on indigenous biodiversity, and 2. the regionally significant infrastructure proposal will not likely result in over-allocation having regard to the allocation limits in H.4.3 Allocation limits for rivers, and 3. other adverse effects arising from the regionally significant infrastructure are avoided, remedied, mitigated or offset to the extent they are no more than minor.		There will be no introduction of freshwater pests through the WWTP discharge.
	D.2.8 Maintenance, repair and upgrading of regionally significant infrastructure Enable the maintenance and upgrading of established regionally significant infrastructure wherever it is located by allowing adverse effects, where: 1. the adverse effects whilst the maintenance or upgrading is being undertaken are not significant or they are temporary or transitory, and 2. the adverse effects after the conclusion of the maintenance or upgrading are the same, or similar to those arising from the regionally significant infrastructure before the activity was undertaken.		
	D.2.9 Appropriateness of regionally significant infrastructure proposals[27]		

[27] Appeal to Environment Court by i) Northpower Limited ENV-2019-AKL-000123
ii) Transpower New Zealand Ltd ENV-2019-AKL-000107

	When considering the appropriateness of a regionally significant infrastructure activity in circumstances where adverse effects are greater than envisaged in Policies D.2.6 and D.2.7, have regard and give appropriate weight to: 1. the benefits of the activity in terms of D.2.5, and 2. whether the activity must be recognised and provided for by a national policy statement, and 3. any demonstrated functional need for the activity, and 4. the extent to which any adverse environmental effects have been avoided, remedied or mitigated by route, site or method selection, and 5. any operational, technical or location constraints that limit the design and location of the activity, including any alternatives that have been considered which have proven to be impractical, or have greater adverse effects, and 6. whether the activity is for regionally significant infrastructure which is included in Schedule 1 of the Civil Defence Emergency Management Act as a lifeline utility and meets the reasonably foreseeable needs of Northland, and 7. the extent to which the adverse effects of the activity can be practicably reduced, inclusive of any positive effects and environmental offsets proposed, and 8. whether an adaptive management regime (including modification to the consented activity) can be used to manage any uncertainty around the occurrence of residual adverse effects, and		

	9. whether the activity helps to achieve consolidated development and the efficient use of land and resources, including within the coastal marine area.		
	D.2.11 Protection of regionally significant infrastructure When considering new use and development activities that could adversely affect the ongoing operation, maintenance, upgrade or development of regionally significant infrastructure; ensure that the regionally significant infrastructure is not compromised.		
F.1.8 Use and development in the coastal marine area[28]: 1. makes efficient use of space occupied in the common marine and coastal area, and 2. is of a scale, density and design compatible with its location, and 3. recognises the need to maintain and enhance public open space and recreational opportunities, and 4. is provided for in appropriate places and forms, and within appropriate limits.	D.2.13 Marine and freshwater pest management Manage the adverse effects from marine pests, and pests within the beds of freshwater bodies, by: 1. recognising that the introduction or spreading of pests within the coastal marine area and freshwater bodies could have significant and irreversible adverse effects on Northland's environment, and 2. recognising that the main risk of introducing and spreading pests is from the movement of vessels, structures, equipment, materials, and aquaculture livestock, and 3. decision-makers applying the precautionary principle when there is scientific uncertainty as to the extent of effects from the introduction or spread of pests, and 4. imposing conditions on resource consents requiring that best practice measures are implemented so that risk of introducing or spreading pests is	Objective - Appealed to the Environment Court	

[28] Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

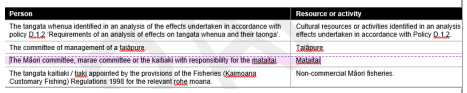
	effectively managed as a result of the consented activity.		
F.1.9 Tangata whenua role in decision-making Tangata whenua's kaitiaki role is recognised and provided for in decision-making over natural and physical resources.	D.1.1 When an analysis of effects on tangata whenua and their taonga is required A resource consent application must include in its assessment of environmental effects an analysis of the effects of an activity on tangata whenua and their taonga if one or more of the following is likely: 1. adverse effects on mahinga kai or access to mahinga kai, or 2. any damage, destruction or loss of access to wāhi tapu, sites of customary value and other ancestral sites and taonga with which Māori have a special relationship, or 3. adverse effects on indigenous biodiversity in the beds of waterbodies or the coastal marine area where it impacts on the ability of tangata whenua to carry out cultural and traditional activities, or 4. the use of genetic engineering and the release of genetically modified organisms to the environment, or 5. adverse effects on tāiapure, mataitai or Māori non-commercial fisheries, or 6. adverse effects on protected customary rights, or 7. adverse effects on sites and areas of significance to tangata whenua mapped in the Regional Plan.	Operative	Tangata Whenua have been consulted without throughout the duration of the project as outlined in Section 8 above. A cultural impact assessment is under preparation with this being anticipated to be finalized in early 2022 and supplied to Northland Regional Council.
	D.1.2 Requirements of an analysis of effects on tangata whenua and their taonga If an analysis of the effects of an activity on tangata whenua and their taonga is required in a resource consent application, the analysis must:		

	1. include such detail as corresponds with the scale and significance of the effects that the activity may have on tangata whenua and their taonga, and 2. have regard to (but not be limited to): a. any relevant planning document recognised by an iwi authority (lodged with the Council) to the extent that its content has a bearing on the resource management issues of the region, and b. the outcomes of any consultation with tangata whenua with respect to the consent application, and c. statutory acknowledgements in Treaty Settlement legislation, and 1. follow best practice, including requesting, in the first instance, that the relevant tangata whenua undertake the assessment, and 2. specify the tangata whenua that the assessment relates to, and 3. be evidence-based, and 4. incorporate, where appropriate, mātauranga Māori, and 5. identify and describe all the cultural resources and activities that may be affected by the activity, and 6. identify and describe the adverse effects of the activity on the cultural resources and cultural practices (including the effects on the mauri of the cultural resources, the cultural practices affected, how they are affected, and the extent of the effects), and 7. identify, where possible, how to avoid, remedy or mitigate the adverse effects		

	on cultural values of the activity that are more than minor, and 8. include any other relevant information.		
F.1.13 Air quality Human health, ambient air quality, cultural values, amenity values and the environment are protected from significant adverse effects caused by the discharge of contaminants to air.	D.3.1 General approach to managing air quality When considering resource consent applications for discharges to air: 1. ensure that discharges of contaminants to air do not occur in a manner that causes, or is likely to cause, a hazardous, noxious, dangerous or toxic effect on human or animal health or ecosystems, and 2. apply the best practicable option when managing the discharge of contaminants listed in the National Environmental Standards Air Quality, and 3. H.1 Stack height requirements when assessing height requirements for fuel burning devices of more than 40KW capacity, and 4. consider the use of air dispersion modelling where the effects of a discharge are likely to be significant on sensitive areas, and 5. take into account the Ambient Air Quality Guidelines (Ministry for the Environment, 2002) when assessing the effects of the discharge on ambient air quality, and 6. take into account the cumulative effects of air discharges and any constraints that may occur from the granting of the consent on the operation of existing activities, and 7. recognise that discharges to air may have adverse effects across the property boundary (including reverse	Operative	The effect on air quality from the WWTP discharges are assessed in Section 6.4 above. The assessment found the WWTP is unlikely to cause any objectionable odour effects at the residential receivers but is intermittently found at the industrial receivers. Due to this, mitigation measures will be put in place at the site to reduce the effects. Additionally, air quality will be assessed when upgrades to the WWTP are undertaken to ensure that there is no objectionable or offensive effect, and an Odour Management Plan will be in place at the site within the first 6 months of consent.

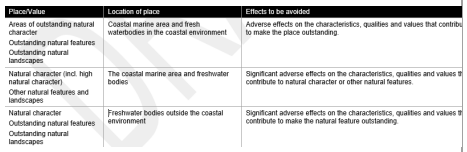
	sensitivity effects) and adverse effects on natural character, and 8. take into account the current environment and surrounding zoning in the relevant district plan including existing amenity values, and 9. consider the following factors when determining consent duration: a. scale of the discharge including effects, and b. regional and local benefits arising from the discharge, and c. location of the discharge including its proximity to sensitive areas, and d. alternatives available, and 10. use national guidance produced by the Ministry for the Environment, including: a. the Good Practice Guide for Assessing and Managing Odour (Ministry of the Environment, 2016), and b. the Good Practice Guide for Assessing and Managing Dust (Ministry of the Environment, 2016), and c. the Good Practice Guide for Assessing Discharges to Air from Industry (Ministry for the Environment, 2016), or d. any subsequent update or revision of these national guidance documents, and 11. generally enable discharges of contaminants to air from industrial and trade premises provided the best practicable option for preventing or minimising the adverse effects of the discharge is adopted and significant adverse effects on human health,		

	amenity values and ecosystems are avoided. D.3.4 Dust and odour generating activities When considering resource consent applications for discharges to air from dust or odour generating activities: 1. require a dust or odour management plan to be produced where there is a likelihood that there will be objectionable or offensive discharges of dust or odour at the boundary of the site where the activity is to take place. The dust or odour management plan must include a. a description of dust or odour generating activities, and b. potentially affected dust sensitive areas or odour sensitive areas, and c. details of good management practices that will be used to control dust or odour to the extent that adverse effects from dust or odour at the boundary of the site are avoided, remedied or mitigated, and 2. take into account any proposed use of low dust generating blasting mediums when assessing the effects of fixed or mobile outdoor dry abrasive blasting or wet abrasive blasting. Note: Policy D.3.3 does not apply to odour associated with the controlled discharge of gas containing an odorant (such as mercaptan) from pipelines and ancillary equipment.		
F.1.14 Hazardous substances and contaminated land Protect human health, and minimise the risk to the environment, from:	N/A	Operative	The site will continue to operate as normal as part of this application. Upgrade works to the site will be subject to separate consents which will take into account the effects arising from contaminated land.

1. discharges of hazardous substances, and 2. discharges of contaminants from contaminated land			
N/A	D.1.3 Affected Persons The following persons must be considered an affected person regarding notification where the adverse effects on the following resources and activities are minor or more than minor: Person Resource or activity 	Operative	As outlined in Section 8 of this report, all potentially affected parties have been consulted with during the preparation of this consent application. However, it is also considered the application will go through public notification, so any additional persons can be heard.
N/A	D.2.2 Social, cultural and economic benefits of activities Regard must be had to the social, cultural and economic benefits of a proposed activity, recognising significant benefits to local communities, Māori and the region including local employment and enhancing Māori development, particularly in areas of Northland where alternative opportunities are limited.	Operative	The operation of the WWTP provides significant social, cultural and economic benefit to the community as it allows for the safe and reliable removal and treatment of wastewater.
N/A	D.2.3 Climate change and development Particular regard must be had to the potential effects of climate change on a proposed development requiring consent under this Plan, taking into account the scale, type and design-life of the development proposed and with reference to the latest national guidance and best available climate change projections.	Operative	At present no development is proposed at the site. However, the potential future effect wastewater might have on climate change has been assessed in Section 6.7.2 above. It is considered that the effects of climate change on the wastewater system has a direct and indirect effects, which are hard to qualify and predict. The use of the adaptive pathway planning approach has been used to help build resilience against climate change challenges and the effects they may pose on the receiving environment, whilst also building an understanding of the effects through robust monitoring.
N/A	D.2.4 Adaptive management Regard should be had to the appropriateness of an adaptive management approach where:	Operative	The adaptive management approach is considered to be appropriate for the Whangārei WWTP as it allows for monitoring to be undertaken during the consent timeframe and allow for upgrades to be undertaken to target specific problems before they become irreversible.

	1. there is an inadequate baseline of information on the receiving environment, and 2. the occurrence of potential adverse effects can be effectively monitored, and 3. thresholds can be set to require mitigation action if more than minor adverse effects arise, and 4. potential adverse effects can be remedied before they become irreversible.		
N/A	D.2.14 Resource consent duration[29] When determining the expiry date for a resource consent, have particular regard to: 1. security of tenure for investment (the larger the investment, then generally the longer the consent duration), and 2. the administrative benefits of aligning the expiry date with other resource consents for the same activity in the surrounding area or catchment, and 3. certainty of effects (the less certain the effects, the shorter the consent duration), and 4. whether the activity is associated with regionally significant infrastructure (generally longer consent durations for regionally significant infrastructure), and 5. the following additional matters where the resource consent application is to re-consent an activity: 6. the applicant's past compliance with the conditions of any previous resource consent or relevant industry guidelines or codes of practice	Policy under appeal to the Environment Court	Please refer to section 7.2.6.

[29] Appeal to Environment Court by i) Mataka Residents Association Inc ENV-2019-AKL-000112
ii) Robinia Investments Ltd ENV-2019-AKL-000115
iii) Paroa Bay Station Ltd ENV-2019-AKL-000112
iv) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

	(significant previous non-compliance should generally result in a shorter duration), and 7. the applicant's voluntary adoption of good management practice (the adoption of good management practices that minimise adverse environmental effects could result in a longer consent duration).		
N/A	D.2.17 Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features 1. Manage the adverse effects of activities on natural character, outstanding natural landscapes and outstanding natural features by:  2. recognising that in relation to natural character in waterbodies (where not identified as outstanding natural character), appropriate methods of avoiding, remedying or mitigating adverse effects may include: a. ensuring the location, intensity, scale and form of activities is appropriate having regard to natural elements and processes, and b. in areas of high natural character in the coastal marine area, minimising to the extent practicable indigenous vegetation clearance and modification (seabed and foreshore disturbance, structures, discharges of contaminants), and	Operative	The water quality of Limeburners (Hāhā) Creek and the Hātea River are assessed in Section 6.2.1 above. The assessment found that there is no evidence the WWTP is having and on-going or degrading effect on the water quality of the environment that is more than minor and this is proposed to be validated through a robust baseline monitoring regime outlined as part of the adaptive management approach to ensure water and air quality associated wit the proposed activity are maintained.

Place/Value	Location of place	Effects to be avoided
Areas of outstanding natural character Outstanding natural features Outstanding natural landscapes	Coastal marine area and fresh waterbodies in the coastal environment	Adverse effects on the characteristics, qualities and values that contribu to make the place outstanding.
Natural character (incl. high natural character) Other natural features and landscapes	The coastal marine area and freshwater bodies	Significant adverse effects on the characteristics, qualities and values th contribute to natural character or other natural features.
Natural character Outstanding natural features Outstanding natural landscapes	Freshwater bodies outside the coastal environment	Significant adverse effects on the characteristics, qualities and values th contribute to make the natural feature outstanding.

	c. in freshwater, minimising to the extent practicable modification (disturbance, structures, extraction of water and discharge of contaminants), and 3. recognising that in relation to outstanding natural features in water bodies outside the coastal environment, appropriate methods of avoiding, remedying or mitigating adverse effects may include: a. requiring that the scale and intensity of bed disturbance and modification is appropriate, taking into account the feature's scale, form and vulnerability to modification of the feature, and b. requiring that proposals to extract water or discharge contaminants do not significantly adversely affect the characteristics, qualities and values of the outstanding natural feature, and 4. recognising that uses and development form part of existing landscapes, features and waterbodies and have existing effects		
N/A	D.4.3 Municipal, domestic and production land wastewater discharges An application for resource consent to discharge municipal, domestic, horticultural or farm wastewater to water will generally not be granted unless: 1. the storage, treatment and discharge of the wastewater is done in accordance with recognised industry good management practices, and 2. a discharge to land has been considered and found not to be economically or practicably viable.		The WWTP is operated in alignment with good management practices and will be upgraded over the lifetime of the consent to continue to meet these practices. A small amount of wastewater from the plant will be discharged to land during the dry periods season, with the potential for further increase during the lifetime of the consent.

N/A	D.4.4 Zone of reasonable mixing When determining what constitutes the zone of reasonable mixing for a discharge of a contaminant into water, or onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of a natural process from that contaminant) entering water, have regard to: 1. using the smallest zone necessary to achieve the required water quality in the receiving waters as determined under Policy D.4.1, and 2. ensuring that within the mixing zone contaminant concentrations and levels of dissolved oxygen will not cause acute toxicity effects on aquatic ecosystems. Note: See also the definition of zone of reasonable mixing.	Operative	The proposed discharge has a less than minor effect beyond the zone of reasonable mixing.

Table 24 Objectives and policies from the Operative regional plans equivalent to those objectives / policies under appeal in the PRPN

Operative Objective / Policy (operative regional plans)	Proposed objective / Policy it relates to (from PRPN)	Comment
Objective 19.3 – Regional Coastal Plan The avoidance of the effects of discharges of contaminants to Northland's coastal water and the remediation or mitigation of any adverse effects of those discharges of contaminants to coastal waters, which are unavoidable.	Policy D.4.1 Maintaining overall water quality[30] When considering an application for a resource consent to discharge a contaminant into water: 1. have regard to the need to maintain the overall quality of water including the receiving water's physical, chemical and biological attributes and associated water quality dependent values, and 2. have regard to the coastal sediment quality guidelines in H.3 Water quality standards and guidelines, and	Both the operative and proposed policy seek to maintain water quality. The proposal will maintain the current water quality while extensive monitoring is undertaken as part of the adaptive pathways planning approach.

[30] Appeal to Environment Court by i) Minister of Conservation ENV-2019-AKL-000122
ii) Mangawhai Harbour Restoration Society ENV-2019-AKL-000110
iii) NIWA ENV-2019-AKL-000108

Operative Objective / Policy (operative regional plans)	Proposed objective / Policy it relates to (from PRPN)	Comment
	3. generally, not grant a proposal if it will, or is likely to, exceed or further exceed a water quality standard in H.3 Water quality standards and guidelines.	
N/A	**Objective F.1.5 Enabling economic wellbeing**[31] Northland's natural and physical resources are managed in a way that is attractive for business and investment that will improve the economic well-being of Northland and its communities.	There are no relevant objectives in the Operative Land and Water Plan relevant to economic wellbeing.
Objective 24.3 – Regional Coastal Plan Provision for network utilities and services within Northland's coastal marine area while avoiding, remedying or mitigating the adverse effects of such activity. Policy 24.4 (1) To identify within this Plan, the type and location of existing authorised network utilities and services currently within the coastal marine area and provide for their operation and maintenance subject to specified criteria. Policy 24.4 (2) To ensure that existing authorised network utilities and services in the coastal marine area are managed so as to, avoid, remedy or mitigate adverse environmental effects.	Policy D.2.9 Appropriateness of regionally significant infrastructure proposals[32] When considering the appropriateness of a regionally significant infrastructure activity in circumstances where adverse effects are greater than envisaged in Policies D.2.6 and D.2.7, have regard and give appropriate weight to: 1. the benefits of the activity in terms of D.2.5, and 2. whether the activity must be recognised and provided for by a national policy statement, and 3. any demonstrated functional need for the activity, and 4. the extent to which any adverse environmental effects have been avoided, remedied or mitigated by route, site or method selection, and 5. any operational, technical or location constraints that limit the design and location of the activity, including any alternatives that have been considered which have proven to be impractical, or have greater adverse effects, and 6. whether the activity is for regionally significant infrastructure which is included in Schedule 1 of the Civil Defence Emergency Management Act as a lifeline utility and meets the reasonably foreseeable needs of Northland, and 7. the extent to which the adverse effects of the activity can be practicably reduced, inclusive of any	There are no relevant policies in the Operative Land and Water Plan relevant to regionally significant infrastructure.

[31] Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
[32] Appeal to Environment Court by i) Northpower Limited ENV-2019-AKL-000123 ii) Transpower New Zealand Ltd ENV-2019-AKL-000107

Operative Objective / Policy (operative regional plans)	Proposed objective / Policy it relates to (from PRPN)	Comment
	positive effects and environmental offsets proposed, and 8. whether an adaptive management regime (including modification to the consented activity) can be used to manage any uncertainty around the occurrence of residual adverse effects, and 9. whether the activity helps to achieve consolidated development and the efficient use of land and resources, including within the coastal marine area	
Regional Coastal Plan Objective - 17.3 The provision for appropriate structures within the coastal marine area while avoiding, remedying or mitigating the adverse effects of such structures. Objective 19.3 The avoidance of the effects of discharges of contaminants to Northland's coastal water and the remediation or mitigation of any adverse effects of those discharges of contaminants to coastal waters, which are unavoidable.	**Objective F.1.8 Use and development in the coastal marine area**[33]: 1. makes efficient use of space occupied in the common marine and coastal area, and 2. is of a scale, density and design compatible with its location, and 3. recognises the need to maintain and enhance public open space and recreational opportunities, and 4. is provided for in appropriate places and forms, and within appropriate limits.	The operative objective is outlined in the Regional Coastal Plan. It is considered the discharge structure has a functional need to be in the CMA, additionally the discharge from this structure has not been used since 2014 when the wetlands were upgraded and is likely to be only used during emergency situations.
N/A	Policy D.2.1 Rules for managing natural and physical resources[34] Include rules to manage the use, development and protection of natural and physical resources that: 1. are the most efficient and effective way of achieving national and regional resource management objectives, and 2. are as internally consistent as possible, and 3. use or support good management practices, and 4. minimise compliance costs, and 5. enable use and development that complies with the Regional Policy Statement for Northland and the objectives of this Plan, and 6. focus on effects and, where suitable, use performance standards.	

[33] Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
[34] Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

Operative Objective / Policy (operative regional plans)	Proposed objective / Policy it relates to (from PRPN)	Comment
N/A	Policy D.2.14 Resource consent duration[35] When determining the expiry date for a resource consent, have particular regard to: 1. security of tenure for investment (the larger the investment, then generally the longer the consent duration), and 2. the administrative benefits of aligning the expiry date with other resource consents for the same activity in the surrounding area or catchment, and 3. certainty of effects (the less certain the effects, the shorter the consent duration), and 4. whether the activity is associated with regionally significant infrastructure (generally longer consent durations for regionally significant infrastructure), and 5. the following additional matters where the resource consent application is to re-consent an activity: 6. the applicant's past compliance with the conditions of any previous resource consent or relevant industry guidelines or codes of practice (significant previous non-compliance should generally result in a shorter duration), and 7. the applicant's voluntary adoption of good management practice (the adoption of good management practices that minimise adverse environmental effects could result in a longer consent duration).	There are no relevant policies in the Operative Land and Water Plan relevant to resource consent duration.

Table 25 Marine and Coastal Area (Takutai Moana) Act applications (List provided by NRC on 22 November 2021)

Marine and Coastal Area (Takutai Moana) Act Applicant	Contact Details	Area
Ngā Hapū o Tangaroa ki Te Ihu o Manaia tai atu ki Mangawhai	C/- W Kingi Email: stuart@tamakilegal.com	From Te Ihu o Mania (Middle Gable-Mainland) to Manawhai - extending out to the islands Tawhitirahi and Aorangi (Poor Knights Islands) and Marotiri and Taranga (Hen and Chicken Islands).

[35] Appeal to Environment Court by i) Mataka Residents Association Inc ENV-2019-AKL-000112
ii) Robinia Investments Ltd ENV-2019-AKL-000115
iii) Paroa Bay Station Ltd ENV-2019-AKL-000112
iv) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

Marine and Coastal Area (Takutai Moana) Act Applicant	Contact Details	Area
Te Parawhau ki Tai	C/- M Fletcher Email: marinafletcher12@gmail.com	Te Wara (Bream Head), Whanagarei Harbour and to Paepae o Tu (Bream tail).
Te Uri o Tautohe	C/- T A Paki Email: tamihana.nahu@gmail.com	From Bream Head to Bream Tail out to 12 nautical miles and including Whangarei Harbour.
Te Kaunihera Māori o Te Tai Tokerau	C/- R Dargaville Email: rihari.takuira@gmail.com	2. Kaipara South to Manukau. 3. Tākou Bay to Ōkupe beach. 4. Ngunguru to Mangawhai. 5. Whāngāpē Harbour to Waipoua. 6. Whangaroa harbour to Tākou Bay.
Ngā Hapū of Ngāti Wai Iwi	C/- K Rata Email: ngatiwai-maca@ranfurlychambers.co.nz	The stated area is Helena Bay into Mimiwhangata, south to Bream Bay, Waipū Cove including everything in between.
Ngāti Pūkenga	C/- Kylie Smallman Email: tetawharau@ngatipukenga.com	Area A. Tauranga to Maketū Area B. Manaia Harbour Area C. Whangārei Harbour.
Ngāti Hau	C/- Te Raa Nehua Email: teraa.nehua@xtra.co.nz	Ngunguru/Whangārei. Claiming Omaikao, Kopuatoetoe, Whakapē, Kiripaka, Hātea River.
Ngāti Wai – Whairepo Trust	C/- Maia Hetaraka Email: mhetaraka@yahoo.com	Motu Kōkako to Aotea, the entire coast line and all the offshore islands.
Ngā Hapū o Ngāi Tāhuhu	C/- R J Nathan Email: office@ranfurlychambers.co.nz	The North enterence of the Kaipara Harbour up to Munganui across to Parihaka Pa, thence down to Te Arai Point thence to Puatahi Marae, including islands Motu Remu, Manukapua, Moturoa, Kaiwhitu, Tiputitipu, Pupuia, Matakohe, Tabbit Island and Rat Island - to the outer limits of the territorial sea.
Te Iwi, Whānau & Hapū of Ngatiwai	C/- Huhana Lyndon Email: raukura@ngatiwai.iwi.nz	From Tapeka Point, in the north, to the Matakanakana River in the south and encompassies the chain of islands from Motukōkako off Te Rāwhiti, Rimuriki off Mimiwhāngata, Tawhiti-rahi and Aorangi (the Poor Knights), High Peak Rocks, Sugar Loaf Rocks, the Marotiri Islands and Tārnaga (the Hen and Chicken Group), Tūturu (Sail Rock), Pokohinu and Motukino (Mokohīnau Islands), the Hauturu o Toi (Little Barrier), Aotea (Great Barrier) and its surrounding islets and rocky outcrops, Te Kawau-tūmaro-o-Toi (Kawau Island) and Te Mau Tohorā-o-Manaia.
Mita Pōmana & Takutai Moana Heke Pōmana Whānau	C/- M Pomana Email: mjpomana@gmail.com	Cape Brett, to the south and High to the north, and all the Islands and Reefs in between, also the Ruahine and the Kermadec sea beds.
Reti Whānau	C/- J Mason Email: mason@phoenixlaw.expert	From Bream Head to Bream Tail out to 12 nautical miles and including Whāngārei Harbour.
Ngāti Kawau te Kōtuku, Te Uri o Te Aho, Ngāti Kurī, Te Waiariki Kororā ngā Hapū o Ngāpuhi-Nui-Tonu	C/- Phoenix Law Email: mason@phoenixlaw.expert	Bombay Hills to Cape Reinga.

Marine and Coastal Area (Takutai Moana) Act Applicant	Contact Details	Area
Ngāpuhi Nui Tonu-Kota-toka-tutaha-moana o Whāingaroa	C/- Jack Ralston Wyllie Email: info@bekindbeauty.co.nz	All of Auckland, Northland and Far North.
Ngāpuhi Nui Tonu (Awataha Marae)	C/- J R Kingi Email: jrrk999@yahoo.com	Waitematā Harbour (Longitude: 174.6793 Lat: 36.8246 S) to Waitangi (Longitude 174.0797 E Latitude: 35.2706 S).
Ngāpuhi Nui Tonu (Te Kotahitanga Marae)	C/- J R Kingi Email: jrrk999@yahoo.com	From Miranda the firth of Thames HAURAKI on the east coast to Cape Reigna far north Muriwhenua at the top of the North island and then down west to Port Waikato/Waikato River.
Mahinepua Reserve Ririwha Trust	C/- Tahua Murray Email: taraire.cottage@xtra.co.nz	Mai I Tāmaki ki Whangaroa.
Māhanga on behalf of Te Waiariki, Ngāti Kororo, Ngāti Takapari Hapū/Iwi of Niu Tireni	C/- John Kahukiwa Corban Revell Lawyers PO Box 21180 Henderson Auckland 0650 Email: jkahukiwa@corbanrevell.co.nz	Whananaki to Poor Knights to Whangarei
Kingi on behalf of Ngā Hapū o Tangaroa ki Te Ihu o Manaia tae atu ki Mangawhai	C/- T B Afeaki Afeaki Chambers Barristers PO Box 13397 Onehunga Auckland 1643 Email: tavake@afeakichambers.co.nz	Tutukaka to Mangawhai Heads
Panoho on behalf of Te Rae Ahu Whenua Trust	C/- B Lyall / L Thornton Lyall & Thornton Barristers & Solicitors PO Box 60649 Titirangi Auckland 0642	Portland and Mangapai River near Whangārei
Ngāti Pūkenga represented by Te Tāwharau o Ngāti Pūkenga	C/- Kylie Smallman General Manager Te Tawharau o Ngāti Pukenga PO Box 13610 Tauranga Email: tetawharau@ngatipukenga.com	Whangārei Harbour, Coromandel Harbour, Tauranga to Maketū
Nova on behalf of Ngāi Tāhuhu, Ngāti Tuu, Ngāti Kukutea	C/- G Sharrock RightLaw Limited Barristers & Solicitors 11 Kaihu Street	Cape Brett to North Head (North Shore)

Marine and Coastal Area (Takutai Moana) Act Applicant	Contact Details	Area
	Northcote Auckland 0627 Email: gesharrock@rightlaw.nz	
Rata on behalf of Kāre Rata Me Ngā Hapū o Ngāti Wai	C/- C Hirschfeld Ranfurly Chambers Barristers-at-Law 10 Kaihu Street Northcote Auckland 0627 Email: charl@ranfurlychambers.co.nz	Helena Bay to Mangawhai Heads
Nathan on behalf of Rōpū o Rangiriri	C/- C Hirschfeld Ranfurly Chambers Barristers-at-Law 10 Kaihu Street Northcote Auckland 0627 Email: charl@ranfurlychambers.co.nz	Kaipara to Maunganui to Whangārei to Te Ārai Point
Korokota Marae for Te Parawhau Hapū	C/- F Tuhiwai-Birchall 1136 State Highway 14 Maungatāpere RD 9 Whangārei 0179 Email: hoori2ey@gmail.com	On the east from Manaia to Mangawhai South including islands and harbours. On the west from Maunganui Bluff to South Head including the Kaipara Harbour, tidal rivers and any islands.
Ngatiwai Trust Board	C/- Huhana Lyndon Email: raukura@ngatiwai.iwi.nz	Bay of Islands to Mahurangi
Reti Whanau	C/- Janet Mason Phoenix Law Limited Barristers & Solicitors PO Box 27400 Wellington 6141 Email: mason@phoenixlaw.expert	Bay of Islands to Auckland
Hotere & Wikaira on behalf of Te Hikutū Hapū	C/- G Sharrock RightLaw Limited Barristers & Solicitors 11 Kaihu Street Northcote Auckland 0627 Email: gesharrock@rightlaw.nz	Hokianga Harbour, Matauri Bay to south of Whangarei, Mahurangi and Gulf Islands
Te Rūnanga o Ngāti Hine	C/- tepuna_omahu@hotmail.com	Bay of Islands to Whangārei

Marine and Coastal Area (Takutai Moana) Act Applicant	Contact Details	Area
Kingi on behalf of Ngā Puhi nui tonu, Ngāti Rāhiri, Ngāti Awa, Ngā Tahuhu and Ngaitawake	C/- G Sharrock RightLaw Limited Barristers & Solicitors 11 Kaihu Street Northcote Auckland 0627 Email: gesharrock@rightlaw.nz	Miranda to Waikato Heads to Cape Reinga to Miranda. Appears to include the Three Kings and Kermadec Islands
Dargaville on behalf of Ngaitawake	C/- G Sharrock RightLaw Limited Barristers & Solicitors 11 Kaihu Street Northcote Auckland 0627 Email: gesharrock@rightlaw.nz	Doubtless Bay to Matauri Bay, Bay of Islands to Auckland, Herekino Harbour to Whatipu
Collier on behalf of Ngāti Kawau & Te Waiariki Kororā	C/- Janet Mason Phoenix Law Limited Barristers & Solicitors PO Box 27400 Wellington 6141 Email: mason@phoenixlaw.expert	Cape Reinga to Bombay Hills to South Auckland
Te Whanau Whero	C/- Richard Harrison Harrison Stone Suite 412, Level 4 35 High Street, Auckland Email: richard@harrisonstone.co.nz	Northland