**BEFORE THE NORTHLAND REGIONAL COUNCIL HEARINGS COMMISSIONER**

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| **IN THE MATTER** | of an application under section 88 of the Resource Management Act 1991 (Act) |
| **AND** | an application by Doug's Opua Boatyard for resource consents relating to the redevelopment of the existing boatyard located at 1 Richardson Street, Opua, and a consequential application to vary the conditions of the Interesting Projects Ltd (Great Escape Yacht Charters) resource consent. |

# STATEMENT OF EVIDENCE OF BRETT LEWIS HOOD ON BEHALF OF DOUG'S OPUA BOATYARD (DOBY)

**Dated this 20th day of July 2020**


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**Qualifications and Experience**

1. My full name is Brett Lewis Hood. I am a planning consultant working for Reyburn and Bryant in Whangarei. I hold a Bachelor of Social Science (Geography) from the University of Waikato and a Master of Philosophy (Resources and Environmental Planning) from Massey University. I am a full member of the New Zealand Planning Institute (MNZPI).

2. I have 22 years of experience as a planning consultant in the Northland region. My role has typically been to lead project teams through various resource consent, notice of requirement, and plan change processes, and to provide environmental and strategic planning advice for these projects.

3. Most of my work has been in the Northland Region, and so I am very familiar with the history, content and structure of the Operative Regional Coastal Plan ('RCP'), Operative Regional Water and Soil Plan ('RWSP'), Operative Regional Air Quality Plan ('RAQP'), Proposed Regional Plan ('PRP'), and the Regional Policy Statement ('RPS') for Northland.

4. I have read the Environment Court's Code of Conduct for Expert Witnesses as specified in the Environment Court's Practice Note 2014 and agree to be bound by its requirements. Any opinions expressed in this evidence are my own and are not influenced by the client or their agents. This evidence is within my area of expertise, except where I state that I am relying on the evidence of another. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

**Scope of evidence**

5. This evidence will cover the following matters:

   - The site and receiving environment.
   - Existing easements.
   - Existing resource consents and other approvals.
   - The existing (consented) DOBY operation.
   - The proposal.
   - Resource consents required.

- The relevant matters under Section 104(1) of the RMA including:
  - Effects on the environment.
  - Relevant provisions of relevant statutory plans.
- Section 5 of the RMA (relating to discharges).
- Part 2 of the RMA.
- Submissions received.
- Proposed conditions of consent.
- Conclusions.

**The site and receiving environment**

6. DOBY operates from both private and public land ('the site') at 1 Richardson Street, Opua. The private land has an area of 1,088 m² held in one record of title.[1] This land is zoned 'Commercial' in the Far North District Plan (FNDP). The public land is a local purpose esplanade reserve made up of four parcels[2] held in one record of title.[3] This reserve land is zoned 'Conservation' in the FNDP. A plan showing the various components of the site is attached in **BH Exhibit 1**.

7. The land surrounding DOBY is zoned 'Coastal Residential' in the FNDP and contains residential development commensurate with that zone. This land is elevated well above the subject site and, with one or two exceptions, views of DOBY are largely screened by mature vegetation.

8. The ecological setting within the receiving coastal marine area (CMA) is described in the evidence of Dr Wilson.[4] Key components of the receiving environment relevant to assessing effects and analysing planning documents are:

   - There is a 60m long beach adjacent to the reserve. The aspect and slope of the beach render it likely to be well flushed and a relatively dispersive environment in terms of intermittent stormwater discharges.

[1] NA21C/265
[2] Sections 1-4 SO 68634
[3] NA121C/187
[4] Wilson EIC Paragraphs 16-24

- There is a small but harvestable pipi bed adjacent to the beach. The size and frequency of the pipi indicate a viable and probably healthy shellfish population.
- Relative to a nearby control site (at Te Haumi), there is no evidence of local accumulation of heavy metal contaminants in pipi at Wall Bay.

9. The adjoining CMA is zoned 'Marine 4 (Moorings including Marinas)' in the RCP and is within a 'Mooring Zone' under the PRP.

10. The RCP describes the Marine 4 zone as:

> Marine 4 (Moorings including Marinas) Management Areas are those defined as being appropriate for permanent moorings and which are being managed primarily for this purpose.

11. The PRP describes the Mooring Zone as:

> Locations in the coastal marine area where the primary purpose is to accommodate and manage moorings.

**Existing easements**

12. DOBY has easements over the adjoining reserve that enable boatyard activities to take place. The location and scope of these easements has recently been confirmed by the Supreme Court.[5]

**Existing resource consents and other approvals**

13. DOBY operates under existing district and regional resource consents issued in 2002, except for the discharge permits (renewed in 2008) which have expired and are currently operating in accordance with s124(1)(d) and (3) of the RMA. Those discharge permits are also the subject of current Environment Court proceedings.[6]

14. There has been no *expansion* of the activities authorised by the 2002 and 2008 discharge permits in the application currently before the

[5] *Douglas Craig Schmuck v Opua Coastal Preservation Incorporated - [2019] NZSC 118*
[6] *Douglas Craig Schmuck v Northland Regional Council - ENV-2018-AKL-000351.* There is no material difference between the discharge permits currently before the Environment Court and the discharge permits included in this application, expect that this application proposes an all tide discharge point rather than discharging onto the beach.

Environment Court. However, they have been refined to reflect best practice including:

- Wash water from working areas is no longer discharged into the CMA and instead is pumped to the public sewerage system.
- Stormwater from working areas is to be treated by a Stormwater 360 proprietary stormwater system.

15. The existing resource consents (including those being considered in these proceedings) are consistent with the easements.

16. The 2002 FNDC land use consent enables reconstruction of the slipway.[7] This will involve recessing the slipway into the reserve from the 10m Mean High Water Springs (MHWS) setback line. This enables the grade of the slipway to be reduced to match the existing slipway grade between the 10m MHWS line and MHWS. It will also enable better containment of stormwater and air discharges associated with boat maintenance activities.

17. The earthworks volume associated with the reconstruction is approximately 85m³ which is under the permitted activity threshold for earthworks in the Conservation Zone of the FNDP. Furthermore, the FNDC has granted an 'earthworks permit' under the FNDC 'Earthworks Bylaw' and an approval under the NES (Soils) for this work.

**Site remediation**

18. The contaminated soils on the site are currently being remediated. Specifically, contaminated soil from both the boatyard and the reserve has been removed and placed in a stockpile in preparation for removal from the site. The excavated material has been replaced with clean fill. The remediation works necessitated removal of both the slipway rails and the impermeable membrane beneath the rails.

[7] Condition 2(c) of (FNDC) RC 2000812.

**The existing DOBY operation**

19. Key components of the existing (consented) DOBY operation are as follows:

Private DOBY land

- Boatshed.
- A concrete carparking area between the boatshed and Richardson Street.
- A winch and turntable used to remove and return boats from and to the water via the slipway (currently removed due to remediation works).
- Hardstand working area.

Reserve

- A slipway consisting of two metal tracks extending from the eastern end of the boatshed across the reserve (Section 2 SO 68634) to the CMA (currently removed due to soil remediation works).
- Slipway underlain by an impermeable membrane designed to collect and direct stormwater to a containment and treatment system (currently removed due to remediation works).
- A removable screen employed at the bottom of the slipway adjacent to the coastal walkway to mitigate the effects of any spray drift when water blasting activities are taking place.

Private and reserve land

- A stormwater containment and treatment system, including bunded sumps under the (former) turntable (private land) and on the slipway (reserve), four settling tanks (private land), and detention tanks (private land) with a total capacity of 9,400 litres (currently partially removed due to soil remediation works).
- Underground electricity, water, and telecommunications services and stormwater utility services.

Coastal Marine Area

- The lower extent of the slipway extending 31m into the CMA.
- Wharf and pontoons, including a pontoon for Great Escape Yacht Charters (unrelated to DOBY).
- Stormwater pipe discharging onto the beach immediately north of the slipway. This pipe is draining stormwater from the catchment above DOBY. Some DOBY discharges from non-working areas also discharge via this pipe.
- Stormwater pipe discharging onto the beach immediately to the south of the DOBY site. Some DOBY discharges from non-working areas discharge via this pipe.

20. DOBY is now a relatively small-scale operation capable of servicing approximately 35 boats per annum following a self-imposed downscaling of operations in March 2018.

21. The working berths either side of the existing wharf can only be accessed at high tide. At low tide, boats located at the working berths are left sitting on the exposed seabed. Similarly, Great Escape Yacht charters can only operate at the higher end of the tidal cycle.

22. DOBY currently operates in accordance with an Operational Management Plan ('OMP'), with the most recent iteration[8] jointly approved by the Northland Regional Council ('NRC') and the FNDC in February 2019 (see copy in **BH Exhibit 2**). The stated purpose of the OMP is:

> to continue a sustainable system of operational management and maintenance in conjunction with conditions of consent regarding discharge to the air, ground and water from the processes of maintenance, repair and construction of vessels whilst at or on the site

23. The OMP covers all aspects of DOBY operations and is focussed on minimising the adverse effects of air, land, and water discharges.

24. Compliance with this OMP, modified in accordance with recommendations contained in the evidence of Mr Stacey, is

[8] The now expired NRC consents require the OMP to be reviewed every 3 years.

advanced again as a condition of the various discharge permits currently being sought.

**The proposal**

25. The proposed redevelopment of DOBY is multifaceted. It is also relatively complex in so far as it involves cross boundary works and activities on private land, public land, and in the CMA (as is often the case with marine maintenance activities). Overall, the redevelopment works are intended to result in positive effects on the environment relative to the existing operation.

Proposed works and activities

26. The proposed redevelopment works and activities are detailed in the application AEE and in the Section 42A report. They can be broadly categorised as follows:

- Boat maintenance activities on land and in the CMA, including sanding, grinding, painting, water blasting, and mechanical repair. These activities are to be managed by conditions of consent, including adherence to an operational management plan.
- Containment and disposal of wash water to the public sewer via a sump and valve system activated when the water blaster is in operation.
- Containment and disposal of stormwater from working areas to an all-tide location in the CMA via a Stormwater 360 treatment system.
- Containment and disposal of stormwater from non-working areas to the CMA via existing pipe and beach outfalls located on the northern and southern boundaries of the site and reserve.
- Two marina berths incorporating a floating pontoon and gangway (replacing two existing working berths).
- Demolition of the existing wharf, and reconstruction of a 3m wide wharf extending 3m north of the existing wharf. The demolition and reconstruction will be carried out in accordance with a Demolition and Construction Management Plan (DCMP).

- Capital dredging to enable all tide access to the working berths, slipway, GEYC, and beach (approximate dredge volume and area: 4,329m³/4,526m²). The maximum proposed dredge depth is CD-2m around the two marina berths, and CD-1.5m around the working berths at the reconstructed wharf and at the approach fairway. The batter slope in the vicinity of the reconstructed wharf facility, the refurbished slipway, and the northern side of the outer channel is proposed to be 1:4. The batter slope on the southern side of the outer channel is proposed to be 1:6.
- Relocation of the DOBY mooring to the edge of the approach fairway.
- Reconstruction of the slipway on land and in the CMA.[9] The reconstruction of the part of the slipway in the CMA will be achieved in conjunction with the proposed capital dredging. As a result, the reconstructed slipway will extend only 17.5m into the CMA as compared to the existing 31m.
- Installation of a subsurface erosion barrier to protect the shellfish bed adjacent to the beach from capital and maintenance dredging.
- Maintenance dredging (anticipated at 300-500m³ per year).

27. The proposed activities in the CMA are located within a mapped Offensive Odour Boundary and Exclusive Occupation Area. The proposed conditions of consent relate to these areas.

Exclusive Occupation Area

28. The purpose of the Exclusive Occupation Area is to ensure that the requisite parts of the CMA are available for the proposed uses when required. When the area is not required for the proposed uses, the public are not excluded.

29. The s42A report states that the difference between the existing (consented) and proposed Exclusive Occupation Areas is "substantial"[10] and suggests that further evidence should be provided

[9] The reconstruction of the part of the slipway on land is already consented and is not part of the consents being considered by the NRC.
[10] Section 42A report, paragraph 93 (page 25)

to explain the expanded area. It also states that areas for exclusive occupation should reflect the minimum area required to carry out the activity it supports (which I agree with).

30. I do not consider the difference between the existing and proposed exclusive occupation areas to be "substantial". Rather, for the reasons identified below, I consider the proposed occupation area to be the minimum required to support the DOBY and GEYC activities (+70cm).

31. The proposed southern extent of the exclusive use area is 4m further to the south to coincide with the bottom of the proposed dredge batter and the subsurface erosion barrier. In my view this is an appropriate and logical location for the exclusive use area on this side of the wharf.

32. The proposed northern extent of the exclusive use area is 6.5m further to the north, providing a total width of 9.5m on the northern side of the proposed wharf as compared to the existing 6m. The 9.5m extension reflects the fact that the wharf structure will be reconstructed 3m further to the north; and provides for the 4m berthing area on the northern side of the 5.7m wide GEYC pontoon and a 3.8m wide berth on the GYC pontoon. In my view, the existing (consented) 6m wide exclusive use area on the northern side of the existing wharf does not adequately account for the GEYC pontoon and the associated berthing space on the northern side of the pontoon.

<u>"Reasonable" public access to DOBY structures in the CMA</u>

33. The existing DOBY resource consents provide for "reasonable" public access to the DOBY structures in the CMA. This is proposed to continue with the new consents (i.e. no change to the status quo).

34. Because of the focus of the NZCPS, RPS and other regional planning documents on public access, it is relevant to consider what is meant by "reasonable" public access. First and foremost, it is important to ensure that the structures can be used for their intended purpose without being compromised by, or endangering, the public. Unlike other more general wharfs, the primary purpose of the DOBY

wharf is for boat maintenance activities, commercial charters, and marina activities.

35. When maintenance activities are taking place on the wharf (i.e. crane operations, various mechanical repairs, unloading of equipment) there may be ropes, gypsies, motors, rigging, and other equipment on the wharf, all of which present a health and safety risk. Furthermore, GEYC require the ability to transport people and gear to and from their boats without undue restriction. For these reasons, general forms of public access for purposes such as swimming, fishing, and the berthing of recreational vessels can only take place with the prior consent of the operator(s). Also, for security reasons, the marina mooring area gate will be locked when the wharf is not attended by the consent holder and/or their agents and/or customers.

36. I note that the s42A report states that having considered limitations on other wharfs and coastal structures in the Northland area there are few restrictions on public access associated with marinas and wharfs that have operational functions, particularly during daylight hours.[11] I am unsure which structures and facilities the report is referring to, but I am aware that the general public is precluded from the Opua Marina and Marsden Cove for security reasons, and also from the Bay of Islands Marina Boatyard. In the latter case there is a sign at the gate signalling that the site is a "multiple hazards area" and that all visitors must report to the office. It is simply untenable in the current health and safety climate for operators of commercial wharves such as DOBY to allow unfettered public access.

**Resource consents required and activity status**

37. I agree that the various resource consents that are required to facilitate the redevelopment of DOBY are those identified in the section 42A report.[12] I also agree that the bundle of consents has a discretionary activity status overall.

[11] Section 42A report Paragraph 89
[12] Section 42A report Pages 4 and 5

38. The original application indicated that consent was required for earthworks in the 'Riparian Management Zone' under Rule 34.3 of the RWSP and earthworks in the 'Coastal Riparian and Foredune Management Area' under Rule C.8.3.4 of the PRP. However, subsequent calculations have determined the required earthworks volume to be approximately 10m³ and covering an area considerably less than 200m². Therefore, the proposed earthworks are well within the 50m³ and 200m² permitted activity thresholds meaning that no consent for earthworks is required under either of these plans.

39. The original application also indicated that a consent was required under Rule C.6.8.3 of the PRP in respect to the remediation of contaminated land. However, subsequent discussions with NRC officers determined that no consent was required under this rule because the land did not fall within the definition of contaminated land under the RMA. Therefore, no consent is required under this rule.

40. I note that the s42A report suggests that a consent may be required under Rule C.1.2.1 'Vessels Not Underway'. I do not agree that a consent is required under this rule because C.1.2.1(7) specifically exempts vessels secured to an authorised mooring or marina berth:

> C.1.2.1 (7) Clauses 4(a) and 4(b) and clause 6 do not apply to a vessel secured to an authorised mooring or marina berth.

**Regional Plan Weighting**

41. The PRP has legal effect. However, it is currently subject to a myriad of appeals, including appeals that relate to activities in the CMA. In my opinion, a relatively even weight should be applied to both the operative and proposed regional plans.

**Assessment of effects on the environment**

<u>The existing environment</u>

42. Section 104(1)(a) of the RMA requires a consideration of any actual and potential effects on the environment of allowing an activity.

43. When completing an assessment of effects on the environment under s104(1)(a), it is necessary to identify the "existing environment" (sometimes referred to as the receiving environment).

44. I am aware that the rationale and method for determining the existing environment has been identified and refined in a series of judgments of the High Court and the Court of Appeal.[13] Specifically, the existing environment consists of the environment that currently exists (including lawfully established activities such as those associated with DOBY), and also the *future* environment as it would be modified by unimplemented consents that are likely to be given effect to.

45. A consideration of the "existing environment" in respect to DOBY is complex because (apart from the 2008 discharge permits) the other DOBY resource consents do not expire until 2036. This means that the physical components of the DOBY operation (i.e. the structures in the CMA) will be part of the "existing environment" for the next 16 years. Conversely, the discharge permits should be considered as if they are an application for a <u>new</u> activity. However, the environment should not be considered as if discharges under the existing consents never occurred. Rather, the environment includes any legacy effects of past lawful discharges (i.e. contaminated sediment). This recognises the reality that the receiving CMA is, for the most part, heavily modified and has been for some years.

46. While the DOBY structures are part of the "existing environment" for the next 16 years through until 2036, a 35-year expiry date is sought for the new consents through until 2054. This change in the "existing environment," and therefore the assessment baseline, part way through the requested consent period is difficult to reconcile. In my opinion the only pragmatic approach is to consider the effects of the proposed structures as if the existing structures have been removed (to cover the period from 2036 to 2054), whilst remaining cognisant of the fact that they <u>are</u> part of the existing environment until 2036.

[13] *Arrigato Investments Ltd v Auckland RC* [2002] 1 NZLR 323, *Far North District Council v Te Runanga a Iwi O Ngati Kahu* [2013] NZCA 221, *Queenstown Lakes District Council v Hawthorn Estate Ltd* [2006] NZRMA 424.

Permitted baseline

47. The permitted baseline is of limited relevance in the case of the DOBY activities in the CMA. However, the effects of the activities in the CMA should be considered against the backdrop of permitted activities on the adjoining boatyard site (zoned 'Commercial'). These include:

- Commercial and industrial buildings and activities.
- Residential buildings and activities.

48. DOBY also has a special exemption under Rule 12.7.6.1.1 of the FNDP that enables a zero setback from the CMA for buildings and impermeable surfaces associated with DOBY activities in recognition of the historic and ongoing boat maintenance activities on the site.

49. In respect to air discharges, I note that both the RAQP and the PRP permit air discharges that are not offensive and objectionable, notwithstanding that this permitted status does not apply to discharges from vessel maintenance activities.

Effects on landscape and natural character

50. The effects on landscape and natural character are addressed in the evidence of Mr Farrow. I also note that the site is not identified as having heightened landscape or natural character value in the RPS and PRP.

51. I note that Mr Farrow has considered the landscape and natural character effects through until 2036 relative to the existing structures, and thereafter as if the structures did not exist. In my opinion, this is appropriate. I also note that his assessment is made cognisant of existing and permitted uses on the adjoining land and in the surrounding environment. Again, I consider this to be appropriate.

52. Regarding effects on natural character, I note Mr Farrow's view that the existing boat shed, slipway, wharf, seawall dinghy racks, and the mown grass on the reserve all detract from natural character.[14] I also note his overall conclusion that the proposed redevelopment works

[14] Farrow EIC Paragraph 13

will not shift the natural character balance at the site to a lesser level than currently exists, and that the proposed activities will not diminish natural character from current levels through to 2036,[15] and then the effects will be moderate-low between 2036 and 2054.[16]

53. Regarding effects on landscape values, Mr Farrow identifies the boatyard as an integral part of the Opua maritime landscape and opines that the extent of perceptible change resulting from the proposal will be very low through until 2036 relative to the existing structures,[17] and then moderate-low between 2036 and 2054.[18]

Effects on amenity values

54. Amenity values are subjective, and perceived effects will vary from person to person depending on different levels of sensitivity. In my opinion planners and decision-makers should be considering the effects on amenity values based on an average person's sensitivity.

55. In the case of the DOBY redevelopment, potential adverse effects on amenity values could arise from the following activities:

- Visual effects of structures in the CMA
- Paint odours
- Spray mist from water blasting
- Noise from maintenance activities

56. The visual effects are addressed in the evidence of Mr Farrow. I note his opinion that the difference between the existing structures in the CMA and the proposed structures in the CMA will be very low when viewed from the CMA.[19] I also note his opinion that the visual effects for the residential viewers above the site will be very low, and low for users of the coastal walkway and esplanade reserve.[20]

57. Paint odours are addressed in the evidence of Mr Stacey. Conditions of consent are proposed to minimise potential adverse effects associated with paint odour, including limitations on the volume of

[15] Farrow EIC Paragraph 13
[16] Farrow EIC Paragraph 23
[17] Farrow EIC Paragraph 13
[18] Farrow EIC Paragraph 23
[19] Farrow EIC Paragraph 17
[20] Farrow EIC Paragraph 17

paint used[21], and when painting can and cannot occur according to wind direction.

58. Spray mist from water blasting is also addressed in the evidence of Mr Stacey. Conditions of consent are proposed to limit the potential effects on users of the coastal walkway, including the employment of a spray screen. Other factors include the limited duration of the activity and the fact that the discharge is clean, misty water only.

59. Operational noise generated by boat maintenance activities is covered by the conditions of the existing FNDC consent.

60. My perception is that most people find coastal activities along walkways a point of interest. It is true many people also derive enjoyment from pristine natural environments containing little or no development. However, as confirmed by Mr Farrow, that is not the character of this part of the coastal environment.

61. Boat maintenance activities have been associated with the site since 1966, and possibly earlier. In my opinion when this is considered in combination with the proposed controls on the operation of the boatyard and marina facilities, the proposed redevelopment will not have adverse effects on amenity values according to an average person's sensitivity.

Effects associated with stormwater discharges

62. The potential effects of stormwater discharges associated with the proposed DOBY operation are addressed in the evidence of Mr Papesch and Dr Wilson. The evidence is that the effects of stormwater discharges from DOBY will be negligible. This is because all wash water will be directed to the public sewer, and all stormwater falling on clean working areas[22] will be treated in a Stormwater 360 proprietary system prior to discharge. This system is designed to treat stormwater to the specified minimum standards in the PRP. Those standards are also proposed as conditions of consent.

[21] Maximum of 30L/day for normal paints and 15L/day for diisocyanate paints.
[22] Working areas will be cleaned of debris following maintenance activities.

63. All stormwater falling on the non-working areas of DOBY will be discharged to the CMA via the existing northern and southern beach outfalls.

64. It is clear from the evidence of Mr Papesch and Dr Wilson that the proposed management of wash water and general stormwater will be a marked improvement from the existing (consented) situation, notwithstanding that (based on the evidence of Dr Wilson) the level of contamination in the coastal sediments has been decreasing even under the existing management regime.[23]

Effects associated with air discharges

65. As stated earlier in my evidence, the conditions of consent recommended by Mr Stacey will minimise the potential adverse effects associated with the discharges. In my view, none of those effects are offensive or objectionable to the average person.

Effects on ecology

66. The potential adverse effects on ecology are limited to those associated with the proposed stormwater discharges and capital dredging. These effects are considered in the evidence of Dr Wilson.

67. Regarding the effects of the proposed stormwater discharges, I note that Dr Wilson considers these to be less than minor due to the proposed management of wash water and stormwater from working areas.[24]

68. Regarding the effects of capital dredging, I note Dr Wilson's opinion that all subtidal and intertidal infauna and epifauna in the proposed dredge area are common and widespread species found throughout the Bay of Islands and in northern New Zealand coastal inlet environments.[25] I also note his view that the substratum will quickly recover after dredging and be rapidly recolonised by the same or similar fauna that is currently present.

[23] Wilson EIC Paragraph 57
[24] Wilson EIC Paragraph 45, 80
[25] Wilson EIC Paragraph 63

69. Regarding the intertidal shellfish (pipi) bed, this will be protected by the proposed subsurface erosion barrier which is designed to retain the edge of the bed and prevent it from collapsing into the dredge area.

70. I also note Dr Wilson's opinion that the effects on subtidal and intertidal infauna and epifauna resulting from the short-term depositional effects of sediment suspended in the water column during the dredging activity will be minor to less than minor.[26]

Biosecurity

71. Mr Schmuck has confirmed that all boats that berth at DOBY are vetted for their potential to be carrying Mediterranean Fanworm and other risk organisms, and that no boats carrying such organisms are permitted to use DOBY. I understand that this practice will also extend to boats using the two proposed marina berths.

72. The potential for risk organisms reaching the CMA as a result of boat maintenance activities is minimised by the practice of wash water being directed to the public sewer, and through the regular cleaning and maintenance requirements applicable to working areas.

73. At a more general level, one of the core purposes of the DOBY facility is the maintenance of boats, including de-fouling and the application of anti-fouling. Furthermore, biosecurity risks are easier to identify and manage at marina facilities than they are at stand-alone moorings. In my view, facilities of this nature play a positive role in managing biosecurity risks in the Northland region.

Cumulative Effects

74. During the period from now until 2036, the proposed redevelopment will result in a less than minor cumulative change to the environment. This is because, apart from the sub-surface erosion barrier which will be partially visible at low tide, no new structures are being added, and an existing wharf structure is being shortened. Furthermore, I

[26] Wilson EIC Paragraph 63, 64

note Mr Farrow's opinion that the proposal represents a "like for like:" scenario.[27]

Positive effects

75. In my opinion, positive effects associated with the proposed DOBY redevelopment are:

- The remediation (removal) of contaminated coastal sediments as part of the capital dredging operation, noting that the sediments are part of the existing environment. I note that the s42A report considers that this is the remediation of actual effects associated with historic boatyard activities rather than a positive effect.[28] I disagree with that because in this case the existing consents do not require the remediation of effects. In my view the removal of contaminated sediment is a positive effect directly associated with the new proposal, and one that would not occur nor be required if the consents are not granted.
- Best practice management and treatment of stormwater relative to the status quo.
- Relocation of the existing (upstream) stormwater discharge point to an all tide location, noting the high levels of dissolved metals originating from land above the DOBY site. If the consents are not granted, the discharge would continue to run across the intertidal area at low tide.
- Vastly improved all tide access to the beach for mooring owners.
- All tide access to the working berths.
- Health and safety improvements through an improved wharf structure.
- Tighter controls on boat maintenance activities.
- Reduction in the length of the wharf and slipway in the CMA.
- Boat maintenance facilities are important to the Northland community, a large portion of whom derive social well-being from boating activities.

[27] Farrow EIC Paragraph 34
[28] Section 42A report Paragraph 126

- DOBY also serves international yachts, and therefore there are positive economic benefits for ancillary marine industries.

**Relevant provisions of relevant statutory plans**

76. The relevant plans are:

- NZCPS
- RPS
- Operative RAQP
- Operative RCP
- PRP

77. There is considerable overlap in the relevant provisions of these plans. For completeness, and to account for subtle changes in wording, my evidence (below) addresses the relevant provisions of each plan.

New Zealand Coastal Policy Statement (2010)

78. The entire DOBY operation is located within the coastal environment as defined in Policy 2 of the NZCPS. Therefore, the provisions of the NZCPS are fundamental to the proposed redevelopment. This is particularly so because the RAQP and RCP were not prepared under the NZCPS (2010), and the coastal portions of the PRP remain subject to a myriad of appeals.

79. The NZCPS contains seven overarching objectives which set the high-level direction for the management of activities in the coastal environment. Five of the objectives and most of the supporting policies are relevant. These provisions are provided in **BLH Exhibit 3** and are considered in my evidence below.

*Objective 1*

80. This objective seeks to maintain and enhance the quality of the environment, with a specific focus on ecology. I note Dr Wilson's opinion that discharges from the Stormwater 360 proprietary treatment system will improve the quality of discharges to the CMA, noting his view that *existing* discharges are having a less than minor

effect on the receiving environment.[29] Accordingly, the interim and future discharges will achieve the outcomes sought by Objective 1.

*Policy 1*

81. This policy helps to set the appropriate context for considering DOBY activities. It recognises that the coastal environment often contains physical resources and built facilities (such as those associated with DOBY) that have modified the coastal environment. In my view the policy is particularly relevant to the DOBY activities because it provides the context for the consideration of effects on amenity values, landscape, and natural character values.

*Objective 2, Policy 13 'Preservation of Natural Character' Policy 14 'Restoration of Natural Character' Policy 15: Natural 'Landscapes and Features'*

82. Objective 2 and the supporting Policies 13, 14 and15 relate to the preservation of the natural character of the coastal environment, the protection of natural features and landscapes, and the restoration of the coastal environment. Achieving the outcomes sought under these provisions requires careful consideration of the characteristics and qualities that contribute to natural character in this specific location.

83. Mr Farrow has considered the natural character evident in the DOBY receiving environment in his evidence. He concludes that while the site displays elements of natural character, it is a highly modified environment, displaying characteristics and qualities that are consistent with the Opua Basin marine precinct.[30] This is consistent with my own observations, and is reinforced by the fact that the site is not located in mapped natural character and natural landscape areas in the RPS and PRP.

84. Objective 2 and Policy 14 also encourage restoration of the coastal environment. The proposed removal of contaminated sediment from the CMA in front of DOBY is consistent with this objective.

[29] Wilson EIC Paragraphs 44, 45
[30] Farrow EIC Paragraphs 13, 20

85. Having considered the expert evidence of Mr Farrow, the fact that the site is not located in a mapped natural character and landscape area in the RPS and PRP, and the historic, existing, and permitted activities on the adjoining land, in my opinion the proposed redevelopment is consistent with the NZCPS provisions relating to natural character and natural landscapes and features.

*Objective 3 and Policy 2 'The Treaty of Waitangi, Tangata Whenua and Maori Heritage'*

86. Objective 3, working in tandem with Policy 2 requires specific consideration of effects on tangata whenua and their taonga when considering resource consent applications.

87. While there was implied concern raised in the s42A report about the lack of consultation with tangata whenua,[31] I am advised by Mr Schmuck that his relationship with tangata whenua has eroded over the years to be virtually non-existent. With this as a background to the current proceedings, it is likely that consultation would likely have been a futile exercise in any event. Fortunately, due to the long history of planning applications and resource consent applications affecting the subject land, the consents and their effects are well understood by tangata whenua.

88. Policy 2 directs that any relevant iwi management plan be "taken into account". The relevant plan in this case is the Ngati Hine Iwi Environmental Management Plan. I have reviewed this plan. Key outcomes sought are improvements to the quality of the environment, and the preservation and enhancement of kaimoana. The proposed redevelopment (incorporating better management of discharges and the remediation of contaminated soils and sediments) will improve the quality of the environment as sought in this plan. Furthermore, the importance of the shellfish bed adjacent to the slipway and beach area has been recognised by modification of the proposed dredge area and the associated subsurface erosion barrier.

[31] Section 42A report Paragraph 138

89. For the reasons outlined above, the proposal is consistent with the outcomes sought under these provisions. I note that the s42A report reaches the same conclusion in paragraph 139.

*Objective 4, Policy 18 'Public Open Space', Policy 19 'Walking Access'*

90. Objective 4 is closely aligned to Policy 18 and Policy 19. These provisions collectively seek to recognise the need for public open space in the CMA. They specifically identify *"maintaining and enhancing walking access linkages"* and *"recognising the role of esplanade reserves and strips in contributing to public open space needs"* as two means of achieving this.

91. The proposed consents do not prevent the continued use of the Opua-Paihia coastal walkway. This important walking access linkage continues to be provided for in accordance with the intent of these provisions.

92. The proposal also recognises the recreation reserve, and mitigation measures are proposed to minimise the impact of DOBY activities on the use of this reserve.

93. I note that Policy 19(3) identifies that protecting public health and safety is one reason that justifies restrictions on public walking access to and along the CMA. In my view, this is directly relevant to the DOBY slipway activities where the occasional and short-term restriction on the walkway when boats are being moved from the CMA to the site or vice versa is obviously necessary for health and safety reasons. I note that this occasional short term restriction is also provided for by the conditions of the existing FNDC consent.

94. In my opinion, the DOBY operation carefully and appropriately manages the interface between marine industry and recreation in a manner that is consistent with these provisions.

*Objective 6 and Policy 6 'Activities in the Coastal Environment'*

95. This objective and policy seek to enable people and communities to provide for their social, economic, and cultural wellbeing and their

health and safety, through subdivision, use, and development. The objective specifically recognises that:

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits; *[my emphasis]*
- some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities; *[my emphasis]*
- functionally some uses and developments can only be located on the coast or in the coastal marine area; *[my emphasis]*

96. These are important provisions in the context of the proposed DOBY redevelopment.

97. The first bullet point anticipates appropriate development in appropriate places. In my opinion, the land and marine zones applicable to DOBY, coupled with the specifics of the environment identified in the evidence of Mr Farrow, point to the site and activities being appropriate. Also, the reference to uses being "within appropriate limits" in the first bullet point is relevant to the DOBY discharges which will be within the limits prescribed in the PRP.

98. Regarding the second bullet point, boat maintenance facilities are important to the social wellbeing of the Northland community, a large portion of which derive social well-being from boating activities. Furthermore, there are economic benefits for ancillary marine industries.

99. The third bullet point recognises that some uses must be located in the coastal environment. It is evident that a slipway and boat maintenance facility, and marina berths fall into that category.

100. Policy 6 (like Objective 6) requires recognition of the positive contribution of uses and development in the CMA to the social, economic, and cultural wellbeing of people and communities.[32] It also requires recognition that some activities (like DOBY) have a functional need to be located in the CMA.[33]

[32] NZCPS Policy 6(2)(a)
[33] NZCPS Policy 6(2)(c)

101. As stated in my analysis of Objective 6, boat maintenance facilities are important to the Northland and international boating community due to the social well-being derived from boating activities. Furthermore, there is a clear functional need for them to be located in the CMA.

102. Policy 6(2)(e)(i) is to promote the efficient use of occupied space by *"requiring that structures be made available for public or multiple use wherever reasonable and practicable".* This policy is relevant to the use of the DOBY wharf. As outlined in paragraphs 33-36 of this evidence, "reasonable" public access to the wharf will be provided, noting that the primary purpose of the wharf is for boat maintenance activities, GEYC activities, and marina berths.

103. In summary, I consider the proposed DOBY activities to be consistent with Objective 6 and Policy 6 for the following reasons:

- There is an obvious functional need for the proposed activities to be located in the CMA.
- Boat maintenance facilities are important to the social well-being of boat owners, and the economic wellbeing of service providers.
- The proposed activities sit comfortably within the existing Opua marine environment, noting that a commercial boat yard has been operating from the site since 1966.
- Public use of the CMA is enhanced through better (all-tide) access for mooring owners (current access at low tide involves dragging tenders across the mudflats).
- The wharf structures will be available for "reasonable" public use.
- There are no significant ecological areas or values associated with the receiving environment, including the proposed dredge area.
- The proposal incorporates significant operational improvements, including best practice management of effects on the environment.

*Policy 11*

104. This policy directs that adverse effects on threatened ecology be *avoided*. In this regard, I understand from the evidence of Dr Wilson that there is no threatened ecology in the receiving environment. The policy also directs that significant adverse effects on other indigenous ecology in the CMA be *avoided*. In this regard, Dr Wilson's evidence is that there are no significant effects associated with the proposal. On that basis, I consider the proposal is not in conflict with Policy 11.

*Policy 23: Discharge of Contaminants*

105. As confirmed in the evidence of Dr Wilson, discharges from the Stormwater 360 proprietary treatment system will improve the quality of discharges to the CMA, noting his view that *existing* discharges are having a less than minor effect on the receiving environment.[34] Similarly, controls on boat maintenance activities, both on the land and in the CMA, will avoid adverse effects on coastal sediments, water quality, and the quality of the environment in general.

106. In addition to having appropriate regard to "reasonable mixing", the direction to consider reducing contamination at the source through containment treatment[35] is also relevant. This is being achieved by directing all wash water to the public sewer, and all other discharges from working areas to the proprietary system prior to discharge to the CMA. I also note that proposed condition 61 in the s42A report provides for point source monitoring of the discharges from the Stormwater 360 system.

107. For completeness, I have not identified Policy 21 'Enhancement of water quality' as being relevant to these proceedings. This is because that policy is concerned with coastal water quality that has deteriorated to a point that it is having significant adverse effects on ecological values. That is not the case here. The evidence of Dr Wilson is that coastal water quality in the vicinity of DOBY is not in a deteriorated state[36]. Hence my view is that Policy 21 does not apply.

[34] Wilson EIC Paragraphs 44-45
[35] NZCPS Policy 23(4)(b)
[36] Wilson EIC, Paragraph 19

*Summary*

108. The proposed redevelopment is not contrary to any of the avoidance policies within the NZCPS for the following reasons:

- The proposed redevelopment will improve the quality of the environment by improving the quality of stormwater discharges, imposing tighter controls on activities with air discharges, and through the removal of contaminated coastal sediments as part of the capital dredging programme.
- The operation provides for a continuation of public walking access. It also maintains and improves the amenity values of the reserve relative to the status quo and improves public access to and from the CMA for mooring holders.

109. The NZCPS is the foundation document underpinning the lower order regional plans. In my opinion, the proposed DOBY redevelopment is entirely consistent with this document.

Regional Policy Statement for Northland

110. The RPS was made operative in May 2016.

111. Consideration of the relevant provisions of the RPS is particularly relevant in the context of the DOBY consents because neither of the two relevant operative regional plans were prepared under it.

112. The RPS contains several relevant objectives and policies grouped in resource management "themed" chapters. The relevant chapters to DOBY cover region wide water quality management, economic wellbeing, the use and allocation of coastal water space, tangata whenua, natural hazards, natural character of the coastal environment, public access to the coastal environment, and indigenous ecosystems and biodiversity.

*Region wide water quality management*

113. Objective 3.2 'Region wide water quality management', working in tandem with Policy 4.2.1 'Improving overall water quality', aims to improve the overall quality of Northland's fresh and coastal water by setting region wide water quality standards in regional plans. As I will

cover later in my evidence, the PRP contains a proposed policy (D.4.3) that refers to coastal water quality standards, with this aimed at giving effect to the direction in the RPS. I note that the evidence of Dr Wilson and Mr Papesch confirms that the Stormwater 360 proprietary system can be configured to achieve compliance with the minimum water quality standards in the PRP.[37] Accordingly, I consider that the proposal is consistent with the RPS provisions in respect to region wide water quality.

*Enabling economic wellbeing*

114. Objective 3.5 and Policies 4.8.4 and 5.2.3 seek to enable economic well-being in the Northland region, with Policy 4.8.4 being to:

> Recognise activities which provide a net gain in environmental and/or social benefit from persons occupying space in the common marine and coastal area.

115. In my view there is a net environmental and social gain from the proposed DOBY activities. The gains include general improvements to the quality of the environment, social benefits for users of the boat maintenance facilities, improved navigation for GEYC and other wharf users, and all-tide access to the beach for mooring holders.

*Use of coastal water space*

116. Objective 3.10 and Policy 4.8.1 deal with the use and allocation of common resources. Policy 4.8.1(1) is to only consider allowing structures that occupy space in the CMA where those structures have a functional need. As covered in paragraphs 101 and 103 of this evidence, the DOBY facilities have an obvious functional need to be in the CMA.

117. Policy 4.8.1(3) refers to situations where the public might be excluded from using a structure in the CMA, with Policy 4.8.1(3)(c) identifying the health and safety of the public as a reason for such an exclusion (similar to Policy 6(2)(e)(i) of the NZCPS). As discussed earlier in my evidence, “reasonable” public access will be provided

[37] Papesch EIC Paragraph 14, Wilson EIC Paragraph 45

cognisant of the primary purpose of the wharf and the health and safety issues that entails.

107. Policy 4.8.3 sets out the matters that "particular regard will be had to" in setting the expiry date for coastal permits as follows:

> (a) The security of tenure for investment (the larger the investment, the longer the consent duration);
> (b) Aligning the expiry date with other coastal permits to occupy space in the surrounding common marine and coastal area;
> (c) The reasonably foreseeable demands for the occupied water space by another type of activity (the greater the demands, the shorter the consent duration); and
> (d) Certainty of effects (the less certain the effects the shorter the consent duration).

108. Regarding 4.8.3(a), reconstruction of the wharf and slipway and the associated capital dredging is a significant investment for DOBY that justifies the proposed 35-year expiry date (estimated at approximately $700,000.00 in addition to the $700,00.00 already spent on resource consent matters). Regarding 4.8.3(c), I am not aware of any other potential uses of the occupied water space that justifies a shorter duration. Furthermore, the effects of the structures and associated activities are well known and can be appropriately managed.

*Tangata Whenua*

109. Objective 3.12 is for the tangata whenua kaitiaki role to be recognised and provided for in decision-making over natural and physical resources, while Policy 8.1.1 is to provide opportunities for tangata whenua to participate in inter alia resource consent processes. In my view these provisions relate more to Council obligations and procedures. In any event, tangata whenua were forwarded a copy of the application as part of the notification process and the obligations under MACA. Furthermore, as covered earlier in my evidence, tangata whenua have had a long involvement in resource consent and easement related proceedings involving DOBY. They were also involved in the previous (abandoned) consent application for structures and activities in the CMA, with those consents being similar to those now under consideration.

110. I have reviewed the issues raised in the submission filed on behalf of Nga uri o Tareha Kaiteke Te Kemara/ Ngati Kawa & Ngati Rahiri. The three primary concerns relate to the easements, the lack of a health and safety plan, and biosecurity. The easements have been addressed by the Supreme Court and are not a matter relevant to these proceedings. A health and safety plan is not a requirement of the resource consent process. Biosecurity matters are covered elsewhere in this evidence.

111. For the reasons outlined above, in my view these provisions have been met.

*Natural hazards*

112. Objective 3.13 and Policy 7.1.3 seek to minimise and manage the natural hazard risk on people and property, with Policy 7.1.3 focussing on coastal hazards. The proposed re-development aligns with these provisions by providing a more robust wharf structure, and because the proposed activities are not particularly sensitive to natural hazards.

*Natural character, natural features and landscape*

113. Objective 3.14 and Policies 4.6.1 and 5.1.2 collectively seek to manage effects on the characteristics and qualities of natural character, natural features, and landscapes.

114. Policy 4.6.1(1)(a), directs that adverse effects on areas of outstanding natural character, natural features, and natural landscapes should be avoided. There are no such areas in proximity to the DOBY site. Policy 4.6.1(1)(b) directs that significant adverse effects on natural character, natural features, and landscape values in general should be avoided. In that regard, Mr Farrow has confirmed that adverse effects on natural character, natural features, and landscape values in general are not significant (in fact he considers them to be, at worst, moderate-low[38].

115. In considering whether the proposed redevelopment is “appropriate“ under Objective 3.14 and Policy 5.1.2, Policy 5.1.2(c) requires that

[38] Farrow EIC Paragraph 23

*"the values of adjoining or adjacent land and established activities (both within the coastal marine area and on land)"* should be taken into account. Consistent with this policy, Mr Farrow has taken into account the existing boatyard activities on the adjoining land (including the reserve) and in the CMA. He concludes that the proposal will not diminish natural character from current levels through to 2036,[39] and then effects will be moderate-low between 2036 and 2054.[40]

116. For the reasons outlined above, I consider that these provisions have been met.

*Public access to the coast*

117. Objective 3.15 'Active management' seeks to *inter alia* maintain and/or improve the natural character of the coastal environment, public access to the coast, and coastal water quality. The proposal responds to this objective through the removal of contaminated coastal sediment, and through improvements to the quality of stormwater discharges. It also improves public access to the coast through improved "all-tide" access for mooring owners, whilst retaining existing access along the coastal margin.

*Indigenous ecosystems and biodiversity*

118. Objective 3.4, working in tandem with Policy 4.4.1, directs that adverse effects on threatened ecology be *avoided*, and that significant effects on other indigenous ecology be *avoided*. The evidence of Dr Wilson confirms that there is no threatened ecology in the receiving environment, and that there are no significant adverse effects on ecological values in general (in fact he concludes that the effects are *"minor to less than minor"*).[41] For these reasons, the proposal does not compromise these avoidance provisions.

*Summary*

119. The RPS was prepared under the NZCPS (2010). As required under the RMA, the RPS has given effect to the NZCPS. As outlined in my

[39] Farrow EIC Paragraph 13
[40] Farrow EIC Paragraph 23
[41] Wilson EIC Paragraph 68, 80, 81

evidence, the proposed DOBY redevelopment is consistent with the policy direction in both these higher order plans. Also, importantly, the proposal is not contrary to any of the avoidance policies within these documents.

Regional Coastal Plan for Northland

120. The RCP was made operative in June 2004. Therefore, it was not prepared under the RPS (2016) or the NZCPS (2010), hence the need to have cognisance of the overarching direction in these higher order documents.

121. The adjoining CMA is zoned Mooring 4 'Moorings including Marinas' in the RCP. The zone is described as:

> Marine 4 (Moorings including Marinas) Management Areas are those defined as being appropriate for permanent moorings and which are being managed primarily for this purpose. The Marine 4 (Moorings including Marinas) Management Area boundaries are shown on the Coastal Plan Maps.

122. It is clearly an expectation of the zone that there will be structures associated with moorings and marinas in the CMA.

123. The objectives and policies for the Marine 4 zone are contained in Chapter 28 of the plan. Some of the policies are specific to moorings, some are specific to marinas, and some relate to both.

124. Policy 28.4(7) relates to the location of marinas and specifically directs the Council to allow for potential marina development in Marine 4 management areas.

125. Policy 28.4(8) sets out a range of matters that a consent authority should take into account when considering resource consent applications for marina developments. In my opinion, the proposal is consistent with these matters for the reasons outlined on page 89 of the AEE.

126. In addition to the objectives and policies specific to the Marine 4 zone, there are also general objectives and policies covering all zones. In my view, for pragmatic reasons the consideration of these provisions must be relative to the expectations for the Marine 4 zone. These general objectives and policies are considered below.

*Chapter 7 Natural Character*

127. There is one objective (7.3) and seven policies relating to the preservation of the natural character of Northland's CMA, with all having some relevance to the proposed DOBY activities.

128. The provisions, like those in the NZCPS and RPS, recognise the differing degrees of natural character across the Northland CMA. As described in the explanation under Policy 7.4.(4) (below), the general approach under Policies 7.4(1) and 7.4(4) is to provide for development in areas where natural character has already been compromised, and particularly within Marine Management Areas 3, 4, 5 and 6:

> **Explanation**: Notwithstanding the general need to protect the coastal marine area, there is obviously a need to provide for appropriate existing subdivision, use and development so that people and communities are able to provide for their social, economic, and cultural well-being and, for that reason, development is provided for in the Marine 3, Marine 4, Marine 5 and Marine 6 Management Areas. For the purposes of this Plan, it is considered better that, subdivision use and development is consolidated rather than expanding into new areas where the adverse effects are uncertain or unknown.

129. These policies reinforce Policy 6 of the NZCPS which recognises that there are activities that have a functional need to locate in the CMA, and to provide for those activities in appropriate places.

130. For the reasons outlined above, the DOBY activities are anticipated and therefore appropriate in the Marine 4 zone. They are also appropriate relative to the existing environment, including the adjoining commercial zone land and the existing land-based activities.

*Chapter 10 'Public Access'*

131. There are two objectives and five policies related to public access.[42] These provisions seek the same outcomes as the NZCPS and RPS, being the maintenance and enhancement of public access to and along the CMA unless there is a public health and safety reason for not doing so (my emphasis). As outlined in paragraphs 33-36 of my

[42] Objective 10.3(1), Policy 10.4(1) and Policy 10.4(3) – Operative Regional Coastal Plan

evidence I consider the proposal accords with the intended outcomes of these provisions. Continued public access to and along the coast is a clear tenet of the application. Reasonable public access to and through the CMA and the existing wharf has always been required and allowed. The proposal envisages such access will continue, albeit subject to restrictions to avoid issues of liability under the current health and safety legislation.

*Chapter 11 'Recognition and provision for Maori and their culture and traditions'*

132. There is one objective and five policies that seek to recognise and provide for Maori and their culture and traditions. These provisions are similar to those contained in the NZCPS and RPS. For the reasons outlined in paragraphs 86-88 and 109-110 of my evidence, I consider that the proposal accords with the intended outcomes of these provisions.

*Chapter 16 'Recreation'*

133. There is one objective and two relevant policies that seek to provide for recreational uses in the CMA.[43] The proposal achieves the outcomes sought under Policy 16.4(2) because it maintains and enhances boating opportunities within the Marine 4 Management Area. Furthermore, the proposal aligns with Policy 16.4(3) because it does not compromise (and in fact complements) existing recreational activities (largely confined to recreational boating).

*Chapter 17 'Structures'*

134. There is one objective and several policies relevant to the proposed DOBY structures in the CMA.[44]

135. The proposal aligns with Policy 17.4(1) which seeks to provide for established lawfully established uses in the CMA, noting that the existing DOBY structures are consented until 2036.

[43] Objective 16.3, Policy 16.4(2), and Policy 16.4(3)
[44] Objective 17.3, Policy 17.4(1), Policy 17.4(3), Policy 17.4(6), Policy 17.4(7), Policy 17.4(8), and Policy 17.4(9)

136. Policy 17.4(3) is similar to Policy 6 of the NZCPS in that it seeks to enable structures where there is an operational need to locate within the CMA and no practical alternative location exists outside the CMA. The policy also supports the multiple use of structures to the extent practicable, where there is land available to support the use of the structure, and where effects are avoided or mitigated to the extent practicable. In my view the proposal is consistent with this policy for the following reasons:

    - There is a clear operational need for the structures to be located within the CMA; and
    - There is no practical alternative outside the CMA; and
    - Multiple use is being made of the structures; and
    - Land is available for the land-based component of the operation; and
    - Adverse effects can be avoided and/or mitigated.

137. Policy 17.4(6) is *"to provide for the requirements of commercial and recreational vessels for permanent moorings and for related structures and facilities"* in the Marine 3 and Marine 4 zones. In my opinion, this policy is directly applicable and consistent with the existing and proposed DOBY activities.

138. Policy 17.4(7) seeks to achieve integrated management between land and CMA based activities. In my opinion, the proposal responds directly to this policy through the implementation of a range of measures designed to sustainably manage the interface between the CMA and land-based components of the operation.

139. Policy 17.4(9) seeks to restrict the presence of buildings and signs within the CMA. To that end, no new buildings or structures are proposed, apart from the subsurface erosion barrier. Furthermore, signage in the CMA will be limited to that required for health and safety.

*Chapter 19 'Discharges to Water'*

140. There is one objective and two policies that are relevant to discharges to water in the CMA at DOBY.[45] These provisions collectively seek to utilise the best practicable option to avoid, remedy, or mitigate adverse effects. Mr Papesch considers that the Stormwater 360 system is accepted best practice.[46] Furthermore, Dr Wilson considers that the proposed management of wash water and general stormwater will be a marked improvement from the existing (consented) situation, noting that the level of contamination in the coastal sediments has been decreasing even under the existing management regime.[47]

*Chapter 20 'Discharges to Air'*

141. There is one objective and four policies relevant to air discharges at DOBY.[48] These provisions collectively seek to avoid, remedy or mitigate the adverse effects of air discharges by adopting best practice measures. I note Mr Stacey's conclusion that provided the various mitigation measures proposed by NRC are implemented, dust nuisance or adverse health effects from water blasting, sanding and grinding activities at nearby residential locations, the reserve or walkway are likely to be less than minor.[49] Accordingly, the proposed air discharges will achieve the outcomes envisaged by these provisions.

*Chapter 22 'Dredging and Dredging Spoil Disposal'*

142. There is one objective and two policies relevant to the proposed DOBY activities.[50]

143. Objective 22.3 seeks to provide for capital dredging for the establishment and operation of *"appropriate facilities (such as marinas and ports) while avoiding, remedying, or mitigating adverse effects".* The reference to "marinas and ports" continues in Policy 22.4(1), which seeks to restrict capital dredging in Marine 2, 4, 5 and

[45] Objective 19.3, 19.4(1), 19.4(4)
[46] Papesch EIC Paragraph 14
[47] Wilson EIC 57
[48] Objective 20.3, 20.4(1), 20.4(2), 20.4(3), 20.4(6)
[49] Stacey EIC Paragraph 98
[50] Objective 22.3, Policy 22.4(1), Policy 22.4(4), Policy 22.4(7)

6 to that required for those activities only. In my view the proposal is consistent with these provisions.

144. Policy 22.4(4) provides for maintenance dredging of navigation channels and around wharves, reinforcing the ongoing need for dredging in and around such facilities. In my view the proposal is consistent with this policy.

145. I note that Policy 22.4(7) promotes the land-based disposal of dredge spoil. All DOBY dredge spoil will be disposed on land, consistent with the direction in this policy.

*Summary*

146. The general approach to managing activities in the CMA in the RCP is the use of marine management areas. The Marine 4 Management Area clearly contemplates structures in the CMA (including marina berths). In my view, the existing and proposed DOBY structures are consistent with the anticipated outcomes for the Marine 4 Management Area.

147. In addition to the Marine 4 objectives, policies and rules, there are overarching objectives and policies arranged according to general resource management "themes". These more general provisions need to be considered in the context of what the zone anticipates.

178. The general objectives and policies are focused on improving the quality of the environment through best practice effects management and facilitating public access to and along the CMA except in specified circumstances. For the reasons outlined in my evidence, I consider that the DOBY proposal achieves both the Marine 4 Management Area and general environmental outcomes anticipated by the RCP.

<u>Regional Air Quality Plan for Northland</u>

148. The RAQP was made operative on 31 March 2003. Therefore, it was not prepared under the RPS (2016) or the NZCPS (2010).

149. While there are several objectives and policies that have indirect relevance to the proposed DOBY air discharges, in my opinion those

that are directly relevant are Objective 2, Policy 3, and Policy 9. These provisions are similar to, and in some respects duplicate the air quality provisions in the RCP, except that the RCP provisions are confined to discharges in the CMA, while the RAQP provisions apply to discharges from activities in the CMA and on land.

*Objective 2, Policy 3, Policy 9*

150. Objective 2 seeks to maintain and enhance the quality of the environment by managing the adverse effects of air discharges. Policy 3 recognises that many discharges have a minor effect on Northland's air environment, and Policy 9 promotes a consistent approach to avoiding adverse health and environmental effects resulting from abrasive blasting (which in the context of this plan includes water blasting).

151. Based on the evidence of Mr Stacey, the proposed DOBY air discharges will have localised effects only and, provided they are managed appropriately in accordance with the proposed conditions of consent, the effects will be less than minor.[51] This falls within the realm of discharges envisaged by Policy 3.

152. The proposed mitigation measures in respect to abrasive blasting[52] have been determined on the advice of Mr Stacey which I understand reflects best practice. Accordingly, they represent an approach to managing adverse effects that is consistent with Policy 9.

*Summary*

153. The RAQP is a relatively small document that is focussed on the best practice management of air discharges. Notwithstanding that the DOBY discharges are minor, the best practice measures recommended by Mr Stacey will ensure consistency with the direction under the RAQP.

[51] Stacey EIC Paragraph 98
[52] Water blasting only as dry abrasive blasting does not take place on the site.

Proposed Regional Plan for Northland

154. The waters surrounding DOBY are located in the 'Mooring Zone' in the PRP. The PRP describes the Mooring Zone as:

> Locations in the coastal marine area where the primary purpose is to accommodate and manage moorings.

155. The Mooring Zone is one of five coastal zones identified in the PRP. In addition to this zone, there is also a 'Coastal Commercial Zone' (which applies to the Opua commercial wharf), and a Marina Zone (which applies to the Opua Marina). I note that no one coastal zone provides for moorings, marinas, and boat maintenance facilities collectively.

156. The PRP is not a particularly coherent document in respect to its objectives and policies. This is largely due to the objectives being added after the PRP was publicly notified[53]. Those objectives relevant to DOBY are:

- F.1.2 Water quality
- F.1.3 Indigenous ecosystems and biodiversity
- F.1.4 Enabling economic well-being
- F.1.7 Use and development in the coastal marine area.
- F.1.12 Air quality

157. The objectives are supported by a range of policies that are grouped according to resource management themes. Those relevant to DOBY are:

- D.1 Tangata whenua
- D.2 General
- D.3 Air
- D.4 Land and water
- D.5 Coastal

*Objective F.1.2 Water Quality*

158. This objective seeks to at least maintain existing water quality for a variety of reasons including human health, ecosystem health and kaimoana. Having considered the evidence of Mr Papesch in respect to the performance of the Stormwater 360 proprietary system, and

[53] Originally there was only one objective, but 13 objectives were added post notification.

the ecological evidence of Dr Wilson, in my view the proposed wash water and stormwater management at DOBY aligns with this objective.

*Objective F.1.3 Indigenous Ecosystems and Biodiversity*

159. As noted by Mr Papesch, the proposed stormwater discharges will comply with the water quality standards of the PRP.[54] Therefore, the relevance of Objective F.1.3 is largely confined to preventing the introduction of marine pests in Northland (F.1.3(4)). As covered in paragraphs 71-73 of my evidence, I consider the DOBY facility will assist in preventing the spread of marine pests both by virtue of its boat maintenance function, and because the marina berths provide a better opportunity to monitor marine pests than do swing moorings.

*Objective F.1.4 Enabling economic well-being*

160. This objective seeks to manage natural and physical resources in a manner that improves the economic well-being of Northland and its communities. While this objective needs to be balanced against the range of other environmental objectives, it is self-evident that the provision of essential boat maintenance facilities has a flow on effect on the Northland economy.

*Objective F.1.7 Use and development in the coastal marine area.*

161. This objective seeks to manage use and development in the coastal marine area having specific regard to location, form, and the need to maintain public open space.

162. The proposal represents an efficient use of space in the CMA by combining boat maintenance, marina berths, and tourism activities in the same facility. Furthermore, the proposed activities are compatible with other similar activities in the Opua Basin, albeit at a much smaller scale. For these reasons, the proposal aligns with this objective.

[54] Papesch EIC Paragraph 14.

*Objective F.1.12 Air quality*

163. This objective seeks to minimise the adverse effects of (relevantly) dust, particularly on sensitive areas. It also states that existing discharges to air should be allowed to continue providing they are employing best practice. Having considered the evidence of Mr Stacey, in my opinion the proposal aligns with this objective because air discharges are proposed to be managed in accordance with best practice, and in a manner that will avoid adverse effects in this locality.

*D.1 'Tangata Whenua' policies*

164. Policies D.1.1 and D.1.2 are relevant to the proposal as they require the specific consideration of effects on tangata whenua and their taonga when considering resource consent applications.

165. As stated elsewhere in my evidence[55], the matters raised in the submission made by local iwi have been addressed by a combination of Court decisions and technical assessment. In addition to the matters raised in the submission, in my view the new consents sought by DOBY will have positive effects for tangata whenua and their taonga because they will result in a general improvement to the quality of the environment. I note that improving the quality of the environment is a specific focus of the Ngati Hine Iwi Environmental Management Plan.

*D.2 General' policies*

166. There are eight general policies under D.2. Those that are relevant to the proposal are:

- D.2.2 'Social, cultural and economic benefits of activities'
- D.2.11 'Marine and freshwater pest management'
- D.2.12 'Resource consent duration'
- D.2.15 'Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features'
- D.2.16 'Managing the adverse effects on indigenous biodiversity'

[55] Hood EIC Paragraphs 86-88

167. The proposal aligns with Policy D.2.2 because there are social benefits for the boating community through the ability to use the facility, economic benefits for ancillary marine industries, and social and economic benefits for the applicant.

168. The proposal aligns with Policy D.2.11 because DOBY has systems in place to manage the threat of marine pests and plays a positive role in their identification and prevention.

169. Policy D.2.12 sets out the matters to have regard to when setting expiry dates. In my view the level of investment ($1.4 million in construction and consenting costs) justifies the 35-year expiry date, as does the reasonably foreseeable future demand for boat maintenance facilities in this area. Furthermore, the effects of the proposed activities are well understood and can be adequately avoided and/or mitigated.

170. Policy D.2.15 relates to the management of adverse effects on natural character, and outstanding natural landscapes and outstanding features. Relevantly it seeks to *avoid* significant effects on natural character in the coastal environment. Mr Farrow has confirmed that the effects on natural character are moderate-low in the period 2036-2054, when the existing consents have expired. Otherwise he classifies the effects as low – moderate.

171. Policy D.2.16 is to manage adverse effects on indigenous biodiversity. Relevantly this includes a direction to avoid adverse effects on threatened indigenous biodiversity, and significant effects on other indigenous biodiversity. As covered elsewhere in my evidence, and in the evidence of Dr Wilson, there are no threatened species affected by the proposal, and effects on indigenous biodiversity in general will be minor to less than minor.

*D.3 'Air' policies*

172. In respect to air discharges, there are three policies of primary relevance being:

- D.3.1 General approach to managing air quality
- D.3.3 Dust and odour generating activities
- D.3.4 Spray generating activities

*Policy D.3.1*

173. This policy is largely directed at consent authorities and sets out a range of matters relevant to the consideration of resource consent applications for discharges to air. I consider the proposal incorporates the matters of relevance by:

- Employing the best practicable option with reference to national standards[56] and the amenity values of the receiving environment.
- Modelling air dispersion to determine effects and to inform proposed management measures.
- Using National guidance standards.[57]

*Policy D.3.3*

174. This policy sets out a range of matters relevant to the consideration of discharges to air involving dust and odour. The proposal incorporates the relevant matters directed by the policy and specifically addresses dust and odour generating activities in the OMP. I note the applicant has accepted the additional recommendations made by Mr Stacey.

*Policy D.3.4*

175. This policy sets out a range of matters relevant to the consideration of resource consent applications for discharges to air involving spray generating activities. The policy is of limited relevance here because (as per the evidence of Mr Stacey) the spray in this instance is water vapour that is not contaminated.[58] Regardless of the nature of the spray, the policy requires good management practice to minimise spray drift across adjoining public places. This is achieved by adherence to the practices approved under the OMP, as updated to

[56] 'Drinking-water Standards for New Zealand 2005 (Revised 2008)', Ministry of Health
[57] Ministry for the Environment, Good Practice Guide for Atmospheric Dispersion Modelling, 2004
Ministry for the Environment, Good Practice Guide for Assessing Discharges to Air from Industry, 2008
Ministry for the Environment, Good Practice Guide for Assessing and Managing Dust, November 2016
[58] Stacey EIC Paragraph 65

incorporate the additional measures recommended by Mr Stacey in this application.

*D.4 'Land and water' policies*

169. Policy D.4.1 seeks to maintain overall water quality, having regard to the coastal sediment quality guidelines in H.3 of the plan. It also states that if a water quality standard is to be exceeded, consent will generally not be granted. In that regard, my understanding of the evidence of Dr Wilson and Mr Papesch is that the proprietary stormwater system and other management proposals will ensure that discharges from DOBY will not exceed the standards in H.3, noting that contamination levels in the coastal sediments adjacent to DOBY have been decreasing even without the proposed improvements.

*D.5 'Coastal' policies*

170. The coastal policies in D.5[59] are relevant to the two marina berths, and the proposed dredging. The various policies relating to marinas clearly contemplate large-scale marina developments such as that at Opua, rather than a small scale, two berth marina such as that proposed at DOBY. Therefore, in my view the policies need to be read cognisant of the relative scale of the development.

171. Policy D.5.15 is focused on managing the effects of marinas by providing adequate shore-based facilities. In that regard, there are a range of shore-based facilities at DOBY, including domestic waste (rubbish) disposal, toilets, dinghy racks, and parking, available for use by the proposed berths. While no refuelling equipment or sewage pump out facilities are proposed due to the small scale of the proposal, these facilities are available in the nearby Opua marina.

172. Policy D.5.16 recognises that the benefits of marina developments include the efficient use of water space for boat storage, satisfying demand for boat storage and associated services, enhanced public

[59] D.5.15 'Marinas – managing the effects of marinas', D.5.16 'Marinas – recognising the benefits of Marina development', D.5.17 'Marina Zone – purpose', 'D.5.19 Marinas in moorings in high demand areas', D.5.24 'Dredging, disturbance and deposition activities'

facilities and access to the coastal marine area, and socio-economic opportunities through construction and ongoing operation. While accepting that the DOBY operation is relatively small scale, in my view the use of two berths which are currently consented working berths is an efficient use of water space, and helps in a small way to reduce the pressure on swing moorings elsewhere in the bay.

173. Policy D.5.17 recognises the purpose of the Marina Zone as being to provide for the development and operation of marinas. While the proposed marina berths are not located in the 'Marina Zone' in the PRP (notwithstanding that the operative RCP zone is a Marina Management Area), in my opinion the berths are appropriate at the DOBY site for several reasons being:

- There are only two berths, both of which were previously working berths. They are not a new structure occupying additional coastal space.
- The fundamental difference between a marina berth and a swing mooring is the connection to the adjoining land and the availability and use of land-based facilities. A marina berth enables better management of effects, and approved amenity for users, when compared to a swing mooring.
- The marina berths have a clear synergy with the adjoining boat maintenance facility.

174. Policy D.5.19 recognises that there is significant demand for on water boat storage and limited opportunities to expand Mooring Zones in specific areas, including Opua. The policy notes that high density 'on water' boat storage (including pile moorings, trot moorings and marinas) is likely to be the only way to provide additional on water boat storage. While the proposed marina berths are not high density, they do help to alleviate some pressure on swing moorings in the bay.

175. Policy D.5.22 seeks to ensure that dredging, disturbance and deposition activities do not cause long-term erosion within the coastal marine area or on adjacent land, or cause damage to any authorised structure. The potential for the proposed capital dredging to result in erosion/destabilisation of the pipi bed has been

recognised and provided for through the proposed installation of an erosion barrier to avoid this potential adverse effect. As I understand it, there are no authorised structures that could be damaged by the proposed dredging. In that regard, the proposal is consistent with Policy D.5.22.

*Summary*

176. Like the RCP, the general approach to managing activities in the CMA in the PRP is through marine zones. Similarly, there is a general layered approach to managing the effects of activities in these zones, with those effects needing to be considered in the context of the activities and facilities anticipated by the zone.

177. The Mooring Zone clearly contemplates structures in the CMA, as do the Coastal Commercial Zone and the Marina Zone. However, no one zone of the PRP provides for all the activities at DOBY.

178. Beyond the anticipation of structures in the CMA, the PRP is generally focused on improving the quality of the environment, with the quality of stormwater discharges being particularly relevant to the DOBY operation. Unlike the RCP, the PRP prescribes minimum water quality standards. The evidence is that the proposed discharges will meet those standards.

179. Overall, in my opinion the proposed DOBY activities are appropriate in the context of the PRP due to a combination of factors, including the zone, the nature of the receiving environment, the proposed effects management, and the general improvement to the quality environment.

<u>General summary of statutory planning documents</u>

180. Despite the legacy regional plans having been prepared prior to the current NZCPS and RPS, there is a general consistency throughout the range of planning instruments.

181. Both the RCP and PDP seek to manage effects using marine zones. The proposed structures and associated activities in the CMA are consistent with the outcomes envisaged in these zones. Furthermore, both plans (reinforced by Policy 6 of the NZCPS) also

recognise that some activities have a functional need to locate in the CMA and seek to enable those activities in appropriate areas.

182. In regard to the proposed dredging, it is accepted that there will be some short term adverse ecological effects. However, the evidence of Dr Wilson is that these effects are not significant. On the positive side, the dredging enables all tide access for those using the wharf (including GEYC), and for swing mooring holders accessing the beach. It also provides an opportunity to remove contaminated sediment from the adjoining CMA. In my view (based on the evidence), the positive effects of the dredging outweigh any potential adverse effects.

183. In regard to discharges, one of the key matters introduced in the RPS is a direction to set coastal sediment and water quality standards, and the subsequent response to that direction in the PRP. While the need to consider water and sediment quality is implicit within the objectives and policies of the operative Regional Coastal Plan, the setting of measurable standards is a fundamental change introduced by the higher order RPS document.

184. The approach to managing the effects of the proposed activities is to follow best practice in accordance with expert advice. Improvements in stormwater management, air discharges, and improved facilities in the CMA are all aimed at improving the quality of the environment, and a more efficient use of coastal space. In my opinion, the application is in full alignment with all the relevant statutory planning documents.

**Part 2 of the RMA**

185. An assessment of Part 2 matters is not required unless there are issues of invalidity, incomplete coverage, or uncertainty in the planning provisions.[60] While the operative planning documents were not prepared under the RCP or NZCPS, in my view there is no invalidity, incomplete coverage, or uncertainty amongst the various documents. In that regard, no assessment of the application is

[60] *R J Davidson Family Trust the Marlborough District Council* [2018] NZCA 316

required under Part 2. However, for completeness, the proposal accords with the purpose of the RMA for the following reasons:

- It provides for the social and economic well-being of the applicant, noting the significant investment and compliance costs that he has made over a 25-year period.
- Future discharges of general stormwater from clean working areas will be treated by a proprietary system prior to discharge, and water quality requirements are expected to be met.
- Boat maintenance facilities are important to the Northland and international boating community due to the social well-being derived from boating activities.
- The consents will enable the utilisation of existing infrastructure in an area with a long history of boat maintenance activities. To that end it is an efficient use of an existing physical resource.
- The proposed activities can be managed to avoid or mitigate effects on the environment, including the CMA and the adjacent reserve.

**Section 105 RMA**

186. Because the application involves the renewal of discharge permits, section 105 of the RMA is relevant.

> **105 Matters relevant to certain applications**
> (1) If an application is for a discharge permit or coastal permit to do something that would contravene section 15 or section 15B, the consent authority must, in addition to the matters in section 104(1), have regard to—
> (a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
> (b) the applicant's reasons for the proposed choice; and
> (c) any possible alternative methods of discharge, including discharge into any other receiving environment.
> (2) …

187. I consider each of the matters Section 105(1)(a)-(c) below.

> (a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects;

188. Dr Wilson's evidence deals with the nature of the discharge and the sensitivity of the receiving environment to adverse effects.[61] I note Dr Wilson's opinion that the proposed conditions of consent[62] relating to the quality of the discharge to the CMA will not result in adverse effects on the quality of the receiving environment.[63] Dr Wilson notes that the quality of the receiving environment has been improving following operational changes previously implemented through the Operational Management Plan.[64] The water quality standards required under the proposed consent conditions are consistent with the requirements of the PRP.

(b) the applicant's reasons for the proposed choice;

189. DOBY has easements over the reserve that enable boatyard activities to take place. The scope of these easements has recently been confirmed by the Supreme Court.[65] The existing and proposed resource consents are consistent with the easements. They are also consistent with the activities being managed by the Operational Management Plan.

190. My understanding from discussions with Mr Schmuck is that water blasting on the portion of the slipway located on the reserve and identified in the FNDC resource consent[66] as Area A is necessary for practical reasons. I note that it is also consistent with the DOBY easements over the reserve.

191. Water blasting boats on the reserve also enables a more sustainable gravity-based stormwater treatment system at the base of the slipway rather than one that relies on pumps.

192. With a view to appropriately managing the effects of this activity and other boatyard activities, Mr Schmuck commissioned advice from stormwater, air quality and ecological experts. Based on the evidence of Mr Papesch and Dr Wilson, the proposed stormwater and wash water system and its location at the toe of the slipway is

[61] Wilson EIC Paragraph 16-24
[62] Section 42A report - Proposed condition 60, page 60
[63] P Wilson EIC, Paragraph 45
[64] P Wilson EIC, Paragraph 42-44
[65] *Douglas Craig Schmuck v Opua Coastal Preservation Incorporated - [2019] NZSC 118*
[66] RC 2000812

the best practicable option to sustainably manage effects on the environment.

(c) any possible alternative methods of discharge, including discharge into any other receiving environment.

193. The method of discharge is outlined in the evidence of Mr Papesch.[67] I accept the evidence of Mr Papesch and Dr Wilson that the proposed stormwater system is the most appropriate and sustainable solution to managing the stormwater and washwater discharges at DOBY.

**Submissions received**

194. A total of 22 submissions were received. Two of those submissions were in support, while 20 were in opposition.

195. The relevant issues raised in the submissions in opposition are summarised in paragraph 19 of the s42A report. I consider this to be an accurate summary.

196. In my view, the matters raised in the submissions are comprehensively addressed in the technical information and evidence provided by the various DOBY experts. I note that no technical informational or evidence has been provided by the submitters in support of the issues raised.

**Proposed conditions of consent**

197. I have reviewed the proposed conditions of consent in the Section 42A report.[68] I consider the proposed conditions to be generally appropriate. I have suggested several amendments with associated reasons below:

**Condition 7(d)**

The operation and maintenance of the wash-water ~~treatment and~~ collection and disposal system, including as-built plans of the ~~treatment~~ system.

Reason: There is no treatment of wash water apart from the settling out of solids in the sump. All wash water is directed to the public system without prior treatment.

[67] Papesch EIC Paragraphs 7-15.
[68] Section 42A report Appendix A.

**Condition 13**
These consents shall lapse on 31 July 202~~3~~5, unless before this date the consents have been given effect to.

Reason: It is assumed that this is a typographical error as the standard lapse period is 5 years and not 3.

**Condition 31**
The Consent Holder shall have exclusive occupation rights within the 'Occupation Area' identified on the Northland Regional Council Plan Number *4953/1*, except that the Consent Holder shall allow reasonable public access to and through this area and reasonable public access to and use of the wharf and pontoon structures.

In providing for reasonable public access, the primary uses of the wharf must not be compromised, including associated security, and health and safety requirements.

Reason: The additional sentence provides clarity about what is meant by "reasonable" public access.

**Condition 35**
~~Concentrations of metals in seabed sediments as measured at any point 10 metres from the facilities shall not exceed the following:~~

- ~~65 milligrams per kilogram of Copper;~~
- ~~50 milligrams per kilogram of Lead;~~
- ~~200 milligrams per kilogram of Zinc;~~
- ~~80 milligrams per kilogram of total chromium;~~
- ~~milligrams per kilogram of total nickel; or~~
- ~~1.5 milligrams per kilogram of total cadmium.~~

Reason: There are stormwater discharges from the upper catchment (beyond DOBY) that contribute to sediment contamination. Compliance with the water quality standards specified in proposed condition 60 is sufficient to ensure that there will be no contamination of seabed sediments resulting from DOBY activities.

**Condition 58**

Prior to the exercise of these consents, a wash water collection and proprietary stormwater treatment system shall be constructed in accordance with the design identified in the Vision Consulting Limited Report dated 7 June 2019 and shall be configured in accordance with the *attached* Thomson Survey drawing referenced as *4950A* *or 4950B,* ~~and~~ Vision Consulting Limited drawing referenced as Northland Regional Council Plan Number *4955*, and Total Marine Limited drawing referenced as Northland Regional Council Plan Number 4953/2~~.~~

Reasons:

1. The discharge via a pipe under the reserve to the southern stormwater drain shown on plan 4950A is dependent on the applicant obtaining any necessary approvals from the FNDC. If consent to the above alignment and discharge is not forthcoming, consent can be granted in accordance with the plan currently before the Environment Court, being 4950B.
2. The stormwater outfall at the jetty sought in this consent is to extend the 450 mm culvert a further 20 m east to discharge at the base of the new dredged area. The proposal to extend the stormwater outfall in the CMA is to avoid erosion to the foreshore and the proposed new dredging area. The position of the outfall is shown on Total Marine drawing APP-039650-01-01 Sheet 0002 'General Structural Arrangement' and dated 28 May 2020.

**Condition 65**

High and low pressure water blasting, and wet abrasive blasting of vessel hulls shall be confined to concrete and bunded areas on the areas identified as 'Area A' and notated as 'Extent of proposed slipway reconstruction' on the **attached** Reyburn and Bryant drawing referenced as Northland Regional Council Plan Number **4952/1**. Wash water from water blasting and wet abrasive blasting shall be discharged to trade waste via the wash water collection ~~and proprietary stormwater treatment~~ system to be installed and operated under Conditions 58-63 above.

Reason: The diversion of wash water to trade waste occurs prior to water reaching the proprietary treatment system. Wash water does not pass through the proprietary system.

**Condition 66**

When the water blasting, wet abrasive blasting or wet sanding operations are being undertaken, the wastewater collection and stormwater treatment system shall automatically direct wash water to a pump chamber and then ~~to attenuation tanks prior to discharge~~ to trade waste/public sewer (through the use of a fox valve or similar). The catch pit is to be sized so that it does not overtop during water blasting.

Reason: The use of attenuation tanks is associated with the FNDC trade waste discharge, and not NRC discharges.

**Conclusion**

198. At a general level, the proposed new DOBY consents reflect best practice and will undoubtedly result in improvements to the quality of the environment relative to the existing consents. These improvements include more modern and resilient structures, more efficient all tide access (benefiting both mooring owners and users of DOBY), and best practice management of stormwater, washwater and air discharges.

199. As outlined in this evidence, I consider the proposal is consistent with the sustainable management purpose of the RMA. It is also consistent with the relevant provisions of the NZCPS, RPS, RAQP, RCP, and PRP. The environmental effects are not significant and can be mitigated to an acceptable degree. The overall net effects are positive.

Brett Lewis Hood

Dated this 20th day of July 2020

# BLH EXHIBIT 1

## SITE PLANS

INFORMATION SOURCES

- SURVEY INFORMATION, INCLUDING MHWS (ESTABLISHED 2010) & 10m MHWS OFFSET LINE IS FROM THOMSON SURVEY LTD PLANS #8095 DATED 09.08.19
- PROPOSED NEW STRUCTURES & DREDGING INFORMATION FROM TOTAL MARINE PLAN APP-039650-01-01 REV. 11 DATED 17.01.2019
- PROPOSED STORMWATER MANAGEMENT INFORMATION FROM VISION CONSULTING CONCEPT PLAN #13958 DATED 05.06.2019 & THOMSON SURVEY LTD PLAN "8095 D9 SW PROPOSED" DATED 9.08.19
- 0.1m 2014-2015 URBAN AERIAL PHOTOGRAPH SOURCED FRM AERIAL SURVEYS LTD INFORMATION AVAILABLE ON LINZ DATA SERVICE.
- ORIGINAL OCCUPATION AREA & OFFENSIVE ODOUR BOUNDARIES SOURCED FROM NRC PLAN #3231b DATED DECEMBER 2001

N

Pt Lot 1 Blk XXXII Town of Opua
RT NA2IC/265

Sec. 3 Blk XXXII Town of Opua
RT NA2IC/265

Lot 2 Blk XXXII Town of Opua
RT NA2IC/265

Section 1 SO 68634

Section 3 SO 68634

Section 4 SO 68634

RICHARDSON STREET

BOATYARD RESERVE

CMA BOUNDARY

PROPOSED DISCHARGE & ODOUR BOUNDARY.

PROPOSED DISCHARGE & ODOUR BOUNDARY. SEE KEY.

PROPOSED DREDGING BATTER

PROPOSED DREDGING AREA

PROPOSED WORKING BERTH

PROP. CHARTER PONTOON BERTH

PROPOSED MARINA BERTH

PROPOSED MARINA BERTH

PROP. SW360 SYSTEM

Ex. BOAT SHED

AREA A

WORK BOAT PULL

SUBSURFACE EROSION BARRIER

PROPOSED CMA OCCUPATION BOUNDARY & PROPOSED DISCHARGE & ODOUR BOUNDARY (CONCURRENT WITHIN CMA). SEE KEY.

PROPOSED SW DEFLECTION WALL

PROPOSED SW DEFLECTION WALL

Ex. DINGHY RAMP

- Ex. WHARF/STRUCTURES
- PROPOSED SW SYSTEM
- PROPOSED STORMWATER DEFLECTION/ PARAPET WALLS
- EXTENT OF PROPOSED SLIPWAY RECONSTRUCTION
- PROPOSED DISCHARGE TO AIR & OFFENSIVE ODOUR BOUNDARY
- SUBSURFACE EROSION BARRIER
- PROPOSED WHARF/ PONTOON STRUCTURES
- 10m MHWS OFFSET
- WORK BOAT PULL
- EXISTING DISCHARGE TO LAND (AREA A) & REPAIR/MAINTENANCE/WASH DOWN AREA
- PROPOSED DREDGING
- DREDGING BATTER
- CMA OCCUPATION BOUNDARY

GENERAL NOTES

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LEVELS IN TERMS OF LINZ ONE TREE POINT DATUM
COORDINATES IN TERMS OF MT EDEN 2000

10 0 10
METRES - 1:500

| BY | DATE | NOTES |
|---|---|---|
| PD | 22.05.19 | DRAFTING |
| PD | 24.10.19 | DRAFTING |
| PD | 1.11.19 | DRAFTING |
| PD | 14.11.19 | DRAFTING |

# BOAT YARD SITE PLAN
## COVER SHEET

DOUG'S OPUA BOAT YARD
PROPOSED SLIPWAY 2019

reyburn & bryant
Ph: 09 438 3563
7 Selwyn Ave, Whangarei
PO Box 191, Whangarei 0140
www.reyburnandbryant.co.nz

| | |
|---|---|
| DATE | 14.11.19 |
| SCALE | 1:500 @A3 |
| JOB | 15241 SITE |
| SHEET | 1/3 |
| REV | D |

Date Plotted: 11/14/2019 2:40 PM File Path: P:¥15000 - 15999¥15241 - Doug Schmuck¥Drawings¥Other¥15241 - D.Schmuck - Site Plan - D.dwg

INFORMATION SOURCES

- SURVEY INFORMATION, INCLUDING MHWS (ESTABLISHED 2010) & 10m MHWS OFFSET LINE IS FROM THOMSON SURVEY LTD PLANS #8095 DATED 09.08.19
- PROPOSED NEW STRUCTURES & DREDGING INFORMATION FROM TOTAL MARINE PLAN APP-039650-01-01 REV. 11 DATED 17.01.2019
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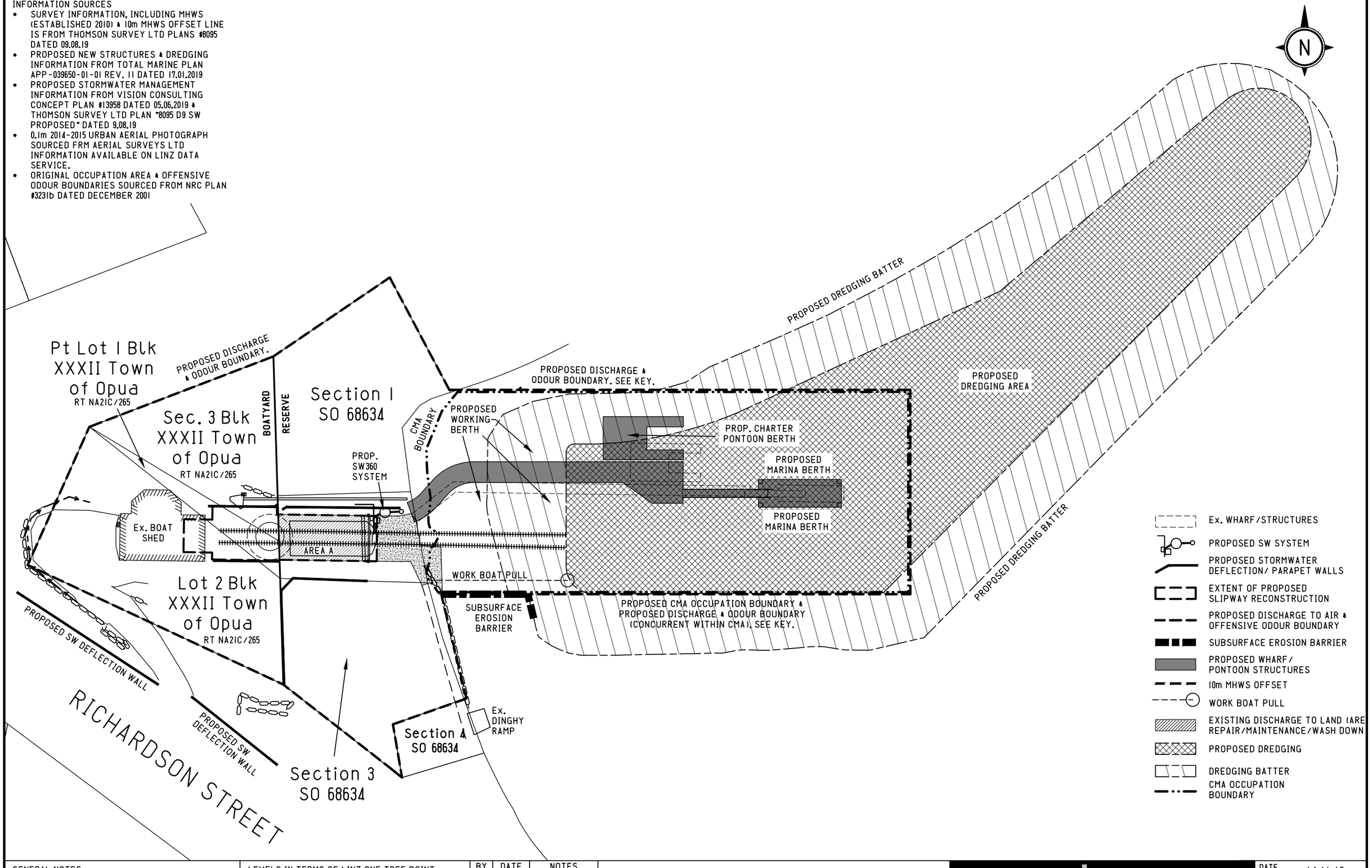


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LEVELS IN TERMS OF LINZ ONE TREE POINT DATUM
COORDINATES IN TERMS OF MT EDEN 2000

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| PD | 14.11.19 | DRAFTING |

# BOAT YARD SITE PLAN
## COVER SHEET
DOUG'S OPUA BOAT YARD
PROPOSED SLIPWAY 2019

reyburn & bryant
Ph: 09 438 3563
7 Selwyn Ave, Whangarei
PO Box 191, Whangarei 0140
www.reyburnandbryant.co.nz

| | |
|---|---|
| DATE | 14.11.19 |
| SCALE | 1:500 @A3 |
| JOB | 15241 SITE |
| SHEET | 2/3 |
| REV | D |

Date Plotted: 11/14/2019 2:40 PM File Path: P:¥15000 - 15999¥15241 - Doug Schmuck¥Drawings¥Other¥15241 - D.Schmuck - Site Plan - D.dwg

Sec. 3 Blk XXXII
Town of Opua
RT NA2IC/265

Section 1
SO 68634

BOATYARD RESERVE

CMA BOUNDARY

PROPOSED WORKING BERTH

STORMWATER DISCHARGE TO BE PIPED ALONG NEW WHARF TO "ALL TIDE" OUTLET(S)

PROPOSED WHARF

PROPOSED STORMWATER 360 SYSTEM

Ex. STORMWATER INSPECTION CHAMBER TO BE REPLACED WITH NEW MANHOLE

Ex. 300ø CULVERT (LOCATION APPROX.) TO BE UPGRADED.

PARCEL BOUNDARY

EXISTING WHARF

PROPOSED "ALL TIDE" SW DISCHARGE

RT NA2IC/265

PARAPET WALL

PROPOSED WORKING BERTH

PROPOSED WORKING BERTH

PARAPET WALL

10m MARKER

Pt Lot 1 Blk XXXII Town of Opua

PARCEL BOUNDARY

SAMPLING PROPOSED CHAMBER

PROPOSED DREDGING BATTER EXTENT

PROPOSED DREDGING EXTENT

Ex. BOAT SHED

Ex. TURNTABLE

Ex. SLIPWAY

AREA A

Ex. PUMP SUMP

SLIPWAY RAILS TO BE LIFTED & RE-LAID

EXISTING CATCHMENT GRATE

MHWS MARK (EST. 2010 BY THOMSON SURVEY LTD)

EDGE OF CONCRETE

PARAPET WALL

PARCEL BOUNDARY

CONCRETE AROUND TURNTABLE

Section 2
SO 68634

PROPOSED CATCHMENT GRATE

10m MARKER

EDGE OF CONCRETE

Ex. DINGHY RAMP

EDGE OF CONCRETE

WORK BOAT PULL

Lot 2 Blk XXXII Town of Opua
RT NA2IC/265

PARAPET KERB

PARCEL BOUNDARY

BOATYARD RESERVE

SUBSURFACE EROSION BARRIER

PROPOSED CMA OCCUPATION BOUNDARY & PROPOSED DISCHARGE & ODOUR BOUNDARY (CONCURRENT WITHIN CMA). SEE KEY.

PROPOSED OFFENSIVE ODOUR BOUNDARY

OPUA-PAIHIA WALKWAY

Ex. SEAWALL

PARAPET WALL

Section 3
SO 68634

- Ex. WHARF/STRUCTURES
- PROPOSED SW SYSTEM
- PROPOSED STORMWATER DEFLECTION/ PARAPET WALLS
- EXTENT OF PROPOSED SLIPWAY RECONSTRUCTION
- PROPOSED DISCHARGE TO AIR & OFFENSIVE ODOUR BOUNDARY
- SUBSURFACE EROSION BARRIER
- PROPOSED WHARF/ PONTOON STRUCTURES
- 10m MHWS OFFSET
- WORK BOAT PULL
- EXISTING DISCHARGE TO LAND (AREA A) & REPAIR/MAINTENANCE/WASH DOWN AREA
- PROPOSED DREDGING
- DREDGING BATTER
- CMA OCCUPATION BOUNDARY

GENERAL NOTES
- NO PART OF THIS PLAN MAY BE REPRODUCED, COPIED, OR AMENDED IN ANY FORM WITHOUT THE PRIOR PERMISSION OF REYBURN & BRYANT (1999) LIMITED.
- DO NOT SCALE OFF DRAWINGS.
- INFORMATION HAS BEEN COMPILED FROM PDFs BY OTHERS, AND IS THEREFORE INDICATIVE ONLY. SEE SHEET 2/3 FOR DETAILS.

LEVELS IN TERMS OF LINZ ONE TREE POINT DATUM
COORDINATES IN TERMS OF MT EDEN 2000

3 0 3
METRES - 1:150

| BY | DATE | NOTES |
|---|---|---|
| PD | 22.05.19 | DRAFTING |
| PD | 24.10.19 | DRAFTING |
| PD | 1.11.19 | DRAFTING |
| PD | 14.11.19 | DRAFTING |

# BOAT YARD SITE PLAN
## SLIPWAY DETAIL
DOUG'S OPUA BOAT YARD
PROPOSED SLIPWAY 2019

reyburn & bryant
Ph: 09 438 3563
7 Selwyn Ave, Whangarei
PO Box 191, Whangarei 0140
www.reyburnandbryant.co.nz

| | |
|---|---|
| DATE | 14.11.19 |
| SCALE | 1:150 @A3 |
| JOB | 15241 SITE |
| SHEET | 3/3 |
| REV | D |

Date Plotted: 11/14/2019 2:40 PM File Path: P:¥15000 - 15999¥15241 - Doug Schmuck¥Drawings¥Other¥15241 - D.Schmuck - Site Plan - D.dwg

# BLH EXHIBIT 2

## OPERATIONAL MANAGEMENT PLANS

**COMBINED COUNCIL**

**OPERATIONAL MANAGEMENT PLAN REVIEW**
**FOR: DOUG'S OPUA BOATYARD**

1. **The scope of this plan review is to update operational management parameters of a boat maintenance facility as agreed to with each of the representative Councils in conjunction with resource consents CON NLD 997914 (1-4 & 6-9), CON2006 0791410 (10-15) AND CON201207914 (16-18), AND RC 2000812:**

In principle, the purpose of this plan, is to continue a sustainable system of operational management and maintenance in conjunction with conditions of consent regarding discharge to the air, ground, and water from the processes of maintenance, repair, and construction of vessels whilst at or on the site associated with the above land use consents and coastal permits, including newly established rubbish containment and removal controls to certified landfill.

This plan further speaks to conditions of consent (RC 2000812) #'s 3,5,6, & 7, dealing with car parking, safety/security lighting, and signage to effect public knowledge, both general and boating, about the yard operational parameters associated with these consents.

The goals of this plan are therefore, to affect at all practicable times and in the best practice method, a system of adherence to the above principles of consent in achieving conditional criteria related to discharges/environmental effects from those activities and their compatibility between land use and occupation of public and private land, for better understanding within the community in which they must coexist.

This plan review acknowledges treated discharge water access to the Opua (SWSS) Sanitary Works Scheme by way of improved containment and controlled discharge systems for both wash down and storm water over all working surfaces that have not yet undergone remedial earthworks, which when consented to will trigger further review of this OMP.

The implementation of the plan rests with one person; the owner of Doug's Opua Boatyard and/or his assignees and/or agents.

2. **Environmental policies and objectives:**

This boat maintenance facility is an integral planning unit utilizing private land, public land, and seabed within the CMA. There are a considerable number of interrelated activities that take place on each that create a cumulative effect on the overall surrounding marine and coastal residential environment.

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Management policies will depend largely on the scope of each and every individual job, scale of works undertaken, and most practical solution to control discharges and/or effects from those works.

Management objectives will largely focus on the ability to contain and/or dispose of any discharge from the work processes to control structures and to discharge to the air and land and then treated per consent parameters to those structures.

**3. Factors of operational management:**

There are nine factors of management with regard to boatyard/slipway operations within:(The hours of operation for all outdoor activities associated with the boatyard, with the exception of haulage, shall be limited to 0700 – 2000 hours Monday to Friday and 0800 –2000 hours Saturday, Sunday and public holidays).

They are therefore in the following order:

(a) The slipway operations and maintenance of the boat wash-down area "A" as prescribed in conditions of consent (RC 2000812) #'s 4 & 8 & 13; and notice in regards to conditions of consent (RC2000812) #15(b).

(b) The best practice operations and maintenance of the wash-water Containment Treatment System (CTS) as prescribed in the discharge consents [CON20060791410 (10)]; (as shown on the survey plans #8095 and As Built Plan 15 Feb. 2019).

(c) The best practice operations and maintenance of the storm-water treatment (CSW) as prescribed in the discharge consents [CON20060791410 (14&15)]; (as shown on survey plans #8095 and As Built Plan 15 Feb. 2019).

(d) Measures to minimise the discharge of contaminants to ground pursuant to condition of consent [CON20060791410 (13)] #15 and/or for earth works in reconstruction pursuant to condition of consent (RC 2000812) #11; when consented to.

(e) Measures to minimise the emissions and any adverse effects on the surrounding environment from discharges to air, and/or any noise limits prescribed by condition of consent (RC2000812) #14 and discharge consents [CON20060791410 (11&12)].

(f) Measures to minimise the effects on the public use of the coastal walking track and local purpose esplanade reserve; i.e., signage, security lighting, and emergency safety barriers when required prescribed by conditions of consent (RC2000812) #'s 7 & 9.

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(g) Measures to minimise the effects of wharf and slipway structures operations and maintenance within the CMA as prescribed by discharge consents [CON20060791410 (12)].

(h) Measures to mitigate the effects of maintenance dredging;

(i) Contingency measures for any unforeseen and/or emergency situation;

**4. Procedures for factors of operational management:**

a) Factor 3a; wash-down area **"A"** (as shown on the attached survey plans #8095/3231c and As Built Plan 15 February 2019.

Operations on Area "A" may include washing, scrapping chipping, both wet and dry sanding, chemical removal, water and/or controlled sand blasting of any part of the hull and deck, or equipment attached to the hull and deck, in preparation of a vessel for maintenance/repair, or reconstructions prior to being relocated into the boatyard behind the extended demarcation line of Area "B" (as shown on plans 8095and 3231c).

(i) Area "A"
  (a) Shall be cleaned at the end of each day, and on the completion of any vessel repair or maintenance activities: and
  (b) Left broom clean, as far as practical, of an excessive debris for the next operational event.

(ii) When boats are being washed down, scraped or sanded, screens, or similar measures, of a height sufficient to effectively direct and contain contaminants within the impervious slipway surfaces, shall be erected to allow the collection and treatment of contaminated wastewater through the discharge containment system. Ref: See Factor 3(f) below.

(iii) Subject to the following registered easement conditions:

1. That all activities shall be carried out in accordance with any relevant resource consent.

2. That in respect of the repair and maintenance of boats, the following shall apply:

   (a) When boats which by virtue of their length and configuration cannot be moved so that they are entirely within the dominant tenement, are place on cradles located entirely within the dominant tenement but protrude into the airspace above Section 2 SO 68634 and/or Section 3 SO 68634, such boats may be repaired and maintained at any time of the year.

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(b) As a small portion of the turntable encroaches onto Section 2 SO 68634, boat cradles that are located on any part of the turntable but that do not otherwise encroach on Section 2 SO 68634 may utilise the turntable at any and all times of the year, and boats placed on such cradles may be repaired or maintained at any time of the year.

(c) When boats which by virtue of their length or configuration cannot be moved so that they are entirely within the dominant tenement, are unable to be placed on cradles located entirely within the dominant tenement, in accordance with clause (a) above, and are not located on the dominant tenement in accordance with clause (b) above, such boats may be place on cradles located with that part of Section 2 SO 68634 marked X and Y on DP 487568, and such boats may be repaired or maintained for an aggregate period of no more than 60 days in any 365 day period commencing on or after the date the easement is registered.

(d) No boat cradles or part thereof may be positioned on any part of section 2 SO 68634 marked Z on DP 487568 other than for the purpose of haulage of a boat.

(e) To enable the Far North District Council to monitor compliance with the 60 day annual usage limit contained in clause © above, the boatyard's operator shall continue to keep operational diaries recording the use of the areas marked X and Y on DP 4875568 for the repair and maintenance of boats, and such diaries shall be made available to the Council's monitoring officers on request.

b) Factor 3b; the (CTS) will stand charged in a full state at all times. Visual and/or mechanical inspections of operational parameters are on going during and directly after wash-down operations. Since the (CTS), is now a unidirectional system into the Opua (SWSS), the mechanical or line maintenance can be conducted at any point in time. Any necessary contract removal of containment debris will be certified carrier. Also refer to clause 6 below. (Ref: plan # 8095 and As Built Plan 15 Feb. 2019).

c) Factor 3c; (CSW) can be checked for any flow blockage at any time. The pre-sump or initial trap at the base of the turn-table will collect the larger granular sediments prior to storm-water moving through to the main (CSW) weir and then pumped to the (CTS) attenuated retention control tanks. The primary function of the (CSW) is to contain any heavy metal particles from migrating into the CMA so that they can be collected and removed to a certified land fill. (Ref: plans #8095/3231c and As Built Plan 15 February 2019).

d) Factor 3d; At all practical times where any excessive grinding, scrapping, and/or sanding discharges can be collected by drop cloth or pans, canisters and/or packaged, they will be disposed of at a proper land fill or controlled site. Any earthwork materials, surplus to land

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development requirements, will be secured on section 2 & 3 of SO 68634 or removed from the site, so that siltation and erosion does not occur;

e) Factor 3e; screens and containers will be used to filter emissions at all practical times to one area demarked as the paint cleaning station. . To a large degree, the effects of these operations, is self managing due to the on-shore wind-funnelling effect at this particular due to the landforms of the slipway. They are therefore, totally confined to operational boat maintenance areas as delineated on survey plan #8095. All facility machinery is now electrified to bring any noise level emissions even lower since the grant of consent in 2002. In keeping with the discharge parameters of consent and District Plan rules regarding set-backs, there is unlikely to be any adverse effects on the adjoining public land that have not already existed for 42 years operationally, in its current form.

f) Factor 3f; the boatyard has always undertaken to keep the walking track and public land access safe and open at all practical times during the daily operations of the slipway. (Screening and/or impermeable surfaces shall be implemented) when needed to control any over-spray plume to any of the public land adjacent to the slipway corridor associated with washing down and/or otherwise in contrary wind conditions or in other circumstances that would restrict access to and along the CMA. The boatyard has always secured all un-occupied machinery and/or un-used equipment from unauthorized movements during the hours of darkness. If in the case of any reason for personal safety, protection of property, and/or for the integrity of equipment itself, to affect safe operations, trestle barriers will be placed over any obstructions or across the reserve to notify the public in the case of any emergency stopping of equipment or vessels thereon. This is in addition to security lighting and warning signs attached at the slipway crossing post at the wharf abutment and on the adjacent yard retaining wall; that sign facing the crossing. Yard dinghy storage spaces/racks on the slipway are for authorized yard dinghies only and are not for general public use. They also help demark the operational boundary of the slipway corridor of section 2 with those areas of the open space on the adjoining reserve as delineated on survey plans #8095.

g) Factor 3g; operational parameters of the wharf and slipway in effect are issues of discharge to surrounding waters when any vessel is on or along side these structures. Washing down of vessels for cleaning will be by low presser hose or water blaster on hard surfaces in good order that do not create any discharge that is more than minor. Any working activity that generates sanding dust, scrapping particles, or heavy fluids shall be contained by drop cloth, paper barrier or vacuum removal to allow relocation of those materials to a proper waste collection site within the boatyard.

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h) Factor 3h; periodic dredging will involve the removal of spoil by digger to a proper land fill or discharge at sea by a contract provider. These operations will be conducted at spring low tides when water depths are at a minimum. Duration of works is therefore considerably limited to a matter of hours over a period of approximately four or five days. All dredging will be contained within an enclosure boom.

i) Factor 3i; there is only one unforeseeable discharge emergency that would result in an uncontrolled discharge at this particular operational site. That is extreme weather events overpowering the (CSW) and (CTS) and/or total power outage that would affect both systems and the entire receiving environment both up and down stream from the site.

**5. Procedures or contingency measures in emergencies:**

a) Contingency measures at this particular site rest largely on the ability to control run-off into the CMA. Because of the close proximity of access to the CMA, the best option is multiple collection pits or traps for water and debris collection and/or filtration. In the past this method has proved mostly effective for any surface water discharge issue and is now further enhanced for increased efficiency of the (CTS) and (CSW) within the structure of the slipway itself, i.e. the installation of ancillary traps and pumps. Oil and fuel spills will be dealt with in the same manner after soaking up or removal of any excessive fluids for relocation to a certified disposal site.

b) In the event of any discharge that does not comply with discharge consent conditions, the NRC will be contacted by telephone as soon as possible after corrective action is taken, pursuant to the requirements of condition of consent [CON20060791410 (10-15) #25]. In any other emergency of the kind that might otherwise effect public access to the esplanade reserve, the FNDC will be notified of any corrective action that may require closure of the adjoining reserve.

c) All other discharges on site can otherwise be contained on site save the event of conflagration of the shed and its stores of paints and thinners there in. The effects of this event, although considerable, would still be somewhat minimal due to the limited quantities of any one product in stores. Effective quick use of multiple dry powder fire extinguishers should see and end to the issue in relatively quick order. Barring that remedy, I can call upon about 15000 Ltrs of water to damp things down. Hopefully by then the fire brigade will be on site and in control of the situation.

**6.Procedures with regard to maintenance of systems:**

Due to the limited number of vessels hauled at this site, the discharge containment systems can be monitored during the daily operational inspections. I believe a good operational maintenance period should

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be completed by spring each year and not later than the end of September prior to the next seasonal influx of haul outs. These procedures may include but are not limited to:

a. Drainage of the system by pumping to a tanker and removal from the site.

b. Inspection, cleaning, and replacement of all or any functional systems apparatus.

c. Removal and replacement of filtration materials.

d. Inspect and confirm all interconnections from pick-up to discharge points.

e. Develop further trapping systems and infrastructures for greater discharge control to meet best practice criteria into the future (as shown on survey plans #8095/3232c and As Built Plan 15 Feb. 2018).

**f. Removal of boatyard rubbish and contaminated debris by certified contractor.**

**7. Management Plan Review Criteria:**

The frequency of review of this plan should be at three year intervals and/or associated with any substantial change to operational parameters that effect any compatibility to, and/or in compliance with any policy or rule in a (District or Coastal Plans).

The review method will be by resubmission of the plan with any proposed modifications to practice or operational changes in systems or functions. That any improvements will be undertaken at any reasonable time to affect improved containment processes for the entire site. Monitoring data, when required, should set any system criteria changes for best practice methods associated with discharge consents.

Approval of any changes herein shall be by agreement with the consent holder and the individual Council authorities pursuant to the conditions of consent by which this review is undertaken.

This plan is therefore reviewed in compliance to conditions of consent (RC2000812) #15: on 20TH February 2019.

For: The Far North District Council ----------

IAN WILSON
TL COMPLIANCE & MONITORING

RE

This plan is therefore reviewed in compliance to conditions of consent [CON200607914 (10-15)]# 21: on 20 Feb 2019.

For: The Northland Regional Council ----------

RICKY EYRE
COASTAL & WATER QUALITY
FIELD OPERATIONS MANAGER

- References for this OMP, but not otherwise attached are: Resource Consents RC 2000812, NLD 99-7914, CON20060791410 along with approved revisions 27 August 2014 to this plan, CON 20120791416 and RC 2140229-RMALUC along with specific attachments: {Survey plans #8095/3231c, and As Built Plan 15 February 2019, collective Council meeting minutes: 18 January 2017, NRC emails 30 November and 4 December 2018, Easement Instrument 23 June 2015, and operational photographs #'s 1-9.}

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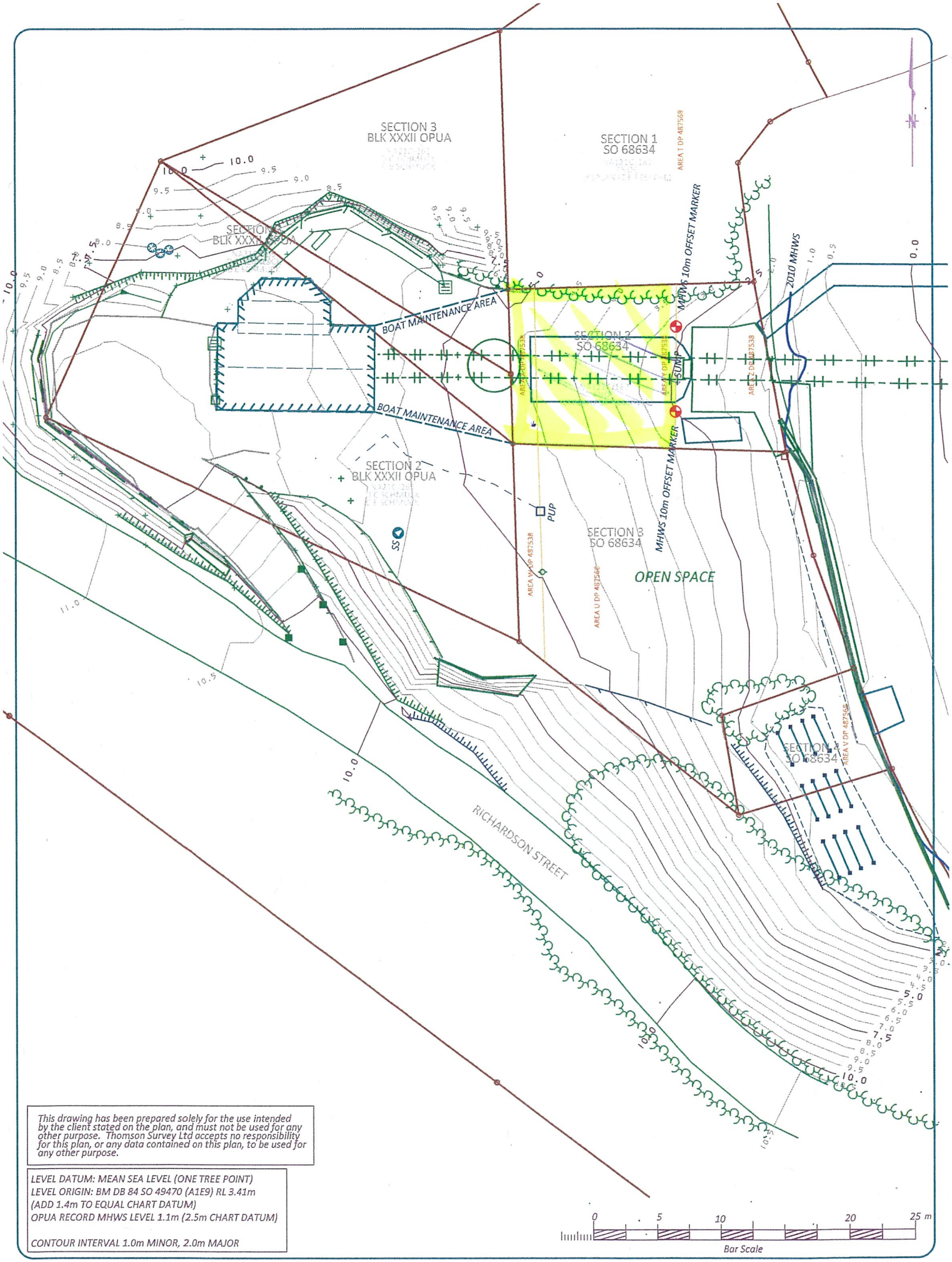


*This drawing has been prepared solely for the use intended by the client stated on the plan, and must not be used for any other purpose. Thomson Survey Ltd accepts no responsibility for this plan, or any data contained on this plan, to be used for any other purpose.*

*LEVEL DATUM: MEAN SEA LEVEL (ONE TREE POINT)*
*LEVEL ORIGIN: BM DB 84 SO 49470 (A1E9) RL 3.41m*
*(ADD 1.4m TO EQUAL CHART DATUM)*
*OPUA RECORD MHWS LEVEL 1.1m (2.5m CHART DATUM)*

*CONTOUR INTERVAL 1.0m MINOR, 2.0m MAJOR*

0 5 10 20 25 m
Bar Scale

THOMSON SURVEY LIMITED
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P.O. Box 372 Kerikeri
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Ph: (09) 4077360 Fax (09) 4077322
Registered Land Surveyors, Planners & Land Development Consultants

# DOUGS OPUA BOATYARD SLIPWAY EXISTING SITE

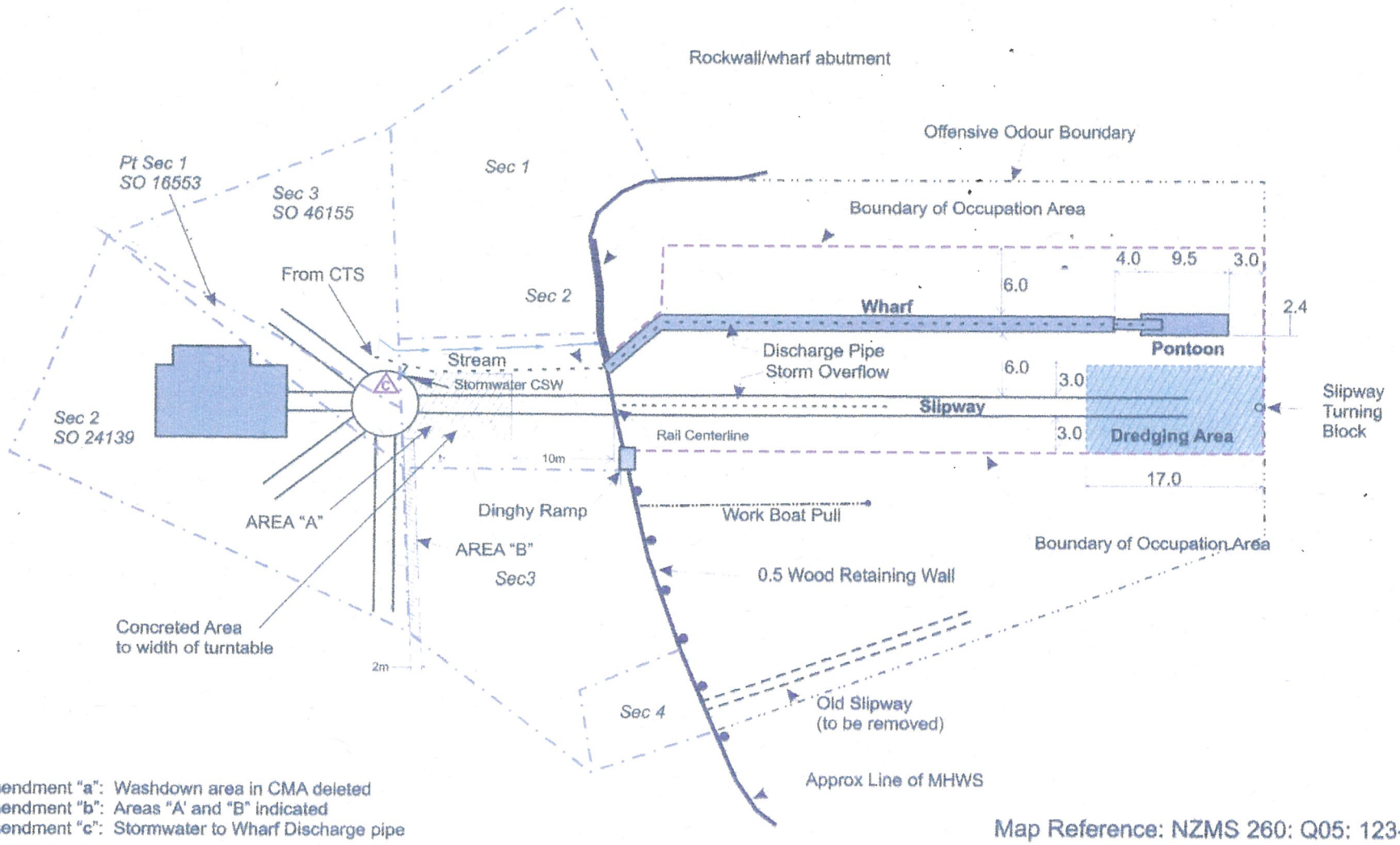
DOUGS OPUA BOAT YARD, OPUA

| | Name | Date |
|---|---|---|
| Survey | SH | 2017 |
| Design | | |
| Drawn | SL | 18.02.19 |
| Approved | | |
| Rev | | |

ORIGINAL
SCALE 1:250
SHEET SIZE A3
8095 BOATYARD SLIPWAY.lcd

Surveyors Ref. No: 8095
SHEET 1

Note: Dimensions in Metres




Amendment "a": Washdown area in CMA deleted
Amendment "b": Areas 'A' and "B" indicated
Amendment "c": Stormwater to Wharf Discharge pipe

Map Reference: NZMS 260: Q05: 123-537

| | By | Date |
|---|---|---|
| Dwn. | C N Anderson | |
| App'd | | 04/08 |

| Amendment No. | By | Date |
|---|---|---|
| a | C N Anderson | 03/01 |
| b | C N Anderson | 12/01 |
| c | C N Anderson | 01/08 |

# RESOURCE CONSENT NLD 99 7914
# for
# Doug's Opua Boat Yard
# Boat Maintenance Facilities - Opua

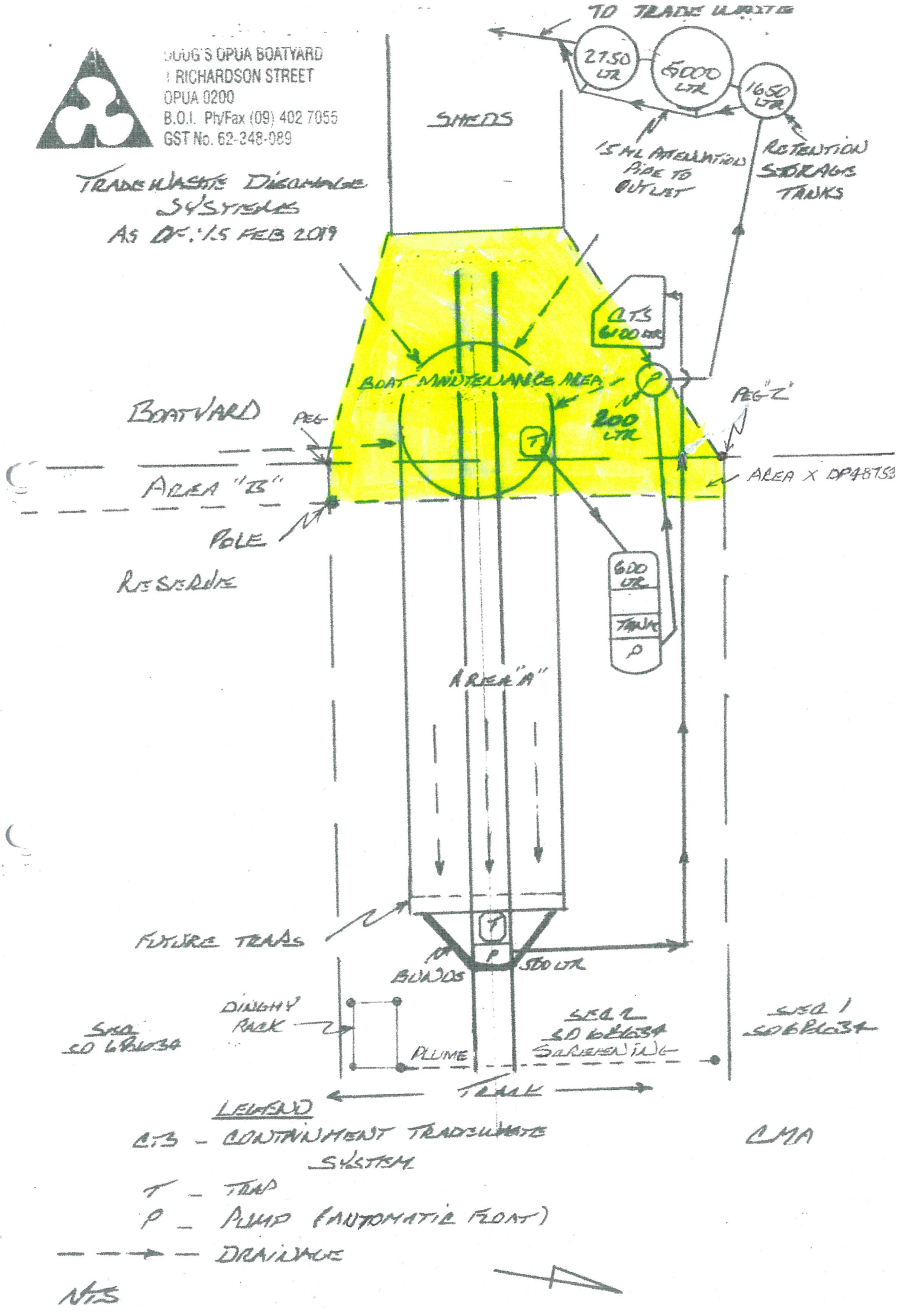
NORTHLAND REGIONAL COUNCIL

| Scale | Plan No. |
|---|---|
| N.T.S. | 3231c |

DOUG'S OPUA BOATYARD
1 RICHARDSON STREET
OPUA 0200
B.O.I. Ph/Fax (09) 402 7055
GST No. 62-348-089

# TRADE WASTE DISCHARGE SYSTEMS

AS OF: 15 FEB 2019



# BLH EXHIBIT 3

## RELEVANT OBJECTIVES AND POLICIES

# PROPOSED REGIONAL PLAN

# D.1 Tangata whenua[134]

## 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[135] if one or more of the following is likely:

1) adverse effects on mahinga kai[136] or access to mahinga kai[137], 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[138], 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[139], 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,[140] or
6) adverse effects on protected customary rights,[141] or
7) adverse effects on sites and areas of significance to tangata whenua mapped in the Regional Plan (refer I Maps | Ngā mahere matawhenua).

## 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

---

[134]The RMA definition of tangata whenua is "in relation to a particular area, means the iwi, or hapū, that holds mana whenua over that area". For an analysis of effects, the appropriate iwi or hapū will need to be identified. Council officers will be available to assist with this.

[135]An analysis of effects on tangata whenua and their taonga may be necessary in circumstances not outlined in this policy – it will depend on the circumstances.

[136]Food and places for obtaining natural foods and resources. The work (mahi), methods and cultural activities involved in obtaining foods and resources.

[137]This includes, for instance, kai awa (river food) kai repo (swamp food) and kaimoana (sea food).

[138]This includes, for instance, impacts on the quality of water used for ceremonial purposes.

[139] This includes, for instance, use of rongoa (medicinal) plants, and uses for raranga (weaving).

[140]Māori non-commercial fisheries are defined in the Fisheries Act 1996.

[141]As defined by the Marine and Coastal Area (Takutai Moana) Act 2011.

b) the outcomes of any consultation with tangata whenua with respect to the consent application, and

c) statutory acknowledgements in Treaty Settlement legislation, and

3) follow best practice,[142] including requesting, in the first instance, that the relevant tangata whenua undertake the assessment, and

4) specify the tangata whenua that the assessment relates to, and

5) be evidence-based, and

6) incorporate, where appropriate, mātauranga Māori, and

7) identify and describe all the cultural resources and activities that may be affected by the activity,[143] and

8) 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

9) identify, where possible, how to avoid, remedy or mitigate the adverse effects on cultural values of the activity that are more than minor, and

10) include any other relevant information.

## D.1.3 Affected persons

The following persons must be considered an affected person regarding notification[144] where the adverse effects on the following resources and activities are minor or more than minor:

***Table 14: Circumstances where tangata whenua are adversely affected for purposes of notification***

| Person | Resource or activity |
|---|---|
| The tangata whenua identified in an analysis of the effects undertaken in accordance with policy D.1.2 'Requirements of an analysis of effects on tangata whenua and their taonga'. | Cultural resources or activities identified in an analysis of effects undertaken in accordance with Policy D.1.2. |
| The committee of management of a taiāpure. | Taiāpure |
| The Māori committee, marae committee or the kaitiaki with responsibility for the mataitai. | Mataitai |
| The tangata kaitiaki / tiaki appointed by the provisions of the Fisheries (Kaimoana Customary Fishing) Regulations 1998 for the relevant rohe moana. | Non-commercial Māori fisheries. |

[142]Best practice can be determined by relevant professional bodies.
[143]The full range of effects defined in Section 3 of the RMA need to be considered.
[144]For resource consent applications for restricted-discretionary, discretionary and non-complying activities.

# D.2 General

## D.2.1 Rules for managing natural and physical resources[150]

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.

## 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.

## 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.

## D.2.4 Adaptive management

Regard should be had to the appropriateness of an adaptive management approach where:

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.

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

## 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.[151]

## D.2.6 Minor adverse effects arising from the establishment and operation of regionally significant infrastructure[152]

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 Tangata whenua, and
   b) Rule D.2.14 Managing adverse effects on historic heritage, and
   c) Rule D.2.15 Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features, and
   d) Rule D.2.7 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.

## D.2.7 Maintenance, repair and upgrading of regionally significant infrastructure[153]

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.2.8 Appropriateness of regionally significant infrastructure proposals[154]

[151] Appeal to Environment Court by i) Transpower New Zealand Ltd ENV-2019-AKL-000107
ii) Northpower Limited ENV-2019-AKL-000123
[152] Appeal to Environment Court by Northpower Limited ENV-2019-AKL-000123
[153] Appeal to Environment Court by Transpower New Zealand Ltd ENV-2019-AKL-000107
[154] 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.2.9 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.[155]

## D.2.10 Renewable energy

When considering activities associated with the generation of renewable energy:

1) have particular regard to the local, regional and national benefits of the generation of renewable energy, and
2) recognise the availability of renewable energy resources in Northland, including:
   a) high temperature geothermal resources at Ngāwhā, and
   b) tidal resources, particularly in west coast harbours, and
   c) hydroelectric resources on river systems, and
3) have regard to the practical constraints on large scale generation of renewable energy including:
   a) the need for the generation of renewable energy to locate where the resource exists, and
   b) that effective generation of energy from geothermal resources will include the need to consumptively use geothermal heat and pressure, and
   c) that effective generation of energy from tidal resources may include the need to place equipment in the coastal marine area, and

[155] Appeal to Environment Court by Transpower New Zealand Ltd ENV-2019-AKL-000107

d) that effective generation of energy from hydroelectric resources may include the need to divert, dam or otherwise restrict the flow of water, and

e) The need to connect to the electricity supply network or national grid.

## D.2.11 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 effectively managed as a result of the consented activity.

## D.2.12 Resource consent duration[156]

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:

   a) 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

   b) 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).

[156] 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

## D.2.13 Recognising other plans and strategies

When considering a resource consent application have regard to issues, uses, values, objectives and outcomes identified in an operative plan or strategy adopted by the Regional Council that has followed a consultation process carried out in accordance with the consultative principles and procedures of the Local Government Act 2002, to the extent that the content of the plan or strategy has a bearing on the resource management issues of the region.

## D.2.14 Managing adverse effects on historic heritage

Manage the adverse effects of activities on historic heritage by:

1) avoiding significant adverse effects on the characteristics, qualities and values that contribute to historic heritage, and

2) recognising that historic heritage sites and historic heritage areas in the coastal marine area identified in I Maps |Ngā mahere matawhenua have been identified in accordance with the criteria outlined in Policy 4.5.3 of the Regional Policy Statement for Northland, and

3) recognising the following as being significant adverse effects to be avoided:

   a) the destruction of the physical elements of historic heritage, and

   b) relocation of the physical elements of historic heritage, and

   c) alterations and additions to the form and appearance of the physical elements of historic heritage, and

   d) loss of context to the surroundings of historic heritage, taking into account the scale of any proposal, and

4) recognising that despite (2), there are not likely to be significant adverse effects if:

   a) the historic heritage has already been irreparably damaged as assessed by a suitably qualified and experienced heritage professional and there are significant health and safety or navigational safety risks if it were to remain, or

   b) alterations, additions, repair or maintenance will not result in the loss, or significant degradation of, any values contributing to it being historic heritage in accordance with Policy 4.5.3 of the Regional Policy Statement, or

   c) the context of the historic heritage in its present location has already been lost and any damage to the historic heritage during relocation can be avoided, and

5) determining the likely adverse effects of proposals by taking into account:

   a) the historic heritage values of the historic heritage sites or historic heritage areas as described in the assessment reports available on the Regional Council's website, and

   b) the outcomes of any consultation with:

      i. Heritage New Zealand Pouhere Taonga (particularly where an item is listed by Heritage New Zealand Pouhere Taonga and/or is an archaeological site requiring an 'authority to modify'), the Department of Conservation or any other appropriate body with statutory heritage protection functions, and

      ii. tangata whenua in instances where historic heritage has identified values of significance to tangata whenua, and

   c) where considered necessary, a historic heritage impact assessment produced by a suitably qualified and experienced heritage professional, and

d) any values identified in addition to those listed in Policy 4.5.3 of the Regional Policy Statement for Northland 2016 including:

i. vulnerability *(the resource is vulnerable to deterioration or destruction or is threatened by land use activities)*, and

ii. patterns *(the resource is associated with important aspects, processes, themes or patterns of local, regional or national history)*, and

iii. public esteem *(the resource is held in high public esteem for its heritage or aesthetic values or as a focus of spiritual, political, national or other social or cultural sentiment)*, and

iv. commemorative *(the resource has symbolic or commemorative significance to past or present users or their descendants, resulting from its special interest, character, landmark, amenity or visual appeal)*, and

v. education *(the resource contributes, through public education, to people's awareness, understanding and appreciation of New Zealand's history and cultures)*, 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 historic heritage values, including proposed use and development adjacent to historic heritage, and

b) the use of setback, buffers and screening from historic heritage, and

c) reversing previous damage or disturbance to historic heritage, and

d) improving the public use, value, or understanding of the historic heritage, and

e) the development of management and conservation plans, and

f) gathering and recording information on historic heritage by a suitably qualified and experienced heritage professional, and

g) implementing the stabilisation, preservation and conservation principles of the ICOMOS[157] New Zealand Charter Revised 2010, and

7) determining if an archaeological advice note or Accidental Discovery Protocol advice note should be included if there is a possibility of unrecorded archaeology being encountered or the proposal will or may affect recorded archaeological sites. An advice note will outline that work affecting archaeological sites is subject to an authority process under the Heritage New Zealand Pouhere Taonga Act 2014, and

8) recognising that for the purposes of Section 95E of the RMA, Heritage New Zealand Pouhere Taonga under the Heritage New Zealand Pouhere Taonga Act 2014 is an affected person in relation to resource consent applications under the RMA affecting:

a) any listed items in this Plan, also listed under the Heritage New Zealand Pouhere Taonga Act 2014, and

b) are pre-1900 recorded and unrecorded archaeological sites.

[157] International Council on Monuments and Sites

## D.2.15 Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features[158]

Manage the adverse effects of activities on natural character, outstanding natural landscapes and outstanding natural features by:

1) avoiding adverse effects of activities as follows:

***Table 15: Adverse effects to be avoided***

| Place / value | Location of the place | Effects to be avoided |
|---|---|---|
| Areas of outstanding natural character<br>Outstanding natural features | Coastal marine area and fresh waterbodies in the coastal environment. | Adverse effects on the characteristics, qualities and values that contribute to make the place outstanding. |
| Outstanding natural seascapes | Coastal marine area. | |
| Natural character | The coastal marine area and freshwater bodies. | Significant adverse effects on the characteristics, qualities and values that contribute to natural character. |
| Outstanding natural features | Fresh waterbodies outside the coastal environment. | Significant adverse effects on the characteristics, qualities and values that contribute to make the natural feature outstanding. |

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

   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

[158] Appeal to Environment Court by i) Transpower New Zealand Ltd ENV-2019-AKL-000107 requests new policy to provide exceptions to this policy
ii) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
iii) Minister of Conservation ENV-2019-AKL-000122
iv) CEP Services Matauwhi Ltd ENV-2019-AKL-000111

4) recognising that uses and development form part of existing landscapes, features and waterbodies and have existing effects.

## D.2.16 Managing adverse effects on indigenous biodiversity[159]

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. 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
      iii. areas set aside for full or partial protection of indigenous biodiversity under other legislation, and
   b) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on:
      i. areas of predominantly indigenous vegetation, other than areas of mangroves to be pruned or removed for one of the purposes listed in D.5.26, 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) avoiding, 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

[159] Appeal to Environment Court by i) Northpower Limited ENV-2019-AKL-000123
ii) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
iii) CEP Services Matauwhi Ltd ENV-2019-AKL-000111
iv) Federated Farmers of New Zealand ENV-2019-AKL-000114
v) New Zealand Refining Company Ltd ENV-2019-AKL-000121

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 include:

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 discrete, localised or otherwise minor effects impacting on the indigenous biodiversity may be acceptable, and

d) recognising that activities with transitory effects may be acceptable, 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[160]

b) after consideration of the methods in (6) above, and

[160]Biodiversity offsetting and environmental compensation are defined in the Regional Policy Statement for Northland 2016

8) recognising the benefits of activities that:

   a) include the restoration and enhancement of ecosystems, habitats and indigenous biodiversity, and

   b) improve the public use, value or understanding of ecosystems, habitats and indigenous biodiversity.

## D.2.17 Managing adverse effects on land-based values and infrastructure[161]

When considering an application for a resource consent for an activity in the coastal marine area or in, on or under the bed of a freshwater body, recognise that adverse effects may extend beyond the coastal marine area or the freshwater body to:

1) significant areas and values including:

   a) Areas of outstanding and high natural character, and

   b) Outstanding natural landscapes, and

   c) Outstanding natural features, and

   d) Historic heritage, and

   e) Areas of significant indigenous biodiversity, and

   f) Places of significance to tangata whenua, and

2) land-based infrastructure including:

   a) toilets, and

   b) car parks, and

   c) refuse facilities, and

   d) boat ramps, and

   e) boat and dinghy storage, and

3) decision-makers should have regard to:

   a) the nature and scale of these effects when deciding whether or not to grant consent for activities in the coastal marine area or on the beds of freshwater bodies, and

   b) the need to impose conditions on resource consents for those activities in order to avoid, remedy or mitigate these adverse effects.

## D.2.18 Precautionary approach to managing effects on significant indigenous biodiversity[162]

Where there is scientific uncertainty about the adverse effects of activities on:

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[161] Appeal to Environment Court by CEP Services Matauwhi Ltd ENV-2019-AKL-000111

[162] Appeal to Environment Court by i) Top Energy Ltd ENV-2019-AKL-000125
ii) Mangawhai Harbour Restoration Society ENV-2019-AKL-000110
iii) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
iv) New Zealand Refining Company Ltd ENV-2019-AKL-000121
v) CEP Services Matauwhi Ltd ENV-2019-AKL-000111

# D.3 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 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.3.2 Burning and smoke generating activities

When considering resource consent applications for the burning of waste or burning associated with an energy generation process:

1) avoid outdoor burning of waste materials in urban areas unless:
   a) there is a significant public benefit, or
   b) alternative options have been explored, are demonstrated to be impractical and adverse effects of the selected option are no more than minor, and
2) recognise that air discharges from crematoria and the cremation of human remains can be culturally sensitive to tangata whenua, and
3) recognise the need for the security of supply of energy in the region, which may include non-renewable sources, and
4) require that a smoke management plan is produced as part of any resource consent where there is a likelihood that there will be objectionable and offensive discharges of smoke at the boundary of the site where the activity is to take place. The smoke management plan must include:
   a) a description of adjacent smoke-sensitive areas, and
   b) details of materials to be burnt, and
   c) expected weather conditions, and
   d) approximate length of time the burn will take, and
   e) how the burn will be attended, and
   f) details of good management practice that will be used to control smoke to the extent that adverse effects from smoke at the boundary of the site are managed.

## D.3.3 Dust and odour generating activities[163]

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.*

[163] Appeal to Environment Court by Public & Population Health Unit, Northland District Health Board ENV-AKL-000126

## D.3.4 Spray generating activities

When considering resource consent applications for discharges to air from agrichemical or surface coat spray generating activities:

1) avoid aerial agrichemical spraying in urban areas unless:
   a) there is a significant public benefit,[164] or
   b) alternative options have been explored, and have been demonstrated to be impractical, and adverse effects of the proposed aerial spraying are no more than minor, and
2) require that a spray management plan is produced as part of any resource consent where there is a likelihood that there will be objectionable or offensive discharges of spray across the boundary of the site where the activity is to take place. The spray management plan must include:
   a) a description of the spraying methods, and
   b) chemicals to be used, and
   c) qualifications of the applicators, and
   d) adjacent spray-sensitive areas, and
   e) details of good management practices that will be used to manage the risk of spray-drift to the extent that adverse effects from spray at the boundary of the site are avoided, remedied or mitigated.

## D.3.5 Activities in the Marsden Point airshed[165]

The Marsden Point Air Quality Strategy must be taken into account when considering resource consent applications for discharges to air in the Marsden Point airshed as shown in I Maps |Ngā mahere matawhenua. In particular, resource consent applications involving the discharge of sulphur dioxide ($SO_2$) to air must avoid adverse effects on the operation of regionally significant infrastructure within the Marsden Point Port Zone.

[164] Including significant environmental and biodiversity protection
[165] Appeal to Environment Court by New Zealand Refining Company Ltd ENV-2019-AKL-000121

# D.4 Land and water

## D.4.1 Maintaining overall water quality[166]

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.

## D.4.2 Industrial or trade wastewater discharges to water

An application for resource consent to discharge industrial or trade wastewater to water will generally not be granted unless the best practicable option to manage the treatment and discharge of contaminants is adopted.

## 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.

## 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.*

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[166] 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

# D.5 Coastal

## D.5.1 Aquaculture – benefits[171]

Recognise and enable the significant benefits that existing and new aquaculture can provide to local communities, Māori and the region, including:

1) social, cultural and economic benefits, including local employment and enhancing Māori development (for example, by involvement in the aquaculture industry), particularly in areas of Northland where alternative opportunities are limited, and

2) supplementing natural fish and shellfish stocks by an alternative source of fish and shellfish, and

3) providing improved information about water quality, and

4) the significant opportunity marae-based aquaculture provides for Māori to enhance their well-being (through improving traditional customary kaimoana provision for marae), and

5) as a method Māori can use for the management and enhancement of Māori oyster reserves (as defined in the Fisheries (Auckland and Kermadec Amateur Fishing) Regulations 1986).

## D.5.2 Aquaculture – existing activities, realignment, extensions, and small scale short duration activities[172]

Subject to D.5.5, D.5.6, and D.5.7 provide for and enable the continued operation of existing aquaculture activities (including their realignment and extension) and for aquaculture research trials and experimental aquaculture activities, provided that:

1) potential adverse effects listed in D.5.3 and significant adverse effects listed in D.5.4 are avoided, and

2) adverse effects on the characteristics, qualities and values that contribute to the identified values of the following areas identified in the Plan's I Maps | Ngā mahere matawhenua are managed in accordance with the relevant policies in D.1, D.2 and D.5 of this Plan:

   a) Significant Ecological Areas, or

   b) Significant Bird Areas, or

   c) Outstanding Natural Features, or

   d) Areas of Outstanding Natural Character, or

   e) Regionally Significant Anchorages, or

   f) Mooring Zones, or

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[171] 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.

[172] 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
v) CEP Services Matauwhi Ltd ENV-2019-AKL-000111.

g) Coastal Commercial Zones, or

h) Nationally or Regionally Significant Surf Breaks, or

i) Sites or Areas of Significance to tangata whenua, or

j) Historic Heritage Sites or Areas.

## D.5.3 Aquaculture – avoid adverse effects[173]

In addition to any other requirement to avoid adverse effects, aquaculture activities must avoid adverse effects (after taking into account any remediation or mitigation) on:

1) areas of the coastal marine area where a marine reserve has been established or publicly notified under the Marine Reserves Act 1971, and

2) residential activities in significant urban areas provided for in operative district plans, which are existing at 1 September 2017, authorised by unexercised resource consents, or enabled by operative district plan provisions having permitted, controlled, restricted discretionary or discretionary activity status, and

3) significant tourism or recreation areas, and

4) recognised navigational routes, and

5) anchorages referred to in cruising guides, pilot books and similar publications as being suitable for shelter in adverse weather, and

6) port or harbour approaches, and

7) existing aquaculture (either because there is no or limited space, or the area is at its production or ecological carrying capacity), and

8) the use and functioning of existing coastal structures including jetties, wharves, boat ramps underwater pipes, and underwater cables, and

9) defence exercise areas, and

10) access lanes, as referred to by the Navigation Safety Bylaw, and

11) the management purpose or objectives of:

    a) tāiapure or mataitai, and

    b) areas for which fisheries restriction methods have been established under the Fisheries Act 1996 and regulations, including any Māori Oyster Reserve or set netting ban, and

    c) protected customary rights and customary marine titles issued under the Marine and Coastal Area (Takutai Moana) Act 2011, and

    d) wildlife refuges established under the Wildlife Act 1953, and

    e) areas of the coastal marine area where a Marine Mammal Sanctuary has been established or publicly notified under the Marine Mammals Protection Act 1977, and

[173] 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

f) areas of the coastal marine area where a Ramsar site has been established or publicly notified under the Ramsar Convention 1971,[174] and

g) any marine park established by or through statutory or regulatory processes, and

12) Mooring Zones.

## D.5.4 Aquaculture – avoid significant adverse effects[175]

Aquaculture activities should avoid significant adverse effects on:

1) the integrity, functioning and resilience of coastal processes and ecosystems, and

2) public access to and along the coast, and

3) use or functioning of coastal reserves and conservation areas.

## D.5.5 Aquaculture – general matters[176]

New aquaculture activities should:

1) be located in areas that have suitable access, and where they can be supported by adequate and appropriate land-based infrastructure, facilities and operations where required, and

2) not be considered within any part of the coastal marine area deemed unsuitable under the relevant regulations or standards for the growing or harvesting of shellfish, where the aquaculture is for the purpose of directly harvesting shellfish for human consumption, and

3) be located, maintained, marked and lit in a way which does not compromise the safety of commercial or recreational navigation.

## D.5.6 Aquaculture – staged development[177]

New aquaculture activities may be required to be developed and monitored in a staged manner where the potential adverse effects cannot adequately be predicted and may be significant.

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[174]The Ramsar Convention was adopted in the Iranian city of Ramsar in 1971 and is an intergovernmental treaty which provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.

[175] 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

[176] 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.

[177] 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

## D.5.7 Aquaculture – abandoned or derelict farms[178]

Coastal permits for aquaculture activities involving structures in the coastal marine area must include conditions requiring:

1) the repair or removal of structures that have been abandoned or have fallen into a state of disrepair, and either

2) a bond to cover the actual and reasonable costs of removing abandoned structures or structures that have fallen into a state of disrepair, and reinstating the environment in the area where the structures have been removed, or

3) an alternative surety that reflects the reasonable:

   a) likelihood of structures being abandoned or falling into a state of disrepair, and

   b) the costs of removing abandoned structures or structures that have fallen into a state of disrepair, and reinstating the environment in the area where the structures have been removed.

## D.5.8 Coastal Commercial Zone and Marsden Point Port Zone Purpose[179]

Recognise that the purpose of the Coastal Commercial Zone and Marsden Point Port Zone is to enable the development and operation of existing and authorised maritime-related commercial enterprises or industrial activities located within these zones.

## D.5.9 Coastal Commercial Zone and Marsden Point Port Zone[180]

Development in the Coastal Commercial Zone and the Marsden Point Port Zone will generally be appropriate provided it is:

1) consistent with:

   a) existing development in the Coastal Commercial Zone or the Marsden Point Port Zone, and

   b) existing development on adjacent land above mean high water springs, and

   c) development anticipated on the land above mean high water springs by the relevant district plan, or

2) associated with regionally significant infrastructure in the Marsden Point Port Zone.

Development that is inconsistent with 1) or 2) will not necessarily be inappropriate.

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[178] 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

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

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

## D.5.10 Whangārei City Centre Marine Zone[181]

Recognise that the purpose of the Whangārei City Centre Marine Zone is to enable the development of structures for amenity and public good purposes.

## D.5.11 Moorings outside Mooring Zones[182]

Moorings outside Mooring Zones that require resource consent must:

1) have all necessary shore-based toilet facilities, parking, dinghy storage and refuse disposal available long-term, and
2) not by themselves, or in combination with existing moorings in the same bay or inlet, result in more than minor adverse effects, unless the mooring is associated with a property that is only legally accessible by water and the mooring is necessary to provide for the safety of people or the moored vessel, and
3) demonstrate why it is not practical to be in a Mooring Zone, and
4) not be located within a navigation channel and not be located within the Coastal Commercial Zone or Marsden Point Port Zone unless directly associated with a maritime-related commercial enterprise or existing authorised industrial activity, and
5) demonstrate why short-term anchorage or land-based vessel storage is not practical, and
6) not be in the following areas (refer: I Maps |Ngā mahere matawhenua):
    a) Areas of Outstanding Natural Character, or
    b) Historic Heritage Areas, or
    c) Nationally Significant Surf Breaks, or
    d) Outstanding Natural Features, or
    e) Regionally Significant Anchorages, or
    f) Sites or Areas of Significance to tangata whenua,

    unless

    g) the mooring is associated with a property that is only legally accessible by water, or
    h) the mooring is for public benefit or to enhance public access and minimise environmental effects of repetitive anchorage, or
    i) the mooring is associated with a maritime-related commercial enterprise or existing authorised industrial activity that could not otherwise be located within a Mooring Zone.

## D.5.12 New moorings in Mooring Zones with limited shore-based facilities

Manage moorings in Mooring Zones with limited shore-based facilities by:

1) recognising that shore-based facilities to serve moorings are limited or at capacity in the following mooring areas:

[181] Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127.
[182] Appeal to Environment Court by CEP Services Matauwhi Ltd ENV-2019-AKL-000111.

***Table 16: Mooring Zones with limited shore-based facilities***

| Location | Mooring Zone |
|---|---|
| Mangonui Harbour | All mooring zones |
| Whangaroa Harbour | Totara North |
| Kerikeri Inlet | Opito Bay |
| Ōpua | English Bay, Ōpua Basin, Tapu Point, Okiato Point and Kawakawa River |
| Russell | Te Wahapu Inlet, Pomare Bay, Kororareka Bay and Matauwhi Bay |
| Te Rawhiti Inlet | Waipiro Bay and Te Uenga Bay |
| Whangaruru Harbour | All mooring zones |
| Mangawhai Harbour | Mangawhai |

2) only granting coastal permits for moorings in these locations if the applicant can demonstrate that:

   a) adequate parking and dinghy storage is available to serve the existing moorings and the proposed mooring at all times of the year, or

   b) adequate parking, toilet facilities, refuse disposal and dinghy storage are provided at all times of the year on private property near the proposed mooring, and

3) where an applicant demonstrates provision of adequate parking, toilet facilities, refuse disposal and dinghy storage at private property in accordance with clause 2), the coastal permit must include a condition precluding the transfer of the mooring unless the services for the mooring will be provided from a property owned by the transferee.

## D.5.13 Regionally Significant Anchorages

Manage Regionally Significant Anchorages (refer I Maps |Ngā mahere matawhenua) by:

1) recognising the value of Regionally Significant Anchorages to the boating community as anchorages that are critical refuges during bad weather, and

2) avoiding structures that have adverse effects on the ability of vessels to anchor in a Regionally Significant Anchorage, except structures installed to reduce the environmental impact of repetitive anchoring and that are freely available for public use.

## D.5.14 Recognised Anchorages

Recognise the value of anchorages commonly used by the boating community because of their shelter, holding or amenity values, as evidenced by their reference in cruising guides, pilot books or similar publications.

## D.5.15 Marinas – managing the effects of marinas[183]

Marinas must:

1) provide convenient facilities on-site for the containment, collection and appropriate disposal of:

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

a) refuse from vessels, and

b) sewage and sullage from vessels, and

c) recyclable material, including waste oils, from vessels, and

d) spills from refuelling operations and refuelling equipment, and

e) the discharge of stormwater generated from the marina complex, and

2) provide shore-based facilities, including parking, public toilets, boat racks, public access, and

3) mitigate any loss of public access to, along and within the coastal marine area, including the provision of facilities such as public boat ramps and alternative access for other users, and

4) be designed and constructed in a manner that reflects the benefits of landscaping and urban design treatment, and

5) be consistent with any relevant council structure plans, concept plans, strategies, reserve management plans, designations or additional limitations that apply to the adjoining land.

## D.5.16 Marinas – recognising the benefits of marina development

Recognise the benefits of marina development include:

1) efficient use of water space for boat storage, and

2) responding to demand for boat storage and associated services, and

3) opportunities to enhance public facilities and access to the coastal marine area, and

4) socio-economic opportunities through construction and ongoing operation.

## D.5.17 Marina Zones – purpose[184]

Recognise that the purpose of Marina Zones is to provide for the development and operation of marinas.

## D.5.18 Marina Zones – structures

When considering coastal permit applications for non-marina related structures (including moorings) in Marina Zones, decision-makers must have regard to:

1) whether granting a coastal permit would hinder the development of a marina in that part of the Marina Zone, and

2) the need for conditions to limit the duration of a consent to enable marina development to proceed.

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

## D.5.19 Marinas and moorings in high demand areas

Recognise that in the following areas there is significant demand for on-water boat storage and there are limited opportunities to expand Mooring Zones. Therefore, high density on-water boat storage (including pile moorings, trot moorings and marinas) is likely to be the only way to provide additional on-water boat storage in:

1) Mangonui, and
2) Kerikeri, and
3) Russell, and
4) Ōpua, and
5) Tutukaka.

## D.5.20 Reclamation

Reclamation of land in the coastal marine area shall be avoided unless all the following criteria are met:

1) land outside the coastal marine area is not available for the proposed activity;
2) the activity which requires the reclamation can only occur in or adjacent to the coastal marine area;
3) there are no practicable alternative methods of providing the activity; and
4) the reclamation will provide significant regional or national benefit.

## D.5.21 Reclamation

When considering proposed reclamations, have particular regard to the extent to which the reclamation and intended purpose would provide for the efficient operation of infrastructure, including ports, airports, coastal roads, pipelines, electricity transmission, railways and ferry terminals, and of marinas and electricity generation.

## D.5.22 Reclamation

Recognise the potential benefits of reclamations when they are undertaken to:

1) maintain or repair an authorised reclamation, or
2) carry out rehabilitation or remedial works, or
3) create or enhance habitat for indigenous species where degraded areas of the coastal environment require restoration or rehabilitation.

## D.5.23 Unlawful reclamation

Consider the following matters when assessing unlawful reclamations in the coastal marine area:

1) the extent of social or economic benefit provided to the public, including whether the reclamation is necessary to enable the operation of infrastructure, and

2) the length of time the unlawful reclamation has existed, and

3) the extent to which removal of the reclamation is practicable, and

4) whether there will be more significant adverse effects resulting from the works required to remove the reclamation, compared with retaining the reclamation.

## D.5.24 Dredging, disturbance and deposition activities

Dredging, disturbance and deposition activities should not:

1) cause long-term erosion within the coastal marine area or on adjacent land, and

2) cause damage to any authorised structure.

## D.5.25 Benefits of dredging, disturbance and deposition activities

Recognise that dredging, disturbance and deposition activities may be necessary:

1) for the continued operation of existing infrastructure, or

2) for the operation, maintenance, upgrade or development of regionally significant infrastructure, or

3) to maintain or improve access and navigational safety within the coastal marine area, or

4) for beach re-nourishment or replenishment activities, or

5) to protect, restore or rehabilitate ecological or recreational values, or

6) when it is undertaken in association with the deposition of material for beneficial purposes, including the restoration or enhancement of natural systems and features that contribute towards reducing the impacts of coastal hazards.

## D.5.26 Dumping (deliberate disposal) of dredge spoil and other waste material[185]

Discourage the dumping (deliberate disposal) of dredge spoil and other waste in the coastal marine area, unless:

1) it is for beach maintenance, enhancement or replenishment; or the replenishment of other geomorphological features such as banks or spits; or ecological restoration, or

2) it is for restoration, maintenance or enhancement of natural coastal defences that provide protection against coastal hazards, or

3) it is associated with a reclamation, or

4) it is associated with the operation of regionally significant infrastructure and the dumping does not occur within a mapped (refer I Maps | Ngā mahere matawhenua):

   a) Significant Ecological Area, or

   b) Nationally Significant Surf Break, or

   c) Area of Outstanding Natural Character, or

[185] Appeal to Environment Court by CEP Services Matauwhi Ltd ENV-2019-AKL-000111

d) Outstanding Natural Feature, or

e) Site or Area of Significance to tangata whenua, or

f) Historic Heritage Area.

The dumping (deliberate disposal) of dredge spoil or other waste that is inconsistent with clauses 1 to 4 above may be appropriate, if it is demonstrated that the dumping location is the best practicable option, given the type of material to be dumped.

## D.5.27 Underwater noise

Activities causing underwater noise (such as blasting, vibratory piling and drilling, construction, demolition and marine seismic surveying) must:

1) adopt the best practicable option to manage noise so that it does not exceed a reasonable level, and

2) in the case of marine seismic surveying, demonstrate compliance with *Code of Conduct for Minimising Acoustic Disturbance to Marine Mammals from Seismic Surveying Operations* (Department of Conservation, 2013), and

3) avoid adverse effects on marine mammals listed as Threatened or At Risk in the New Zealand Threat Classification System, and

4) avoid, remedy or mitigate other adverse effects on marine mammals, having regard to the location and duration of the proposed activity and the benefits of activities:

   a) to be undertaken in association with scientific research and analysis, or

   b) involving the maintenance or enhancement of navigational safety in permanently navigable harbour waters, or

   c) to be undertaken in association with the operation, maintenance and protection of regionally significant infrastructure, or

   d) that mitigate natural hazards.

## D.5.28 Mangrove removal – purpose[186]

Subject to Policy D.2.16, resource consent for mangrove pruning or removal:

1) may be granted when it is necessary to maintain, restore or improve one or more of the following:

   a) biodiversity, aquatic ecosystem health, natural features, or scheduled historic places, or

   b) habitats that have been displaced or colonised by mangroves, including rush marsh, salt marsh and intertidal flats, or

   c) areas within which mangroves have previously been lawfully pruned or removed, or

   d) public recreation and walking access to, or along, the coastal marine area, or

   e) connections with reserves or publicly owned land and the coast, or

   f) public use and public amenity values, or

   g) water access for vessels and navigation, or

[186] Appeal to Environment Court by i) Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
ii) CEP Services Matauwhi Ltd ENV-2019-AKL-000111
iii) Bay of Islands Maritime Park Inc ENV–2019-AKL-000117

h) public health and safety, including sightlines and traffic safety, or

i) access to the coast from marae, or to areas of traditional use, or

j) ongoing authorised activities, or

k) infrastructure, or

l) maintenance of drainage channels, control of flooding or erosion caused by mangroves, or

m) tidal flows, or

n) scientific research, and

2) must not be granted where it is for the purpose of improving private views.

## D.5.29 Mangrove removal – adverse effects[187]

When considering resource consents for mangrove removal, have regard to a range of potential adverse effects, in particular:

1) effects on ecological values including:

a) disturbance, displacement or loss of fauna and habitat, and

b) disturbing or displacing birds classified as Threatened or At Risk in the New Zealand Threat Classification System, particularly within Significant Bird Areas, and

c) disturbing ecological sequences, or corridors, and

d) removal of a buffer to sensitive ecological areas, and

e) disturbance of the foreshore and seabed, including compaction, sediment redistribution, and mangrove biomass deposition, and

2) increased risk of coastal erosion where mangroves provide a buffer against coastal processes causing erosion, and

3) effects on tangata whenua cultural values, and

4) amenity impacts from removal and disposal including noise, smoke, odour and visual impacts, and

5) short and long-term effects on local sediment characteristics and hydrodynamics, and

6) changes to natural character.

## D.5.30 Significant surf breaks[188]

Provide for the use and enjoyment of Nationally and Regionally Significant Surf Breaks (refer: I Maps | Ngā mahere matawhenua) by ensuring that:

1) resource consent applications for activities within the coastal marine area that are within a one kilometre radius of a Nationally Significant Surf Break or a Regionally Significant Surf Break are accompanied by an assessment of environmental effects of the activity on the identified values of the surf break, and

2) adverse effects on the characteristics, qualities and values that contribute to make Nationally Significant Surf Breaks significant, are avoided, and

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

3) significant adverse effects on the characteristics, qualities and values that contribute to make Regionally Significant Surf Breaks significant, are avoided, and

4) access to Nationally and Regionally Significant Surf Breaks is maintained or enhanced.

## D.5.31 Managing effects on surf breaks

Have regard to the following effects on mapped surf breaks (refer I Maps | Ngā mahere matawhenua):

1) effects on the quality or consistency of the surf break by considering the extent to which the activity may:

   a) change or interrupt coastal sediment dynamics, and

   b) change or interrupt swell within the swell corridor including through reflection, refraction or diffraction of wave energy, and

   c) change the morphology of the foreshore or seabed, and

2) effects on:

   a) amenity values, and

   b) the feeling of wilderness or isolation.

# F.1 Objectives | Ngā whāinga

## F.1.1 Freshwater quantity

Manage the taking, use, damming and diversion of fresh water so that:

1) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water are safeguarded and the health of freshwater ecosystems is maintained, and

2) the significant values, including hydrological variation in outstanding freshwater bodies and natural wetlands are protected, and

3) the extent of littoral zones in lakes are maintained, and

4) rivers have sufficient flows and flow variability to maintain habitat quality, including to flush rivers of deposited sediment and nuisance algae and macrophytes and support the natural movement of indigenous fish and valued introduced species such as trout, and

5) flows and water levels support sustainable mahinga kai, recreational, amenity and other social and cultural values associated with freshwater bodies, and

6) adverse effects associated with saline intrusion and land subsidence above are avoided (except where the taking, use, damming or diversion is for groundwater management at the Marsden Point refinery, in which case this clause does not apply), and

7) it is a reliable resource for consumptive and non-consumptive uses.

***Note:***

*This objective was included in this plan pursuant to Policy B1 of the National Policy Statement for Freshwater Management 2017.*

## F.1.2 Water quality

Manage the use of land and discharges of contaminants to land and water so that:

1) existing water quality is at least maintained, and improved where it has been degraded below the river, lake or coastal 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 the health of freshwater ecosystems is maintained, 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

8) kai is safe to harvest and eat, and recreational, amenity and other social and cultural values are provided for.

***Note:***

*Freshwater quality objectives required by Policy A1 of the National Policy Statement for Freshwater Management 2017 will be included in this Plan at a later date as per the Council's programme for implementing the National Policy Statement.*

## F.1.3 Indigenous ecosystems and biodiversity[191]

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.

## F.1.4 Enabling economic well-being[192]

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.

## F.1.5 Regionally significant infrastructure[193]

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.

## F.1.6 Security of energy supply[194]

Northland's energy supplies are secure and reliable, and generation that benefits the region is supported, particularly when it uses renewable sources.

## F.1.7 Use and development in the coastal marine area[195]

Use and development in the coastal marine area:

1) makes efficient use of space occupied in the common marine and coastal area, and

[191] Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
[192] Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
[193] Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127
[194] Appeal to Environment Court by Transpower New Zealand Ltd ENV-2019-AKL-000107
[195] Appeal to Environment Court by Royal Forest & Bird Protection Society NZ ENV-2019-AKL-000127

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.

## F.1.8 Tangata whenua role in decision-making

Tangata whenua's kaitiaki role is recognised and provided for in decision-making over natural and physical resources.

## F.1.9 Natural hazard risk

The risks and impacts of natural hazard events (including the influence of climate change) on people, communities, property, natural systems, infrastructure and the regional economy are minimised by:

1) increasing the understanding of natural hazards, including the potential influence of climate change on natural hazard events and the potential impacts on coastal biodiversity values, and

2) becoming better prepared for the consequences of natural hazard events, and

3) avoiding inappropriate new development in 100-year flood hazard areas and coastal hazard areas, and

4) not compromising the effectiveness of existing natural and man-made defences against natural hazards, and

5) enabling appropriate hazard mitigation measures to be implemented to protect existing vulnerable development, and

6) promoting long-term strategies that reduce the risk of natural hazards impacting on people, communities and natural systems, and

7) recognising that in justified circumstances, critical infrastructure may have to be located in natural hazard-prone areas, and

8) anticipating and providing for, where practicable, landward migration of coastal biodiversity values affected by sea-level rise and natural hazard events.

## F.1.10 Improving Northland's natural and physical resources

Enable and positively recognise activities that contribute to improving Northland's natural and physical resources.

## F.1.11 Natural character, outstanding natural features, historic heritage and places of significance to tangata whenua[196]

Protect from inappropriate use and development:

1) the characteristics, qualities and values that make up:

   a) outstanding natural features in the coastal marine area and in fresh waterbodies, and

[196] Appeal to Environment Court by CEP Services Matauwhi Ltd ENV-2019-AKL-000111

b) areas of outstanding and high natural character in the coastal marine area and in fresh waterbodies within the coastal environment, and

c) natural character in fresh waterbodies outside the coastal environment, and

d) outstanding natural seascapes in the coastal marine area, and

2) the integrity of historic heritage in the coastal marine area, and

3) the values of places of significance to tangata whenua in the coastal marine area and freshwater bodies.

## F.1.12 Air quality[197]

Adverse effects from discharges to air are managed by:

1) minimising cross-boundary effects on sensitive areas from discharges of dust, smoke, agrichemical spray drift, and odour, and

2) protecting dust, odour, smoke and spray-sensitive areas from exposure to dangerous or noxious levels of gases or airborne contaminants, and

3) recognising that land use change can result in reverse sensitivity effects on existing discharges to air, but existing discharges should be allowed to continue providing they are employing best practice, and

4) Maintaining, or enhancing where it is degraded by human activities, ambient air quality by avoiding significant cumulative adverse effects of air discharges on human health, cultural values, amenity values and the environment.

## F.1.13 Hazardous substances and contaminated land

Protect human health, and minimise the risk to the environment, from:

1) discharges of hazardous substances, and

2) discharges of contaminants from contaminated land.

[197] Appeal to Environment Court by i) Horticulture New Zealand ENV-2019-AKL-000116
ii) Public & Population Health Unit, Northland District Health Board ENV-AKL-000126

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development within a particular area may take time to become apparent. As a safeguard, it is therefore advantageous to identify those areas where subdivision, use and development will be restricted and/or closely monitored. To provide the necessary balance, it is also necessary to recognise those areas where natural character has already been reduced and therefore where further subdivision, use and development could be less restricted.

In the long term, it is intended to develop a broad classification of the natural character of Northland's coastal environment based upon databases on natural and physical resources within the region's coastal area. Some of this information has already been used to classify particular coastal areas and/or the resources within them (see Appendix 2).

## 7.2 ISSUES

1. The lack of available information on the key qualities which make up the natural character of Northland's coastal environment, including sites of cultural significance to Maori, and therefore the difficulty, at least in the short term, of defining the natural character of Northland's coastal marine area in a way which facilitates its preservation.

2. The lack of detailed knowledge of the cumulative effects of subdivision, use and development on the natural character of the coastal marine area and the consequent difficulty of ensuring the preservation of the natural character of the coastal marine area against the long-term effects of subdivision, use and development.

3. The long-term adverse effects of some past subdivision, use and development on natural character of the coastal marine area and the difficulty, in some cases, of remedying or mitigating the changes brought about by this activity.

4. The close interrelationship between the natural character of the coastal marine area and that of adjoining coastal land and the consequent need for integrated management of subdivision, use, development and protection of the coastal environment.

5. The requirement to ensure the coastal environment is protected from inappropriate subdivision, use and development within the coastal marine area and the need to provide guidance on what is considered to be appropriate subdivision, use and development within the coastal marine area.

## 7.3 OBJECTIVE

**The preservation of the natural character of Northland's coastal marine area, and the protection of it from inappropriate subdivision, use and development.**

## 7.4 POLICIES

1. In assessing the actual and potential effects of an activity to recognise that all parts of Northland's coastal marine area have some degree of natural character which requires protection from inappropriate subdivision, use and development.

**Explanation.** *Section 6(a) of the Act is not restricted to unmodified areas. While modified areas may have lost a portion of their natural character, that which remains defines the environmental quality of the area, provides its life-supporting capacity, and contributes to a fuller human experience of the coast.*

2. As far as reasonably practicable to avoid the adverse environmental effects including cumulative effects of subdivision, use and development on those qualities which collectively make up the natural character of the coastal marine area including:

   (a) natural water and sediment movement patterns;

   (b) landscapes and associated natural features;

   (c) indigenous vegetation and the habitats of indigenous fauna;

   (d) water quality;

   (e) cultural heritage values, including historic places and sites of special significance to Maori;

   (f) air quality;

   and where avoidance is not practicable, to mitigate adverse effects and provide for remedying those effects to the extent practicable.

   **Explanation.** *Uses and developments are appropriate within Northland's coastal marine area because of the actual or potential effects on natural character.*

   *The difficulty in defining natural character means that in practice, to effectively protect it from inappropriate subdivision, use and development requires consideration of each of the individual elements which go toward defining it in any particular area.*

3. Within Marine 1 and Marine 2 Management Areas and the rules that apply to each of those, identify what subdivision, uses and developments may be appropriate taking into consideration the actual or potential effects on natural character as required by, amongst others, Policy 1.1.1 of the New Zealand Coastal Policy Statement.

   **Explanation.** *As explained in section 5.4, because of our general lack of understanding of ecological processes within the coastal marine area, the identification of discrete Marine Management Areas is an essential part of the approach to subdivision, use and development taken in this Plan and is required to ensure that natural character is preserved and the life-supporting capacity of the coast safeguarded.*

4. *Subject to Policies 1 and 2* above, through the use of rules in this Plan, *to* provide for appropriate subdivision, *use and development* in areas where natural character has already been compromised, including *within Marine 3, Marine 4, Marine 5, and Marine 6 Management Areas.*

**Explanation.** *Notwithstanding the general need to protect the coastal marine area, there is obviously a need to provide for appropriate existing subdivision, use and development so that people and communities are able to provide for their social, economic, and cultural well-being and, for that reason, development is provided for in the Marine 3, Marine 4, Marine 5 and Marine 6 Management Areas. For the purposes of this Plan, it is considered better that, subdivision use and development is consolidated rather than expanding into new areas where the adverse effects are uncertain or unknown.*

5. To ensure a consistent approach to the assessment of the natural character of Northland's coastal marine area.

   **Explanation.** *Even in unmodified environments, natural character may exhibit different qualities within different areas, e.g. the east coast vs the west coast. To minimise inconsistencies in assessing (and therefore protecting) the natural character of specific areas, a standardised method of assessment needs to be developed and implemented.*

6. To promote an integrated approach to the preservation of the natural character of Northland's coastal environment as a whole.

   **Explanation.** *The natural character of a specific coastal area is generally comprised of elements both on land and within the coastal marine area. Therefore, to preserve the natural character of the coast there is a need to integrate management of the coastal marine area with coastal land management.*

7. To promote, where appropriate, the restoration and rehabilitation of the natural character of the coastal marine area where it has been significantly degraded.

   **Explanation.** *There may be situations where it is appropriate to identify the restoration or rehabilitation of the natural character as a remediation measure or to support community initiatives seeking to improve areas that are considered to be significantly degraded.*

## 7.5 METHOD OF IMPLEMENTATION

*(for Policy 1)*

1. Provide assessment criteria within this Plan, applicable in all Marine Management Areas, to facilitate the consideration of the effects of the proposed activities on the preservation of natural character when processing coastal permit applications.

   *cross-references*

   *32.1(11)*

   *(for Policy 2)*

2. Provide specific policies relating to the protection of the qualities identified as comprising part of the natural character of the coastal marine

area including provision for the identification and preservation of areas of high natural character.

*cross-references*

| | | |
|---|---|---|
| *8.4(1 - 4)* | *10.4(2)* | *14.4(1-4)* |
| *9.1.4(1 - 5)* | *12.4(1 - 3)* | *15.4(1-2)* |
| *9.2.4(1 - 4)* | *13.4(1 - 3)* | |

3. Require baseline monitoring of all major new subdivision, uses and developments within the coastal marine area including, where relevant, ecological monitoring.

4. Carry out regular monitoring of those activities classed as controlled, discretionary or non-complying activities within this Plan and take prompt action when conditions of coastal permits are not complied with or if unforeseen adverse effects arise.

5. Establish and implement "state-of-the-environment" monitoring programmes for areas undergoing development, including provision for comparative sampling in undeveloped areas.

6. Prepare an annual summary report of the results of monitoring for coastal permits and the more general "state-of-the-environment" monitoring and, where shown as necessary by the results, institute changes to this Plan in order to provide more effective preservation of natural character.

*(for Policy 3)*

7. Include rules within this Plan making subdivision, uses and developments within Marine 1 and Marine 2 Management Areas which are known to have significant adverse effects, either discretionary or non-complying or, for specific geographic areas, prohibited.

*cross-references*

| | | |
|---|---|---|
| *31.3.4* | *31.3.6* | *31.4.5* |
| *31.3.5* | *31.4.4* | *31.4.6* |

*(for Policy 4)*

8. Provision, via rules within this Plan, for specific subdivision, uses and developments which already occur in Marine 3, Marine 4, Marine 5, and Marine 6 Management Areas or which are otherwise complementary to existing subdivision, use and development.

*cross-references*

| | | |
|---|---|---|
| *31.5.2* | *31.6.2* | *31.7.2* |
| *31.5.3* | *31.6.3* | *31.7.3* |

2. The close relationship between public access and public use of the coastal marine area and the consequent need to avoid unnecessary restrictions on public access as a result of, for example, the construction of structures and other activities which require the exclusive occupation of coastal space.

3. The sensitivity of some ecological areas and areas of traditional or cultural value to the effects of human activities and the consequent need to restrict public access to those areas in order to protect their values.

4. The potential risk of injury in commercial port areas and other areas where there is heavy machinery working, and the consequent need to provide for some restriction of public access to part or all of those areas in order to protect public health and safety.

5. Vehicular access to and along the coastal marine area can cause adverse environmental effects.

6. Adverse environmental effects can arise from vehicular use on beaches across administrative boundaries such as the line of mean high water springs.

## 10.3 OBJECTIVES

1. **The maintenance and enhancement of public access to and along Northland's coastal marine area except where restriction on that access is necessary.**

2. **The integrated management of vehicular use of beaches, including access to and along the coastal marine area, between administrative agencies, non-governmental agencies and communities.**

## 10.4 POLICIES

1. To promote, and where appropriate, facilitate improved public access to and along the coastal marine area where this does not compromise the protection of areas of significant indigenous vegetation, significant habitats of indigenous fauna, Maori cultural values, public health and safety, or security of commercial operations.

   **Explanation.** *The maintenance and enhancement of public access to and along the coastal marine area is a matter of national importance.*

2. Where appropriate, to provide for the restriction of public access where this is necessary to protect areas of significant indigenous vegetation, significant habitats of indigenous fauna and sites of Maori cultural value.

   **Explanation.** *Although the maintenance and enhancement of public access to and along the coastal marine area is a matter of national importance, there are situations where such access will also cause adverse effects. Public access, therefore, may need to be restricted in some situations in order to comply with the other provisions of the Act, for example, to protect sites of Maori cultural significance.*

3. Where appropriate, to provide for the restriction of public access to protect public health and safety, for defence purposes or for the security of commercial operations.

   **Explanation.** *Restrictions of public access may be necessary in situations where public health and safety may be endangered, such as in port cargo handling areas or areas set aside for defence purposes.*

4. Consent authorities shall recognise that vehicular use to and along the coastal marine area may cause adverse environmental effects including:

   - Coastal erosion
   - Ecosystem degradation
   - Depletion, and in some cases destruction, of shellfish beds
   - Disturbance of wildlife, especially nesting birds
   - Damage to archaeological site and waahi tapu
   - Public health and safety
   - Noise

   **Explanation.** *Vehicles such as 4WD and motorcycles can cause considerable damage by crushing juvenile shellfish, disturbing and/or damaging flora and fauna, accelerating erosion and placing other recreational users at risk.*

5. The Council shall recognise that vehicle usage and associated environmental effects are not confined to the CMA and an integrated management approach between a number of different organisations and communities is required to address these effects.

   **Explanation.** *The arbitrary boundary of the line of MHWS does not take into account the fact that beaches form part of a dynamic and integrated ecosystem. Adverse effects arising from vehicle use anywhere on a beach can affect the whole beach system. A number of different organisations and communities have responsibilities and interests in managing adverse environmental effects arising from vehicle use on beaches.*

## 10.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. In consultation with iwi, Department of Conservation, local authorities and any other relevant interest groups prepare maps showing sites and areas around Northland's coastline where access to and along the coast is legally allowed, including public wharves, boat ramps, esplanade reserves, esplanade strips, access strips and legal, unformed roads.

2. Where practicable, require as a condition of coastal permits, public access to authorised wharves, jetties and other similar structures which extend from or over sites or areas adjacent to the coastal marine area where public access is legally allowed.

3. Encourage district councils and the Department of Conservation to identify and publicise the location of reserve land within or adjoining the coastal marine area which may be used for public access without

4. The protection of traditional Maori fisheries, and waters classified for cultural purposes, from the adverse effects of activities such as sewage discharges, marine farming, sand extraction, and dredging.

5. The protection of waahi tapu and other sites of significance to Maori from the adverse effects of human activities and from coastal erosion.

6. The protection of traditional Maori accessways to fishing grounds, waahi tapu, and other sites of significance to Maori.

7. The need to avoid all discharges of waste to the sea whether treated or otherwise.

8. The need to halt the practice of sprinkling human ashes on the sea.

9. The need to ensure that resource consents are properly monitored to ensure compliance with conditions requested by iwi.

10. The desire to develop new marine farms and other aquaculture ventures, particularly in the Far North harbours.

11. The degree of involvement of tangata whenua in resource management decision making, policy formulation, monitoring and implementation, particularly as they affect their taonga.

## 11.3 OBJECTIVE

**The management of the natural and physical resources within Northland's coastal marine area in a manner that recognises and respects the traditional and cultural relationships of tangata whenua with the coast.**

## 11.4 POLICIES

1. To recognise and, as far as practicable, provide for the concerns and cultural perspective of tangata whenua with respect to the protection of natural and physical resources (especially seafood) in the coastal marine area.

   **Explanation.** *Section 6(e) of the Act requires provision for the relationship of Maori to the coast. A significant part of this relationship revolves around access to and use of seafood resources.*

2. To recognise and, as far as practicable, provide for the concerns and cultural perspectives of tangata whenua in regard to the disposal of waste into water.

   **Explanation.** *The disposal of waste to coastal water is abhorrent to Maori. To give effect to section 6(e) of the Act, this factor needs to be provided for.*

3. To directly involve tangata whenua in resource management decision-making in the following areas:

(a) Where Taiapure are established under the provisions of the Fisheries Act 1996;

(b) Where maataitai reserves are established under the provisions of the Treaty of Waitangi (Fisheries Claims) Settlement Act 1992;

(c) Waters classified for cultural purposes.

**Explanation.** *The establishment of taiapure and maataitai reserves allows Maori to formally exercise kaitiakitanga over local fisheries resources. Waters classified for cultural purposes identify important relationships that Tangata Whenua have with specific waters including waters used for healing purposes and kaimoana gathering. However, effective management of fisheries and water quality within these defined areas will also require Maori involvement in the management of, for example, the fisheries habitats, including coastal waters.*

4. To investigate options for involving tangata whenua in monitoring the effects of use, development and protection of resources within the coastal marine area.

**Explanation.** *Maori involvement in monitoring the use, development and protection of coastal resources is one means by which kaitiakitanga may be provided for. There are a range of possible options for involving Maori in monitoring.*

5. To provide technical advice, information and, where appropriate, financial resources to assist iwi authorities in the development of iwi management plans for natural and physical resources within the coastal marine area of their rohe.

**Explanation.** *The Act requires special provision to be made for Maori in resource management. Iwi management plans are one means by which Maori can express their concerns and aspirations about the use and development of coastal resources, while at the same time becoming familiar with the Act and its provisions. This should lead, among other things, to an enhanced understanding by non-Maori of the relationship of iwi to coastal resources.*

## 11.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Require consultation with tangata whenua over development proposals within the coastal marine area which may affect known resources of significance to tangata whenua.

2. Consult with iwi authorities over the traditional and cultural relationships of Maori with natural and physical resources within the coastal marine area of their rohe including the identification of traditional access to sites within the coastal marine area containing resources of Maori cultural value.

- Protection works and structures.

Choosing the appropriate option in any given situation depends on such factors as:

- The nature of the hazard.
- The physical nature of the coastal area (steep, flat, sandy, rocky).
- The level of existing or proposed development.
- The level of risk of the hazard occurring.

Because of the variability of each of these factors, site-specific problems generally require site-specific solutions. It is therefore important to investigate the problem in consultation with affected parties before deciding on the appropriate option.

## 15.2 ISSUES

1. The potentially destructive nature of natural hazards and the consequent need to tightly control those uses and developments of the coastal marine area which may cause or accentuate such hazards.

2. The need to take into account the potential for causing natural hazards when considering the location and design of new structures within the coastal marine area.

3. The varying degree of effectiveness of erosion control structures in different circumstances and the consequent need to consider alternative means of long-term protection in erosion prone areas, including the protection of natural systems such as dunes and mangroves which act to control erosion and mitigate other natural hazards.

4. The influence of natural hazards within the coastal marine area on the subdivision, use and development of adjacent coastal land and the consequent need to integrate management of natural hazards above and below the line of MHWS.

## 15.3 OBJECTIVES

1. **The avoidance, remediation, or mitigation of the adverse effects of natural hazards on coastal subdivision, use and development.**

2. **The avoidance, remediation, or mitigation of the adverse effects of subdivision, use and development on the exacerbation of natural hazards in the coastal marine area.**

## 15.4 POLICIES

1. To promote a consistent and co-ordinated approach toward managing coastal erosion and other natural hazards in Northland, including the identification and protection of natural systems which are a natural defence against erosion and inundation.

   **Explanation.** *Natural hazards can affect, and be exacerbated by use and development of both the coastal marine area and adjoining coastal*

*land. Effective management of natural hazards therefore requires an integrated approach to use and development within the coastal environment.*

2. In consideration of coastal permit applications as far as practicable, to ensure that use and development, including coastal works, structures and reclamations within the coastal marine area:

   (a) are located and designed so as to avoid risk of damage by natural hazards; and,

   (b) cause minimal interference with natural sediment transport processes.

   **Explanation.** *Coastal works and structures can be affected by, and can cause, natural hazards. It is inappropriate to locate works and structures in areas where these would be placed at risk as a result of these hazards. Where works and structures interfere with natural sediment processes, coastal erosion or accretion may result, which could adversely affect other uses of the coast.*

3. In consideration of coastal permit applications to ensure that any natural hazard control measures undertaken in the coastal marine area are the best practicable option and the most effective in the long-term.

   **Explanation.** *There are a number of measures which may be used to control coastal erosion. Choosing the wrong option can create major long-term environmental problems and be financially draining. Careful consideration of all options is therefore necessary before a final choice is made.*

4. To provide for the maintenance of existing authorised shoreline protection works and structures.

   **Explanation.** *Where past erosion has occurred, existing shoreline protection works and structures have often been used to control its recurrence. To remain effective these need to be maintained.*

5. To maintain a state of preparedness for dealing with the effects of rising sea levels and rare events such as tsunamis.

   **Explanation.** *Although the short-term risks of sea-level rise and tsunamis are low, the potential damage which would result from their occurrence requires recognition in, for example, the location and design of structures.*

## 15.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. In consultation with district councils, the Department of Conservation and interested parties, prepare a Regional Coastal Hazard Management Plan.

2. Make appropriate submissions and cross-submissions to Proposed District Plans and resource consent applications.

2. The important contribution of coastal recreation to the maintenance of people's health and well-being and to the region's tourism industry, and the consequent need to consider the maintenance and enhancement of opportunities for recreational use of the coastal marine area.

3. The potential risks to public health and safety and to the environment of some forms of coastal recreation, such as the use of off-road vehicles, and the consequent need to develop appropriate management controls to minimise these risks.

4. The potential for conflicts between recreational uses of the coastal marine area, and the consequent need to provide for their separation, where necessary.

## 16.3 OBJECTIVE

**Provision for recreational uses of the coastal marine area while avoiding, remedying, and mitigating the adverse effects of recreational activities on other users and the environment.**

## 16.4 POLICIES

1. To adopt a permissive approach toward recreational activities in Marine 1 and Marine 2 Management Areas, except where these:

   (a) require associated structures; or

   (b) cause adverse environmental effects, including those resulting from discharges of contaminants, excessive noise, and disturbance to significant indigenous vegetation and significant habitats of indigenous fauna; or

   (c) obstruct public access to and along the coastal marine area; or

   (d) endanger public health and safety; or

   (e) compromise authorised uses and developments of the coastal marine area; or

   (f) adversely affect the amenity values of the area.

   **Explanation.** *Recreation is arguably the most significant way in which the general public gain direct benefit from the coastal marine area. Therefore, such activity should be permitted unless it causes adverse effects.*

2. In consideration of coastal permit applications, subject to relevant protection policies within this Plan, to provide for new uses and developments within Marine 1, Marine 2, and Marine 4 Management Areas which maintain or enhance recreational opportunities within the coastal marine area.

**Explanation.** *Uses and developments which enhance recreational opportunities can enhance public benefit from the coastal marine area and therefore should be encouraged where appropriate.*

3. In consideration of coastal permit applications within all Marine Management Areas, to ensure that uses and developments which occupy coastal space or utilise coastal resources, do not unnecessarily compromise existing recreational activities.

**Explanation.** *Recreation as a public activity can be restricted by private use and development of the coastal marine area; for example, those uses requiring exclusive occupation of coastal space. Because the coastal marine area is generally considered to be public space, such restrictions need to be minimised.*

4. Within Marine 1, Marine 2 and Marine 4 Management Areas, to help ensure that the use of recreational vessels and vehicles does not create a public nuisance within the coastal environment, or compromise the health and safety of other users, or result in adverse effects on the environment of the coastal marine area.

**Explanation.** *While recreational activity is generally to be encouraged, the use of recreational vessels and vehicles can, by virtue of their speed, noise, or associated discharges, be a public nuisance, and inappropriate use may pose a risk to public health and safety and to the environment. Restrictions are therefore required provided these do not duplicate those promulgated under other legislation, e.g. the Harbours Act 1950.*

## 16.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Include rules in this Plan permitting recreational activity in Marine 1 and Marine 2 Management Areas, provided that it meets specified conditions.

*cross-references*

*31.3.2(a)* *31.4.2(a)*

2. Include rules in this Plan making recreational activity in Marine 1 and Marine 2 Management Areas either a discretionary activity or prohibited activity if the specified conditions referred to in Method 1 above are not met.

*cross-references*

*31.3.2(b)* *31.4.2(b)*
*31.3.2(c)* *31.4.2(c)*

*(for Policy 2)*

3. Include appropriate assessment criteria for resource consent applications in this Plan to allow benefits in terms of recreational opportunities to be taken into account in decision-making.

*cross-references*

*32.1(8)*

*(for Policy 3)*

4. Include appropriate assessment criteria for resource consent applications in this Plan to allow the effects of new uses and developments on existing recreational activities to be taken into account in decision-making.

*cross-references*

*32.1(10)&(16)* *32.2.7(3)*
*32.2.1(11)* *32.2.9(3)*

5. Monitor coastal water quality at beaches likely to be affected by sewage pollution from pit privies, septic tanks, treatment plant outfalls or boat discharges and institute appropriate measures to rectify any evident contamination which would compromise bathing activity.

*(for Policy 4)*

6. Include policies and methods within this Plan facilitating, over time, the control of sewage discharges from recreational boats.

*cross-references*

19.4(5) 19.5(12)

7. Ensure that Regional Council Harbour Bylaws governing the speed of watercraft are enforced so that potential risks to the health and safety of other users from watercraft are avoided.

8. Publicise the location of ski lanes and surf lanes established under Harbour Bylaws and, where necessary, limit such activity to those defined areas.

9. Encourage the reporting of the unsafe use of motor vehicles on beaches and other foreshore areas to the NZ Police.

10. Include appropriate performance standards in this Plan on the control of noise.

11. Liaise with the Department of Conservation, district councils and relevant interest groups, to assess the need for specific areas to be set aside for passive recreation (where motorised vehicles and motorised vessels would be prohibited) and to evaluate options for establishing such areas.

cross-reference

10.5.15 10.5.16

7. The cultural and historical significance of some structures and the need to protect them.

## 17.3 OBJECTIVE

**The provision for appropriate structures within the coastal marine area while avoiding, remedying or mitigating the adverse effects of such structures.**

## 17.4 POLICIES

1. To provide for the continued lawfully established use of existing authorised structures within Northland's coastal marine area.

   **Explanation.** *Existing structures which have been authorised under the Act have already been through a process of evaluation of effects. It is therefore appropriate that provision be made for the continued use of these structures. This policy also covers deemed coastal permits authorised under section 384 of the Act.*

2. Within all Marine Management Areas, to provide for:

   (a) the authorisation of appropriate existing unauthorised structures and to facilitate

   (b) the removal of all other unauthorised existing structures which do not meet those specified criteria.

   **Explanation.** *There are a large number of unauthorised structures within Northland's coastal marine area. Because of the number involved and the fact that some may not have required authorisation in the past, it is impractical to require them all to be removed. The alternative is to provide for the authorisation of some of them based on analysis of the Council's structures database, while others may be either removed or require a resource consent. This both acknowledges their existence (and use) and allows adverse effects to be managed via permit conditions and regular monitoring.*

3. Within all Marine Management areas, to consider structures generally appropriate where:

   (a) there is an operational need to locate the structure within the coastal marine area; and

   (b) there is no practical alternative location outside the coastal marine area; and

   (c) multiple use is being made of structures to the extent practicable; and

   (d) any landward development necessary to the proposed purpose of the structure can be accommodated; and

(e) any adverse effects are avoided as far as practicable, and where avoidance is not practicable, to mitigate adverse effects to the extent practicable.

A structure that does not meet all of the considerations listed above may also be an appropriate development, depending on the merits of the particular proposal.

**Explanation.** *Because structures have the potential for adverse effects there is a need to control them within the coastal marine area and authorise them when they are considered appropriate. In considering how adverse effects are avoided, remedied or mitigated, minimisation of the size of the structure may be relevant, particularly in the Marine One and Marine Two Management Areas.*

4. Notwithstanding Policy 3, within Marine 1 and Marine 2 Management Areas, to assess applications for new structures, with particular reference to the nature of and reasons for the proposed structures in the coastal marine area and to any potential effects on the natural character of the coastal marine area, on public access, and on sites or areas of cultural heritage value.

   **Explanation.** *As stated in Section 5.4, an effects-based approach is being taken toward new use and development in the coastal marine area. This policy is one which provides for the approach to be put into practice.*

5. Notwithstanding Policy 3, within Marine 3, Marine 5 and Marine 6 Management Areas, to provide for the particular operational requirements of marine farms and ports in relation to new structures within the coastal marine area.

   **Explanation.** *Marine farming and port operations are reliant on the use of structures. Appropriate provision is therefore required for this operational need.*

6. Notwithstanding Policy 3, within Marine 4 Management Areas, to provide for the requirements of commercial and recreational vessels for permanent moorings and related structures and facilities.

   **Explanation.** *Under the Act, permanent moorings are structures. Like marine farming and port operations, the use of commercial and recreational vessels in the coastal marine area requires these and other similar structures.*

7. In assessment of coastal permit applications to promote the integrated management of structures and their associated activities where these traverse the landward coastal marine area boundary.

   **Explanation.** *Many structures around Northland's coast are used for access to and from the coastal marine area. As such, their presence is usually associated with or dependent upon the provision of, for example, roading and car parking on adjacent land. An integrated approach is therefore required toward the location and use of structures and any on-shore requirements.*

8. In assessment of coastal permit applications to require that all structures within the coastal marine area are maintained in good order and repair and that appropriate construction materials are used.

   **Explanation.** *Maintaining structures in good order and repair and ensuring that appropriate construction materials are used are key elements in mitigating adverse effects. If not maintained, visual effects are increased, for example, and public safety may be put at risk.*

9. In Marine 1, 2, 3 and 4 Management Areas to restrict the presence of buildings and signs within the coastal marine area.

   **Explanation.** *Because they tend to have significant visual impact, the presence of buildings and signs within the coastal marine area needs to be controlled. In particular, buildings within the coastal marine area (which for the purposes of this plan include houseboats) are often seen to 'urbanise' what is generally regarded as public open space. This is considered inappropriate except in special circumstances.*

## 17.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Include relevant rules within this Plan making the maintenance and repair of existing authorised structures generally either a permitted, controlled, or discretionary activity depending on specified criteria.

   *cross-references*

   | | | |
   |---|---|---|
   | *31.3.4 (f)-(h)* | *31.4.9(e)* | |
   | *31.3.4 (n)-(r)* | *31.5.2(a)* | *31.6.8(g)* |
   | *31.3.9(f)* | *31.5.2(e)* | *31.7.4 (l)-(m)* |
   | *31.4.4 (f)&(h)* | *31.6.3 (i)-(l)* | *31.8.4 (d)* |

2. Include rules within this Plan which permit, subject to conditions and criteria, specified existing structures of the following types which were fully completed and in good order and repair at the time of the Regional Council's 1992/93 coastal structures survey:

   (a) coastal protection works.

   (b) boat ramps and concreted slipways not in areas prone to erosion and which are:

      (i) less than 15 metres in length; and,
      (ii) less than 3 metres in width.

   (c) dinghy skids used solely for private boat launching and retrieval.

   (d) all railway bridges, road bridges, foot bridges and walkways used for public pedestrian and vehicular traffic including trains.

   (e) all navigation aids.

   (f) stormwater outlet pipes and associated structures.

10. The often significant input of sediment, nutrients, and faecal coliform bacteria from diffuse runoff and riverine inflows to the coastal marine area, particularly in estuaries and harbours, and the consequent need to address this source of contamination in conjunction with management of the effects of point source discharges.

## 19.3 OBJECTIVE

**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.**

## 19.4 POLICIES

1. In the consideration of coastal permit applications to use the best practicable option approach to avoid, remedy, or mitigate the adverse effects of:

   (a) discharges from wastewater treatment plants

   (b) urban and industrial stormwater discharges

   (c) discharges from boat maintenance facilities

   (d) discharges from ports

   on the coastal marine area.

   **Explanation.** *Discharges of contaminants to the coastal marine area from wastewater treatment plants, boat maintenance facilities, ports, and stormwater discharges have the potential to significantly affect coastal water and sediment quality. There may also be options available for each of these types of discharges to be directed on to land. These options need to be fully explored before any new or continued discharge to the coastal marine area is allowed.*

2. Subject to Policy 1, in the consideration of coastal permit applications, to progressively eliminate direct discharges of human sewage to the coastal marine area from land-based wastewater treatment facilities, including existing authorised discharges, except where:

   (a) the allowance of the discharge better meets the purpose of the Act than disposal on to land; and

   (b) there has been consultation with the tangata whenua in accordance with tikanga Maori and due weight has been given to Sections 6, 7 and 8 of the Act; and

   (c) there has been consultation with the community generally.

   **Explanation.** *Human sewage, even when treated, generally carries with it a greater potential for the transmission of disease than any other contaminant. Its discharge to water is also abhorrent to Maori.*

*Therefore, the necessity for a new or continued discharge of human sewage into the coastal marine area from wastewater treatment plants needs to be carefully considered.*

3. To establish whether any existing authorised wastewater discharges, after reasonable mixing, give rise to all or any of the following effects:

   (a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials;

   (b) any conspicuous change in the colour or visual clarity;

   (c) any emission of objectionable odour;

   (d) any significant adverse effects on aquatic life;

   and, if so, to review its consent conditions, pursuant to Section 128(1)(b) of the Resource Management Act.

   **Explanation.** *The Act allows a review of the effects of existing discharges as one means of ensuring that the purpose of the Act is achieved. It is appropriate to provide for this to be done for all wastewater discharges within the 10-year term of this first Regional Coastal Plan.*

4. To ensure that the individual and cumulative effects of authorised discharges to the coastal marine area do not compromise the maintenance and enhancement of coastal water quality.

   **Explanation.** *Where discharges to the coastal marine area are allowed, these need to be closely monitored to ensure that significant effects are detected as early as possible.*

5. To progressively eliminate, as far as practicable, unauthorised discharges of contaminants to the coastal marine area, particularly those which contain:

   (a) untreated sewage (including those from ships and other vessels); or

   (b) toxic substances in concentrations or amounts which are likely to have significant adverse effects on aquatic life or other uses of the coastal marine area.

   **Explanation.** *Disease risk and toxicity to humans and aquatic life are the two major concerns regarding contaminants discharged to natural waters. Because of the potentially significant adverse effects of discharges of untreated sewage or toxic contaminants to the coastal marine area, these need to be avoided as far as practicable.*

6. To promote the effective management of rural runoff and its effect on the coastal marine area in order to improve coastal water quality.

   **Explanation.** *Rural runoff is the most pervasive form of pollution of coastal waters. Rural run-off is often characterised by high sediment and nutrient loads. Sediment inputs can affect water colour and clarity, cause*

*smothering of benthic life and siltation of navigation channels. Nutrients can contribute to nuisance algal blooms in coastal waters. While it is important to acknowledge this fact, because the source of the problem is on land it is more appropriate that this be dealt with through means other than this Plan, e.g. within the Regional Water and Soil Plan or district plans.*

7. To ensure that the Regional Council, within its legal mandate, takes all reasonable steps to prevent and respond to oil spills should they occur.

   **Explanation.** *The regular traffic of oil tankers to and from the Marsden Point oil refinery at the entrance to Whangarei Harbour, means that Northland has been identified as the region of greatest risk from oil spills in New Zealand. It is therefore necessary to ensure that all practical steps are taken to minimise the risk of oil spills occurring, including those available under other legislation, such as the Maritime Transport Act 1994.*

8. To identify sources of litter pollution in the coastal marine area and to develop appropriate means of dealing with each source.

   **Explanation.** *Litter within the coastal marine area can come from a variety of sources. Therefore before management resources are allocated to dealing with the issue, a scoping exercise needs to be carried out.*

9. To promote the provision of facilities for the disposal of litter from ships and other vessels.

   **Explanation.** *Preventing litter disposal to the coastal marine area includes providing appropriate disposal facilities for refuse. Refuse from ships and other vessels is one source of litter in the coastal marine area.*

10. To adopt a permissive approach to the discharge of cooling water to the coastal marine area, provided no contaminant other than heat is involved and any adverse effects on the coastal marine area are minor.

    **Explanation.** *Cooling water discharges generally contain few contaminants other than heat. Because of the relatively large volumes of coastal water available to dissipate the heat, such discharges are generally innocuous and therefore do not require close control.*

11. To advocate for measure to minimise the risk of the introduction of exotic species via ballast water discharges.

    **Explanation.** *Ballast water discharges can result in adverse effects due to the introduction of exotic species to the coastal marine area.*

## 19.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Include rules within this Plan requiring resource consents for discharges from wastewater treatment plants and discharges from boat maintenance facilities and ports into the coastal marine area.

## 20.2 ISSUES

1. Ambient air quality is one of a number of attributes that collectively make up the natural character of the coastal marine area and the landward area nearby. Natural character can therefore be compromised by the adverse effects of discharges of contaminants into air from activities located within or near to the coastal marine area.

2. Airborne contaminants can adversely affect the life-supporting capacity of the coastal marine area. The release of noxious or harmful substances, particulate matter (e.g. dust) and other contaminants has the potential to damage or destroy coastal habitats and harm flora and fauna. In this regard airborne contaminants can adversely affect coastal water quality, as a result of being deposited into water or deposited in a manner that results in them entering water. For example, airborne dust from industrial processes can be deposited on sensitive marine habitats and marine biota, and have a localised adverse effect on the coastal water quality that supports those habitats and biota.

3. Airborne contaminants can adversely affect the amenity values of the coastal marine area. Good air quality contributes to people's appreciation of the coastal marine area in terms of its pleasantness and recreational attributes. Odour, diminished visibility resulting from smoke or haze and other adverse effects caused by discharges of contaminants into air detract from people's use and enjoyment of the coastal marine area and landward area nearby for recreation purposes.

4. The open burning of inorganic refuse and the remains of dead animals (e.g. stranded marine mammals and stock) on the foreshore can cause significant localised nuisance effects and discharge harmful substances into the atmosphere.

5. Some activities that discharge contaminants to air may have only minor adverse effects on the environment.

## 20.3 OBJECTIVE

**To provide for the discharge of contaminants to air while avoiding adverse environmental effects and, where avoidance is not practicable, remedying or mitigating those effects.**

## 20.4 POLICIES

1. When considering any application for a plan change or resource consent for activities located within or near to the coastal marine area that involve discharges of contaminants to air, consent authorities shall recognise that ambient air quality is one of a number of attributes that collectively make up the natural character of the coastal environment.

   **Explanation.** *Under section 6(a) of the Resource Management Act the preservation of the natural character of the coastal environment (including the coastal marine area) is required to be recognised and provided for as a matter of national importance. Ambient air quality is*

*one component of natural character. The adverse effects of discharges of contaminants into air can therefore compromise natural character.*

2. Discharges of contaminants into air from activities located within or near to the coastal marine area should not:

   (a) Result in significant degradation of existing ambient air quality in the coastal marine area;

   (b) Adversely affect areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal marine area;

   (c) Have a significant adverse effect on water quality in the coastal marine area, as a result of airborne contaminants being deposited into water or deposited in a manner that results in them entering water;

   (d) Except in the Port Facilities and Marine Farming Management Areas, detract from people's use and enjoyment of the coastal marine area for recreation purposes (for example by causing odour or diminishing visibility as a result of smoke or haze);

   (e) Result in significant adverse cumulative effects on air quality in the coastal marine area, taking into account any existing discharges of contaminants into air in the locality.

   Activities involving discharges of contaminants into air should not be located within or near to the coastal marine area if these adverse effects cannot be avoided, remedied or mitigated.

   **Explanation.** *Many of the contaminants that are discharged into air from activities located within or near to the coastal marine area eventually fall into coastal water. This is particularly true for dust and other larger particulate matter. It is a function of the Northland Regional Council to provide for integrated management of the natural and physical resources of the region and, when assessing a discharge into air, discharges to other receiving environments must therefore also be considered.*

3. The best practicable option may be employed to prevent or minimise any adverse effects from the discharge of contaminants into air from activities located within or near to the coastal marine area by having regard to:

   (a) The nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and

   (b) The financial implications, and the effects on the environment, of that option when compared with other options; and

   (c) The current state of technical knowledge and the likelihood that the option can be successfully applied.

   **Explanation.** *Adoption of the 'best practicable option', as an approach to the management of discharges of contaminants into air, is considered particularly appropriate in situations where discharge control technology*

*is still evolving, where standards establishing a level of protection for a particular receiving environment cannot easily be established or justified, where the maintenance or enhancement of the existing air quality is desirable, or where there is uncertainty over existing environmental quality.*

*The best practicable option provides flexibility and allows progressive upgrading of plant processes and activities, rather than setting a level of air quality and allowing degradation of existing air quality to that level. Adoption of the best practicable option may involve reducing or minimising emissions at source, adopting specified treatment and disposal technology, or simply adopting good maintenance and operating procedures for existing activities or processes.*

*The implementation of the best practicable option does not necessarily mean that consent holders will be required to use expensive or complex technology. In many cases, simple and relatively inexpensive methods are all that are required to achieve significant environmental protection, and to comply with other policies in this Plan.*

*The conditions of the best practicable option will be determined by the Northland Regional Council in consultation with the consent holder and those affected. Implementation of the best practicable option will involve the weighing of costs to the discharger, benefits to the receiving environment and assessment of risk of adverse environmental effect arising from the discharge. By adopting a consultative approach to the implementation of the best practicable option in addition to in-house experience and expertise, the Regional Council considers that sound decisions can be made in determining the best practicable option for use in any particular process or site.*

4. Open burning of inorganic refuse should not be undertaken within the coastal marine area.

   **Explanation.** *Open burning is sometimes used as a means of disposing of refuse washed up on beaches. There are, however, alternative methods for disposing of refuse that do not result in significant adverse effects on the environment.*

5. In-situ cremation should not be used to dispose of the remains of dead animals (e.g. stranded marine mammals and stock) in the coastal marine area if practicable alternative methods of disposal are available that will have less significant adverse effects on the environment. Natural decomposition should be considered as an acceptable alternative in situations where it will not result in significant nuisance effects or cause a health hazard and where other disposal options will have more significant adverse effects.

   **Explanation.** *There are alternative methods for disposing of dead animals that do not cause significant adverse effects on the environment (e.g. burial). If left to decompose, however, the remains of larger marine mammals such as whales equally cause nuisance effects (particularly odour) and are a health hazard in terms of the spread of certain diseases. It is therefore important that such remains are disposed of quickly and in-*

*situ cremation is sometimes the most practicable and effective means of achieving this.*

6. To recognise that many activities within the coastal marine area that discharge contaminants into air have a minor effect on air quality and, where appropriate, these activities should be provided for as permitted activities.

**Explanation.** *In controlling discharges of contaminants into air there is a need to adopt a level of control that is appropriate to the actual or potential effects of the discharge. Discharges that have a minor or insignificant effect on the environment can be provided for as permitted activities. Such discharges have previously been permitted in the region without any discernible adverse impact on the environment, and it is intended that this practice continue. In addition, such an approach enables the Regional Council to efficiently administer and implement this Plan, by focusing on discharges with significant adverse effects on the environment.*

## 20.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Assessment of the effects of discharges of contaminants into air on ambient air quality.

*cross-references*

| | | |
|---|---|---|
| *32.3.1(8)* | *31.3.6(r)&(t)* | *31.4.6(gg)&(ii)* |
| *31.5.4(k)* | *31.6.5(r)&(t)* | *31.7.6(u)&(w)* |

*(for Policies 2 and 7)*

2. The control of discharges of contaminants into air which have, or are likely to have, adverse environmental effects.

*cross-references*

| | | |
|---|---|---|
| *31.3.6(r)&(t)* | *31.4.6(gg)&(ii)* | *31.5.4(k)* |
| *31.6.5(r)&(t)* | *31.7.6(u)&(w)* | |

3. Require an assessment of the potential cumulative, effects of discharges into air, and possible mitigation measures, to be submitted with resource consent applications.

*cross-references*

| | | |
|---|---|---|
| *32.3.1(1)* | *32.3.1(8)* | *31.3.6(r)&(t)* |
| *31.4.6(gg)&(ii)* | *31.5.4(k)* | *31.6.5(r)&(t)* |
| *31.7.6(u)&(w)* | | |

4. Require an assessment of discharges to other receiving environments (coastal water) that may occur as a result of discharges of contaminants into air, and a statement as to any other resource consents that are required for the activity.

activities and the need to provide for capital and maintenance dredging and spoil disposal associated with such activity.

## 22.3 OBJECTIVE

**Provision for capital and maintenance dredging that is needed for the establishment and operation of appropriate facilities in the coastal marine area (such as Marinas and Ports), while avoiding, remedying, or mitigating the adverse effects of such dredging and any associated spoil disposal in the coastal marine area.**

## 22.4 POLICIES

1. Within Marine 1, Marine 2, Marine 4 and Marine 6 Management Areas, to restrict capital dredging except where the dredging activity is associated with a marina or port development, and in making such exceptions, integrate where appropriate, in accordance with sections 102 and 103 of the Act, any required consent process for associated dredging spoil disposal.

   **Explanation.** *Like reclamation, capital dredging has the potential to significantly change the coastal marine area. Close control is therefore required, particularly in areas of conservation value.*

2. Within the Marine 3 (Aquaculture) Management Area, to manage all dredging activity.

   **Explanation.** *As the effects of dredging can be contrary to the management purpose of these areas, it is necessary to* manage *dredging activities within Marine 3 (Aquaculture) Management Areas.*

3. To provide for capital dredging within Marine 5 Management Areas where the dredging is required to allow access of vessels to new or extended authorised structure, subject to the avoidance, remediation or mitigation of adverse effects; and where appropriate, in accordance with sections 102 and 103 of the Act, to integrate any required consent process for associated dredging spoil disposal.

   **Explanation.** *To remain economically viable, ports may need to expand. Because of the size of the vessels visiting ports, such expansion often requires capital dredging. Provision therefore needs to be made for this eventuality within port areas.*

4. Within Marine 2, Marine 4, Marine 5 and Marine 6 Management Areas, to provide for maintenance dredging of navigation channels and around wharves, and where appropriate, in accordance with sections 102 and 103 of the Act, to integrate any required consent process for associated dredging spoil disposal.

   **Explanation.** *There are a number of areas within Northland's coastal marine area which have been dredged and whose continued use depends on the maintenance of the dredged depth. Provision therefore needs to be made for this activity to be carried out.*

5. Within Marine 1 and Marine 2 Management Areas, to provide for the clearance of artificial land drainage channels and tidal streams for the purpose of avoiding the flooding of land or releasing natural impoundments of water that present a public health risk.

   **Explanation.** *The blockage of channels through the deposition of sediment or debris can result in the flooding of adjacent land or the impoundment of water, which potentially can pose a public health risk. It is appropriate to make provision for the clearance of land drainage channels and tidal streams for the purpose of addressing these situations.*

6. In Marine 1 and Marine 3 Management Areas to restrict the disposal of dredging spoil.

   **Explanation.** *The disposal of dredging spoil in these areas may have an adverse impact on the conservation values and on the high water quality standards required for marine farming operations.*

7. To promote land-based disposal of dredging spoil from both capital and maintenance dredging of the coastal marine area, where this better meets the purpose of the Act.

   **Explanation.** *Disposal of dredging spoil to sea or into intertidal areas can create significant adverse effects. In most situations, spoil disposal to land avoids these effects and therefore should be used where practicable.*

8. Where land-based dredging spoil disposal is proven not to be a viable option, to require evaluation of options by the applicant for the disposal of dredging spoil within the coastal marine area or beyond territorial limits, including the characterisation of the material to be dredged and environmental surveys of possible disposal sites.

   **Explanation.** *There are a number of options for disposal of spoil within the coastal marine area and/or beyond territorial limits. Choosing the right option can mean the difference between creating and avoiding adverse effects. Careful consideration of the options is therefore necessary.*

## 22.5 METHODS OF IMPLEMENTATION

*(for Policy 1)*

1. Include rules within this Plan restricting (capital dredging within Marine 1, Marine 2, Marine 4 and Marine 6 Management Areas), except where associated with a marina or port development.

   *cross-references*

   *31.3.8(e)* *31.4.8(g)* *31.6.7(b)*
   *31.8.8(e)*

2. Include rules within this Plan making capital dredging associated with:

The appropriate bylaw provisions have been integrated with the Regional Coastal Plan for Northland through its policies, methods and rules. The Plan will deal with the environmental issues surrounding moorings and the bylaw will deal with the location, placement, type and size of moorings.

Copies of the bylaw can be obtained from any Northland Regional Council office.

## 28.2 ISSUES

1. There is a demand for moorings within Northland's Coastal Marine Area, and there is a consequent pressure to provide for this in terms of mooring location, type and use, which may not be sustainable.

2. There are overlapping responsibilities between administrative authorities under relevant legislation that need rationalising.

3. There is inadequate provision of shore-based facilities and services associated with high-density mooring areas and their use.

4. The location, type and use of moorings have adverse effects on the environment.

5. The location, type and use of moorings can create conflicts with other uses of the coastal environment.

6. Within Northland's Coastal Marine Area, there are high-pressure areas where there is currently insufficient suitable space to meet demands for new moorings.

7. The cost of establishing and maintaining on-shore facilities associated with Marine 4 (Moorings including Marinas) Management Areas is likely to be high and determining who should pay for such facilities is complex.

## 28.3 OBJECTIVES

1. The reduction and restriction of the proliferation of moorings within Northland's Coastal Marine Area by concentrating moorings within specific areas.

2. Integrated management of moorings and associated demands for shore-based facilities and services.

3. The demand for moorings and the associated adverse environmental effects are managed in an efficient and effective manner.

4. Conflicts between moorings and other activities are avoided as far as practicable.

## 28.4 POLICIES

**Concentration Policies**

1. The Council will adopt a strategy of concentrating and efficiently managing moorings and will identify Marine 4 Management Areas for that purpose.

   **Explanation and principal reasons for adopting:** *The Council in adopting a strategic approach to the management and provision of moorings has grouped moorings in specific areas, identified as Marine 4 Management Areas. These areas have been identified by the Council as appropriate for the concentration of moorings. This approach is supported by Policies 6(2)(c) and 7 of the NZCPS 2010.*

2. The Council shall identify and establish new Marine 4 Management Areas where these:

   - provide appropriate associated infrastructure and facilities within the Marine 4 (Moorings including Marinas) Management Area and on land above the line of Mean High Water Springs; and
   - avoid conflicts with other activities; and
   - avoid as far as practicable adverse environmental effects; and
   - are of an intensity, character and scale appropriate to the character, heritage and amenity values of the area; and
   - reflect the absorption capacity of the area; and
   - take into account the cumulative effects of moorings; and
   - provide for public road access, access between the land and water interface and maintain public access along the foreshore; and
   - take into account sites of cultural value; and
   - any other matter the Council considers relevant.

   **Explanation and principal reasons for adopting:** *This policy gives guidance to the Council when considering plan change requests for new Marine 4 Management Areas. This is to avoid the identification of mooring areas in unsuitable locations.*

3. The Council shall consider all alternatives before making a decision about whether it is appropriate to extend a Marine 4 Management Area nearing capacity or establish a new area.

   **Explanation and principal reasons for adopting:** *Options such as rationalisation and intensification of moorings within a Marine 4 Management Area to make better use of the existing area, should be considered prior to the designation of new mooring areas. These options need to be considered first because the extension of existing areas and the identification of new mooring areas has the potential to increase the adverse effects of moorings and decrease the amount of available public water space for other activities.*

4. The Council will consider the location and use of moorings (excluding marinas) to generally be appropriate where these are either:

   (a) Existing moorings located within a Marine 4 Management Area in accordance with all relevant standards and terms; or

(b) New moorings in Marine 4 Management Areas where there is space and adequate shore based services and facilities are available, for the proposed new and existing moorings; or

(c) New moorings in Marine 4 Management Areas where existing shore based services and/or facilities are inadequate to cater for existing moorings, and the applicant can demonstrate that the necessary shore based services and/or facilities will be provided long term so that there is no additional pressure on the existing shore based services and/or facilities; or

(d) Associated with a property which is only legally accessible by water; or

(e) Located for public benefit in order to enhance public access and minimise environmental effects of repetitive anchorage; or

(f) Associated with a maritime-related commercial enterprise that could not otherwise be located within a Marine 4 Management Area.

**Explanation and principal reasons for adopting:** *Moorings (excluding marinas) have the potential to proliferate rapidly because they are relatively simple structures and are easily installed. Moorings can conflict with other uses of coastal space and can impact on the natural character of an area. It is therefore the intention of the Council to reduce the proliferation and spread of moorings throughout the Coastal Marine Area by concentrating, as far as practicable, moorings within Marine 4 Management Areas, provided the shore based services and facilities are adequate to cater for new moorings.*

*Shore based services and facilities include, but are not limited to, car parking, rubbish/waste disposal and dinghy storage.*

*Inadequate shore based services and facilities to cater for mooring activity in Marine 4 Management Areas can result in adverse environmental effects. Therefore new moorings should not be allowed where existing shore based services and/or facilities are inadequate to cater for the existing moorings, unless it can be demonstrated that the necessary shore based services and/or facilities for the new moorings will be provided long term. These may be additional public services/facilities or services/facilities that can be provided by the mooring owner (e.g. they own property nearby from which they can provide parking, rubbish disposal and toilets). However, in some circumstances, even if a mooring owner can provide the services/facilities and not put additional pressure on already inadequate shore based services and facilities, this may not be acceptable, particularly if there is a good chance that any subsequent owner of the mooring (i.e. when it's transferred) will be unable to provide the services or facilities.*

5. The Council will limit the proliferation of moorings by:

(a) facilitating the concentration of moorings in Marine 4 Management Areas; and

(b) discouraging moorings outside Marine 4 Management Areas.

**Explanation and principal reasons for adopting:** *Moorings have the potential to impact on the ability of others to utilise coastal space and have environmental impacts. It is the intent of the Council to concentrate moorings within Marine 4 Management Areas to concentrate these conflicts and impacts within defined areas and preserve other areas for their natural character, amenity values, or other activities.*

6. The Council will encourage and may if necessary facilitate the removal of existing moorings (excluding marinas) located outside Marine 4 Management Areas, except where the mooring is:

    (a) associated with a property which is only legally accessible by water; or

    (b) associated with a maritime-related commercial enterprise that could not otherwise be located within a Marine 4 Management Area.

**Explanation and principal reasons for adopting:** *It is recognised that there are a number of moorings (excluding marinas) with a resource consent that will not come up for renewal within one year of the plan becoming operative. The Council wishes to rationalise these moorings wherever possible before their resource consents come up for renewal, in order to concentrate moorings within Marine 4 Management Areas and minimise the potential for them to impact on the ability of others to utilise coastal space and have environmental impacts. It is recognised however that this may take many years to achieve.*

**Marina Policies**

7. When considering the appropriate location of marinas, the Council shall:

    (a) Allow for the potential for marina development in Marine 4 (Moorings including Marinas) Management Areas.

    (b) Provide for marina development within Marine 2, Marine 5 and Marine 6 Management Areas where such a development does not compromise the express values and purpose of that management area.

    (c) Recognise that marina development may conflict directly with the express values and purpose of Marine 1 and Marine 2 Management Areas.

**Explanation and principal reasons for adopting:** *While the general intent is that marina development within Marine 4 Management Areas is considered an option for the intensification of existing mooring provision, there may be circumstances where marina development outside these areas is appropriate. This situation needs to be provided for, providing it does not compromise the express values and purpose of the relevant Marine Management Area.*

8. The Council and consent authorities will, when considering a resource consent application or plan change request for a marina development, consider the appropriateness of the proposal against the following parameters:

- the location, intensity, character and scale is appropriate to the character, heritage and amenity values in the coastal environment including the land above mean high water springs; and
- the infrastructure (including sewage disposal, rubbish collection and parking) necessary for use, activities and development exists or is provided, within the Marine Management Area or within the adjoining district; and
- avoiding conflicts with other activities to the extent consistent with the purpose of the Marine Management Area; and
- avoiding as far as practicable adverse environmental effects (including cumulative effects); and
- take into account sites of cultural value; and
- taking into account likely changes to water quality and flushing characteristics and proposals for the management of discharges and for heavy metal monitoring program; and
- providing for the rationalisation and reduction of surrounding moorings; and
- taking into account the need for reasonable provision of public access; and
- take into account the positive and negative social, cultural and economic well-being effects to the local area, including;
    - the extent to which there are economic benefits from the construction and use of the marina to the local economy; and
    - the extent to which there are social benefits of providing a greater number of people the opportunity to moor their vessels at sought after locations; and
    - the extent to which a more efficient use of water space will be achieved compared to the existing use of the water space for moorings, including whether the water space needed for moorings is reduced; and
    - the extent to which the demand for mooring space would be better met by a marina compared to other mooring systems; and
- any other matter the Council considers relevant.

**Explanation and principal reasons for adopting:** *Marina developments involve the construction of structures within the Coastal Marine Area that have the potential to have significant adverse effects on the environment if not properly assessed and managed. Marina developments also have the potential to provide many benefits. This policy is intended to act as a guideline for consent authorities when considering and evaluating the appropriateness of a marina proposal.*

**Management Policies**

9. The Council shall promote the integrated management of moorings and the associated facilities and services by:

    - rationalising overlapping administrative responsibilities; and
    - ensuring integration between the Northland Regional Council Navigation Safety Bylaw and mooring provisions in this plan.

**Explanation and principal reasons for adopting:** *To improve the efficient and effective integrated management of the provision of moorings and associated shore-based facility requirements across the line of Mean High Water Springs between administrative authorities.*

- Kerikeri Inlet (including Doves and Opito Bays)
- English Bay, Opua Basin, Tapu Point, Okiato Point and Kawakawa River
- Te Wahapu Inlet and Pomare Bay
- Kororareka Bay and Matauwhi Bay
- Parekura Bay
- Mangawhai Harbour

**Explanation and principal reasons for adopting**: *Certain mooring areas are 80–100 percent full and experiencing high demand for additional moorings. The current moorings within these areas are, in most cases, also exceeding the capacity for the shore-based facilities and services to support. For these reasons, new moorings may only be considered appropriate within these areas if the applicant can demonstrate that all necessary shore-based services and facilities will be provided to avoid any additional pressure on existing shore-based facilities (see also Policy 28.4.4(c)).*

**Environmental Effect Consideration Policies**

13. The Council shall, when considering resource consent applications and plan change requests, recognise the potential for conflicts between the provision of moorings and other uses of the Coastal Marine Area and recognise these conflicts should as far as practicable be avoided. Where complete avoidance is not practicable, the adverse effect should be mitigated and provision made for remedying those effects, to the extent practicable.

    **Explanation and principal reasons for adopting:** *Moorings can interfere with other uses of the Coastal Marine Area because they occupy large areas of reasonably sheltered coastal space, which is also desirable for other uses. Discharges from moorings for example can seriously affect the water quality and subsequently have effects on shellfish gathering and other recreational activities. This needs to be recognised in providing for and managing moorings.*

14. The Council will avoid, as far as practicable, the cumulative effects of moorings, including effects arising from insufficient land based facilities to cater for mooring activity. Where complete avoidance is not practicable, the adverse effect should be mitigated and provision made for remedying those effects, to the extent practicable.

    **Explanation and principal reasons for adopting:** *While the effects of individual moorings may be minor, the cumulative effect (both within the coastal marine area and on land) of a large number of moorings can be significantly greater. This needs to be recognised and appropriate consideration given to the potential increased effects. This is supported by Policy 7(2) of the NZCPS 2010.*

15. Where the presence of moorings are known to significantly conflict with the use of recognised recreational areas, including, but not limited to, bathing beaches, navigation channels, ski lanes and kaimoana gathering areas, the Council shall require a minimum distance from shore or channel within which no new moorings will be allowed and existing moorings will be gradually removed, so as to allow for other recreational activities.

# REGIONAL POLICY STATEMENT

## 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*

*(e) Protecting the quality of registered drinking water supplies and the potable quality of other drinking water sources.*

***Objective 3.2 addresses the following issues:***

*2.1 Fresh and coastal water*

*2.2 Indigenous ecosystems and biodiversity*

*2.6 Issues of significance to tangata whenua – natural and physical resources*

*2.8 Natural character, features / landscapes and historic heritage*

***Objective 3.2 is achieved by the following policies:***

*4.1 Integrated catchment management*

*4.2 Region-wide water quality management*

*4.3 Region-wide water quantity management*

*4.4 Maintaining and enhancing indigenous ecosystems and species*

*4.5 Identifying the coastal environment, natural character, outstanding natural features, outstanding natural landscapes, and historic heritage resources*

*4.6 Managing effects on natural character, features / landscapes and heritage*

*4.7 Supporting management and improvement*

**Explanation:**
Objective 3.2 seeks an overall improvement in the quality of Northland's fresh and coastal water. This recognises that improvement is both desired by the community and necessary for the long-term sustainable management of water resources and its associated uses and values.

Overall improvement is to be achieved through the five specific outcomes listed in the objective, which address the main contaminants of concern and the uses and values that they impact as identified in Issue 2.1.

On its own the objective does not require that water quality be improved in every water body. It will be implemented primarily through regional plans by way of objectives for fresh and coastal water quality and policies and methods to achieve them.

The Trophic Level Index (TLI) is an indicator used to assess the water quality (health) of lakes in New Zealand. The TLI is calculated using four water quality parameters: Total Nitrogen, Total Phosphorus, water clarity and algal biomass. In general, the higher the TLI score the poorer the quality of water in the lake. While the TLI

Generally speaking, flows and levels necessary to safeguard ecological values are likely to be similar to, or the same as, flows and water levels necessary to provide for other intrinsic values such as natural character and amenity values.

## 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.*

***Objective 3.4 addresses the following issues:***

*2.1 Fresh and coastal water*

*2.2 Indigenous ecosystems and biodiversity*

*2.6 Issues of significance to tangata whenua – natural and physical resources*

*2.8 Natural character, features / landscapes and historic heritage*

***Objective 3.4 is achieved by the following policies:***

*4.1 Integrated catchment management*

*4.2 Region-wide water quality management*

*4.3 Region-wide water quantity management*

*4.4 Maintaining and enhancing indigenous ecosystems and species*

*4.5 Identifying the coastal environment, natural character, outstanding natural features, outstanding natural landscapes, and historic heritage resources*

*4.6 Managing effects on natural character, features / landscapes and heritage*

*4.7 Supporting management and improvement*

**Explanation:**
Safeguarding and enhancing the ecological integrity of indigenous ecosystems is vital for the diversity and abundance of indigenous species. It is also important if the services that indigenous ecosystems provide, such as the water purification function of wetlands, are to be maintained.

This objective seeks to at least maintain the extent and diversity of indigenous ecosystems and habitats in the region. This is to be achieved through a combination of protection and enhancement activities and processes.

Part (c) of the objective seeks an overall reduction in the threat status of threatened and at risk species. This applies to the management of activities that affect indigenous ecosystems and activities that impact on indigenous species living outside them.

In Northland, reduced indigenous biodiversity is due to both a loss of area and a loss of ecological condition. Currently the threats resulting from pest species and reduced

connectivity are considered greater than loss in overall area, although the latter is still important (for example with wetlands, very low fertility heathlands including gumlands, old growth forests, broadleaf forest, sand dunes and shrublands).

To date, voluntary efforts have been central to slowing down the decline in condition and area. Landowner and community stewardship takes many forms including the active management of pests, covenanting of significant natural areas, indigenous revegetation, habitat creation and good management practices in production environments.

However, regulation, including the use of permitted activity rules is necessary, as a backstop. Key regulatory methods to achieve the objective include the protection of significant natural areas, and controls on subdivision, use and development including discharges to water, water takes, and vegetation clearance.

Regulation should include incentives to encourage subdivision, use and development involving restoration and protection of ecosystems and indigenous biodiversity.

For safeguarding water and its ecosystems, the level of protection will be determined on a catchment-by-catchment basis, by establishing freshwater objectives and coastal water quality classifications.

## 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.*

***Objective 3.5 addresses the following issues:***

| | | | |
|---|---|---|---|
| *2.1* | *Fresh and coastal water* | *2.3* | *Infrastructure and economic activities* |
| *2.6* | *Issues of significance to tangata whenua – natural and physical resources* | | |

***Objective 3.5 is achieved by the following policies:***

| | | | |
|---|---|---|---|
| *4.1* | *Integrated catchment management* | *4.3* | *Region-wide water quantity management* |
| *4.2* | *Region-wide water quality management* | *6.1* | *Efficient and effective planning* |

**Explanation:**
The way we manage our natural and physical resources (including infrastructure), particularly through regulation, is important to the economy. It directly affects how markets, and individuals and businesses in those markets, operate and allocate their resources.

Northland has the second to lowest level of Gross Domestic Product per capita of New Zealand's 16 regions, 35% below the national average. Additionally, the Northland economy has recently been hit hard by the combined effects of the global economic recession and two significant climatic events creating a large increase in the number of unemployed people. To improve our wellbeing (especially our economic wellbeing) Northland needs to attract and retain large and small-scale investment. The dispersed nature of Northland and the geographical spread of

the Marsden Point Oil Refinery should be recognised as being regionally significant infrastructure.

## 3.10 Use and allocation of common resources

*Efficiently use and allocate common natural resources, with a particular focus on:*

*(a) Situations where demand is greater than supply;*

*(b) The use of freshwater and coastal water space; and*

*(c) Maximising the security and reliability of supply of common natural resources for users.*

***Objective 3.10 addresses the following issues:***

| | |
|---|---|
| *2.1 Fresh and coastal water* | *2.3 Infrastructure and economic activities* |

***Objective 3.10 is achieved by the following policies:***

| | |
|---|---|
| *4.1 Integrated catchment management* | *4.3 Region-wide water quantity management* |
| *4.2 Region-wide water quality management* | *4.8 Efficient use of coastal water space* |

**Explanation:**
Common resources are critical to Northland's economy. To ensure maximum benefit is gained from available resources, it is vital that they are allocated and used efficiently.

At present there is no charge for the right to use common resources, the right to use[6] them is allocated on a 'first in, first served' basis and in some cases, there is minimal obligation to demonstrate reasonable use. As a consequence there is little incentive for users to minimise wastage or use only as much as they really need. Where the demand or pressure on a resource is low, this isn't generally a problem. However, it can be a significant problem where demand outstrips supply.

Freshwater and coastal water space, for example, are resources that are under significant pressure in certain areas and in some cases demand is known to be exceeding supply.

Efficient use may involve[7]:

(a) Avoiding wastage;
(b) Using the most efficient available technology;
(c) Linking use with availability (for example, water extraction increases during high flows and decreases with low flows);
(d) Reducing the need for a resource (for example, encouraging water storage to lessen demand for water extraction); and
(e) Reusing resources (for example using treated waste and process water for irrigation).

[6] While there are monitoring and administrative costs associated with 'rights' (for example, consents), there is no cost for the lease / rental / privilege of using common resources.
[7] Adapted from the National Policy Statement for Freshwater Management 2011: Implementation Guide.

- Good physical connections;
- An adequate range of transport choices (including public transport in urban areas); and
- Vibrant, safe and cohesive town centres with a range of residential and business opportunities.

Developing sustainable built environments means consolidating new urban development[8] within and adjacent to existing settlements.

There are significant opportunities that arise through consolidated development including:

- Avoiding unplanned 'overloading' of essential infrastructure;
- Improved energy efficiency through the integration of land-use and infrastructure;
- Creating opportunities for residents to work within close proximity to their homes;
- Protecting areas of high natural character and sensitive landscapes; and
- Promoting the ongoing viability of existing town centres by creating a sense of place and identity with sufficient levels of services.

It is acknowledged that rural settings are largely made up of businesses (including but not limited to primary production and their support industries). The objective seeks development that is compatible with surrounding uses and values, is served by an appropriate level of infrastructure and is appropriate within the context of the surrounding environment.

## 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.*

***Objective 3.12 addresses the following issues:***

*2.5 Issues of significance to tangata whenua – participation in resource management*

***Objective 3.12 is achieved by the following policies:***

*8.1 Participation in decision-making, plans, consents and monitoring*

*8.2 Iwi and hapū management plans*

*8.3 Māori land and returned Treaty settlement assets*

**Explanation:**
Tangata whenua are the kaitiaki of their traditional taonga, while the regional and district councils have delegated authority from the Crown to manage Northland's natural and physical resources.

In keeping with the partnership principles of the Treaty of Waitangi and the Resource Management Act 1991 (sections 6(e), 7(a) and 8), the regional and district councils

[8] For the purpose of Objective 3.11 'urban development' means development intended for mixed-use, commercial, industrial activities and all development where the primary purpose is residential use, except where it is ancillary to a lawfully established rural activity.

must provide for tangata whenua involvement in resource management, particularly where it affects their taonga.

Tangata whenua involvement in resource management can also add value to resource management. For example, it can help to build relationships, provide different sources of information and knowledge, and provide a longer term perspective of resource management.

## 3.13 Natural hazard risk

*The risks and impacts of natural hazard events (including the influence of climate change) on people, communities, property, natural systems, infrastructure and our regional economy are minimised by:*

*(a) Increasing our understanding of natural hazards, including the potential influence of climate change on natural hazard events;*

*(b) Becoming better prepared for the consequences of natural hazard events;*

*(c) Avoiding inappropriate new development in 10 and 100 year flood hazard areas and coastal hazard areas;*

*(d) Not compromising the effectiveness of existing defences (natural and man-made);*

*(e) Enabling appropriate hazard mitigation measures to be created to protect existing vulnerable development; and*

*(f) Promoting long-term strategies that reduce the risk of natural hazards impacting on people and communities.*

*(g) Recognising that in justified circumstances, critical infrastructure may have to be located in natural hazard-prone areas.*

***Objective 3.13 addresses the following issues:***

*2.6 Issues of significance to tangata whenua – natural and physical resources* *2.7 Natural hazards*

***Objective 3.13 is achieved by the following policies:***

*7.1 Development in natural hazard-prone areas* *7.2 General risk reduction policies*

**Explanation:**
Under the RMA, people must be able to provide for their social and economic wellbeing; however, this needs to be balanced against the risk to people, property and infrastructure from natural hazard events. This objective seeks to minimise the risks and impacts of natural hazard events by, amongst other things, not compromising the effectiveness of existing defences (natural and man-made) and avoiding inappropriate development in hazard-prone areas.

There is an increasing amount of information that shows which areas in Northland are prone to damage from natural hazards and this enables informed assessments about the risk to people and property from natural hazards. Part (a) of this objective seeks to further increase our understanding of natural hazards (for example, by identifying and mapping new flood and coastal hazard areas). This work will be ongoing and is integral to minimising the risks and impacts of natural hazard events.

## 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.*

***Objective 3.14 addresses the following issues:***

*2.1 Fresh and coastal water*

*2.2 Indigenous ecosystems and biodiversity*

*2.6 Issues of significance to tangata whenua – natural and physical resources*

*2.8 Natural character, features / landscapes and historic heritage*

***Objective 3.14 is achieved by the following policies:***

*4.1 Integrated catchment management*

*4.2 Region-wide water quality managemen*

*4.3 Region-wide water quantity management.*

*4.4 Maintaining and enhancing indigenous ecosystems and species*

*4.5 Identifying the coastal environment, natural character, outstanding natural features, oustanding natural landscapes, and historic heritage resources*

*4.6 Managing effects on natural character, features / landscapes and heritage*

*4.7 Supporting management and improvement*

**Explanation:**
The objective identifies matters that are central to the sustainability objectives of the Resource Management Act 1991 (RMA). Regional and district councils must recognise and provide for the protection of these resources from inappropriate subdivision, use and development as a matter of national importance under sections 6(a), (b) and (f) of the RMA. The New Zealand Coastal Policy Statement 2010 (NZCPS) reinforces these duties and requires regional policy statements and plans to identify where this protection is needed.

The objective does not seek absolute protection in all cases, as in many circumstances individual elements of these resources (for example, a specific landscape unit) can accommodate a degree of modification. The level of protection will depend on the values if these areas.

Legal obligations aside, these resources are very important for Northland's unique character and sense of place and they contribute to our social, economic and cultural wellbeing.

To protect these areas, they must first be identified and then managed.

Using a regionally-consistent approach to identify and protect the areas listed in the objective will:

- Provide certainty that the requirements of the RMA and NZCPS are being met throughout the region;

- Provide certainty that the values which contribute to Northland's unique sense of place are protected to a defined standard and that the activities which are of most concern are addressed;
- Limit the duplication and associated costs and inefficiencies which arise when individual councils address these matters in isolation;
- Avoid the potential for conflicting provisions across council boundaries;
- Provide the basis for community-wide agreement on what is regionally significant in relation to those matters listed in the objective; and
- Provide certainty for landowners and developers as to where these areas are.

For the purposes of the Regional Policy Statement, historic heritage is as defined in s2, RMA.

## 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.*

## 4.2 Region-wide water quality management

***The objectives relevant to policy and method package 4.2 are:***

*3.1 Integrated catchment management*

*3.2 Region-wide water quality*

*3.3 Ecological flows and water levels*

*3.4 Indigenous ecosystems and biodiversity*

*3.10 Use and allocation of common resources*

*3.14 Natural character, outstanding natural features, outstanding natural landscapes and historic heritage*

*3.15 Active management*

### 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.*

**Explanation:**
There is a need to better prevent and control diffuse source discharges, run-off and leaching from the use and development of land so that the overall quality of the region's fresh and coastal waters is improved. In addition, it is important that there is continued investment in addressing discharges of wastewater, particularly from municipal systems. Reducing loads of the sediments, nutrients, and faecal matter will be central to meeting catchment-specific objectives and limits.

There are also potential efficiencies to be realised in terms of water quality. Capacity for additional discharges as part of further land use intensification may only be possible if existing contaminant loads are reduced.

Riparian vegetation and wetlands play an important role in maintaining and improving water quality by trapping and treating sediments and nutrients, improving dissolved oxygen concentrations and reducing temperatures through shading, and providing important habitat for aquatic species.

### 4.2.2 Method – Statutory plans and strategies

*(1) The regional council will amend its regional plans to the extent required to implement Policy 4.1.1 and Policy 4.2.1, including by:*

*(a) Establishing freshwater objectives and region-wide water quality limits;*

*(b) Methods to avoid or phase out over-allocation;*

*(c) Where appropriate, requiring the restriction or exclusion of livestock from the coastal marine area, beds and margins of streams, rivers, lakes and wetlands;*

## 4.4 Maintaining and enhancing indigenous ecosystems and species

***The objectives relevant to policy and method package 4.4 are:***

*3.2 Region-wide water quality*

*3.3 Ecological flows and water levels*

*3.4 Indigenous ecosystems and biodiversity*

*3.14 Natural character, outstanding natural landscapes, outstanding natural features, and historic heritage*

*3.15 Active management*

### 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;*

*(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;*

## 4.6 Managing effects on natural character, features / landscapes and heritage

***The objectives relevant to policy and method package 4.6 are:***

| | |
|---|---|
| *3.4 Indigenous ecosystems and biodiversity* | *3.14 Natural character, outstanding natural landscapes, outstanding natural features, and 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 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[9] 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 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.*

**Explanation:**
This policy seeks to manage adverse effects on natural character, landscape and natural features. It specifies the level of protection to be achieved for the resources in question. It applies a hierarchy of protection based on context and value following the direction in Policies 13 and 15 of the New Zealand Coastal Policy Statement (NZCPS) and s6 of the Resource Management Act (RMA). In effect, the policy states the level or scale of effect that is inappropriate for the resource in question.

Policy 4.6.1 gives effect to the NZCPS, taking into account the decision of the Supreme Court in King Salmon (*Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd* [2014] NZSC 38)

This approach is also specifically contemplated in Objective 2 and Policies 13(1)(d) and 15(d) of the NZCPS that direct regional policy statements and plans to identify where protection of natural character, natural features and landscapes is required (and by default, where it is not) and what forms of use and development would be inappropriate in those areas (and, by inference, forms of use and development which are appropriate in those areas).

### 4.6.2 Policy – Maintaining the integrity of heritage resources

*(1) Protect the integrity of historic heritage resources that have been identified in plans in accordance with Policy 4.5.3 and Method 4.5.4(3):*

*a) By avoiding significant adverse effects of subdivision, use and development and avoiding, remedying or mitigating other adverse effects (including cumulative adverse effects) on historic heritage in the following way:*

[9] For areas that have been mapped, the worksheets referred to in Appendix 1 identify characteristics and qualities.

## 4.8 Efficient use of coastal water space

| *The objectives relevant to policy and method package 4.8 are:* | |
|---|---|
| *3.5 Enabling economic wellbeing* | *3.10 Use and allocation of common resources* |

### 4.8.1 Policy – Demonstrate the need to occupy space in the common marine and coastal area

*(1) Only consider allowing structures, the use of structures and other activities that occupy space in the common marine and coastal area where:*

- *(a) They have a functional need to be located in the common marine and coastal area, unless the structure, use or activity is consistent with Policy 4.8.1(2);*
- *(b) It is not feasible for the structure, the use or the occupation of space to be undertaken on dry land (land outside the common marine and coastal area), unless it is consistent with Policy 4.8.1(2);*
- *(c) It is not feasible to use an existing authorised structure; and*
- *(d) The area occupied is necessary to provide for or undertake the intended use.*

*(2) Occupation of space and structures (and their use) that are contrary to Policy 4.8.1(1) (a) and (b) may be appropriate where they will make a significant positive contribution to the local area or the region.*

*(3) If the public are excluded from using a structure or common marine and coastal area, the exclusion is:*

- *(a) Only for the time period(s) and the area necessary to provide for or undertake the intended use ;or*
- *(b) Necessary to ensure the integrity of the structure; or*
- *(c) Necessary to ensure the health and safety of the public.*

**Explanation:**
This policy directs decision-makers to ensure the occupation of space in the common marine and coastal area is efficient. It considers whether there is a functional need to occupy space in the common marine and coastal area and the area occupied is necessary for the activity Additionally, there are some structures that functionally necessitate restrictions on public access (such as for health and safety reasons and to protect the integrity of structures).

Activities like restaurants, residential dwellings, transmission lines and cafés may be located in the common marine and coastal area if they make a significant contribution to the local area or region.

To clarify, this policy is in effect a gateway test: if an activity doesn't conform to the policy then it should not be allowed. However, if an activity conforms to this policy, its environmental effects and any other relevant policies also need to be considered before determining whether it should be allowed.

### 4.8.2 Policy – Allocating space in high demand zones

*Where the reasonably foreseeable demand exceeds the capacity of a zone, consideration will be given to implementing alternative allocation mechanisms (other than 'first in, first served') to achieve the most efficient use and allocation of space in the zone.*

**Explanation:**
This policy recognises that 'first in, first served' may not be the most efficient allocation and use of space where the demand is likely to exceed the capacity of a zone.

The Resource Management Act 1991 provides options to develop alternative allocation mechanisms for coastal water space (for example, balloting or tendering). The type of allocation mechanism is likely to be different depending on the circumstance.

"Capacity" in this policy includes physical capacity (for example, space and ecological carrying capacity) and any limits set by regulation (for example, nitrogen caps).

### 4.8.3 Policy – Coastal permit duration

*When determining the expiry date for coastal permits to occupy space in the common marine and coastal area, particular regard will be had to:*

*(a) The security of tenure for investment (the larger the investment, the longer the consent duration);*

*(b) Aligning the expiry date with other coastal permits to occupy space in the surrounding common marine and coastal area;*

*(c) The reasonably foreseeable demands for the occupied water space by another type of activity (the greater the demands, the shorter the consent duration); and*

*(d) Certainty of effects (the less certain the effects the shorter the consent duration).*

**Explanation:**
This policy sets out the main factors to be considered in determining expiry dates for coastal permits, to promote efficient use and allocation of coastal water space.

Security of tenure is important for investment. Larger investments tend to require longer consent durations to get the pay-back (such as profit or recreational benefit) necessary to make the investment worthwhile.

Aligning consent expiry dates for activities in the same area makes it administratively easier to process resource consent renewals and examine efficient allocation.

Coastal water space is a public asset. It is important to balance providing security of tenure with providing the community the opportunity to adjust the allocation to improve outcomes and allowing new users the opportunity to use the space.

Consent duration can be a way of dealing with uncertain effects. The effects may be environmental, economic, social or cultural. For example, if an applicant purports a particular positive effect which has a significant bearing on the granting of resource consent, a short-term consent duration could be used to address any uncertainty about the claims of the positive effect.

### 4.8.4 Policy – Private use of common marine and coastal area

*Recognise activities which provide a net gain in environmental and / or public benefit from persons occupying space in the common marine and coastal area.*

**Explanation:**
The common marine and coastal area is a public resource. This policy recognises activities where they provide an environmental benefit and / or public benefit. These benefits could be in the form of, for example, a coastal occupation charge, financial contribution, contribution of jobs for locals or increased income for the local community region and extends to national benefits.

### 4.8.5 Policy – Aquaculture

*Aquaculture will be provided for in appropriate places in the coastal environment, recognising the relevant considerations may include:*

*(a) The need for high water quality for aquaculture activities;*

*(b) The need for land-based facilities associated with marine farming; and*

*(c) The potential for aquaculture to enhance social, economic and cultural wellbeing of communities within Northland and nationally.*

**Explanation:**
This policy recognises the needs of aquaculture and its benefits. This policy intentionally repeats Policy 8(a) and 8(b) of the New Zealand Coastal Policy Statement 2010 which focusses on the needs and benefits of aquaculture and requires regional policy statements to provide for aquaculture in appropriate places. The list of relevant considerations is purposefully not exhaustive because when considering suitable locations for new aquaculture, it needs to be recognised that different types of aquaculture have different particular environmental and site needs, as well as environmental effects. However, the factors above apply to all types and forms of aquaculture and provide certainty to all stakeholders that aquaculture, in appropriate places, will be provided for in Northland.

### 4.8.6 Method – Statutory plans and strategies

*(1) The relevant regional plan will include provisions to implement Policy 4.8.1 including:*

*(a) Information requirements for activities requiring a coastal permit to occupy space in the common marine and coastal area;*

*(b) Objectives, policies and rules that discourage occupation that is inconsistent with Policy 4.8.1; and*

- Creativity;
- Custodianship; and
- Collaboration.

These guidelines are considered to be important tools to ensure new development is of a high quality and contributes to the identity of the place by providing attractive, user-friendly living environments.

### 5.1.2 Policy – Development in the coastal environment

*Enable people and communities to provide for their wellbeing through appropriate subdivision, use, and development that:*

*(a) Consolidates urban development[12] within or adjacent to existing coastal settlements and avoids sprawling or sporadic patterns of development;*

*(b) Ensures sufficient development setbacks from the coastal marine area to;*

*(i) maintain and enhance public access, open space, and amenity values; and*

*(ii) allow for natural functioning of coastal processes and ecosystems;*

*(c) Takes into account the values of adjoining or adjacent land and established activities (both within the coastal marine area and on land);*

*(d) Ensures adequate infrastructure services will be provided for the development; and*

*(e) Avoids adverse effects on access to, use and enjoyment of surf breaks of national significance for surfing.*

*Note: in determining the appropriateness of subdivision, use and development, all policies and methods in the Regional Policy Statement must be considered, particularly policies relating to natural character, features and landscapes, heritage, natural hazards, indigenous ecosystems and fresh and coastal water quality.*

**Explanation:**
Northland's unique coastal environment has a range of landscape, seascape and recreational qualities that make it a popular place for development. Most of our existing settlements are located in the coastal environment and this is also where most development in Northland is occurring. The coastal environment is of huge economic importance to the region (for example, tourism and aquaculture) and our coast is an attribute that sets us apart from other regions. Northland has one of the longest coastlines of any region in the country.

Inappropriate subdivision, use or development can compromise the special values that attract people to our coast and make it less desirable. This policy provides strategic direction for development of the coastal environment, recognising that there is particular pressure for development within this environment and that there are potential effects of development that are distinctive to this sensitive environment. For

[12] For the purpose of Policy 5.1.2 'urban development' means subdivision, land use or development intended for mixed-use, commercial, industrial activities and all development where the primary purpose is residential use, except where it is ancillary to a lawfully established rural activity.

### 5.2.3 Policy – Infrastructure, growth and economic development

*Promote the provision of infrastructure as a means to shape, stimulate and direct opportunities for growth and economic development.*

**Explanation:**
This policy is about infrastructure-led growth. It is well recognised that effective growth cannot occur without planning for infrastructure; however, the smart use of infrastructure can actually create opportunities for growth and development. This approach is useful where resources are limited, where there are areas of deprivation and where value can be added to existing activities with the right leverage and investment.

To realise this policy, 'smart' infrastructure provision must be informed by an understanding of where the opportunities for growth lie including any 'trigger points'. Planning for different types of infrastructure can often take place separately. This policy encourages comprehensive planning, tying together the various different plans that include or rely on infrastructure planning to maximise effort.

Again, there is the potential to look inter-regionally as well as within the region for opportunities to improve economic wellbeing.

### 5.2.4 Method – Statutory plans and strategies

*The regional and district councils shall, through regional and district plans, use assessment criteria or other suitable provisions to ensure that when a resource consent application, plan change, or notice of requirement for development is proposed that includes new or upgraded community infrastructure or infrastructure proposed by a network utility operator, weight will be given to the following:*

*(a) The extent to which infrastructure can be operated, maintained, and upgraded efficiently with minimal adverse effects to meet the reasonably foreseeable needs of future generations (for example, to meet change as anticipated by regional / sub-regional growth strategies);*

*(b) The extent to which the infrastructure uses measures to achieve efficient use of resources;*

*(c) Where practicable, the potential for infrastructure to co-locate with, or accommodate, other infrastructure to achieve efficiencies; and*

*(d) Where multiple parties are involved, the extent to which providers propose to work together to co-ordinate activities and / or develop infrastructure implementation plans.*

*In addition, in conjunction with Method 5.1.5(1)(a), all resource consents, notice of requirements and plan changes should be assessed against the Regional Form and Development Guidelines contained in Appendix 2.*

**Explanation:**
This method encourages the regional and district councils to take future-proofing into account when considering proposals for infrastructure through a criteria-based assessment or other suitable provisions. Infrastructure providers may be able to demonstrate this through their own assessment processes. This should provide a consistent tool to assess infrastructure proposals and give additional weight and

Whether "material" damage will occur to land or a structure is likely to require consideration of the circumstances of the subject land – such as what the proposed use of the land is or is likely to be in the future (as a direct result of the proposal) and the nature of the hazard. In the context of buildings or structures, damage which would affect the structural integrity of the building is likely to be regarded as material. If the building or significant parts of it were rendered unusable by the damage or could not be safely used for its intended purpose, then such damage would be material.

This policy provides flexibility for new subdivision, within flood hazard areas by allowing applicants to demonstrate that building platforms will not be subject to material damage in a 100-year flood event (for example, through an engineer's report (see method 7.1.7(4)). Flood hazard risk to vehicular access routes for new lots is also required to be assessed at the subdivision stage. This will also help district councils determine (under section 106 of the Resource Management Act 1991) whether the land for which consent is sought is suitable for subdivision or whether the hazard risk is too great and the consent should be refused or modified.

Locating new residential, commercial and industrial buildings in 100-year flood hazard areas may be considered appropriate, provided an appropriate level of mitigation is achieved (for example, by minimum freeboard requirements as per NZ Standard 4404: 2010). This mitigation also requires that hazardous substances (such as fuels and pesticides) are not located where they would be inundated during a 100-year flood event. The policy also seeks to prevent worsening of the flood hazard as a result of earthworks, which reduce flood storage, impede flow paths or divert floodwater into neighbouring properties.

### 7.1.3 Policy – New subdivision, use and development within areas potentially affected by coastal hazards (including high risk coastal hazard areas)

*Within areas potentially affected by coastal hazards over the next 100 years (including high risk coastal hazard areas), the hazard risk associated with new use and development will be managed so that:*

*(a) Redevelopment or changes in land use that reduce the risk of adverse effects from coastal hazards are encouraged;*

*(b) Subdivision plans are able to identify that building platforms are located outside high risk coastal hazard areas and these building platforms will not be subject to inundation and / or material damage (including erosion) over a 100-year timeframe;*

*(c) Coastal hazard risk to vehicular access routes for proposed new lots is assessed;*

*(d) Any use or development does not increase the risk of social, environmental or economic harm (from coastal hazards);*

*(e) Infrastructure should be located away from areas of coastal hazard risk but if located within these areas, it should be designed to maintain its integrity and function during a hazard event;*

# 8 Policies and methods - Tangata whenua

## 8.1 Participation in decision-making, plans, consents and monitoring

***The objectives relevant to policy and method package 8.1 are:***

*3.12 Tangata whenua role in decision-making*

### 8.1.1 Policy – Tangata whenua participation

*The regional and district councils shall provide opportunities for tangata whenua to participate in the review, development, implementation, and monitoring of plans and resource consent processes under the Resource Management Act 1991.*

**Explanation:**
This policy supports the relationship of tangata whenua with the natural and physical environment by providing opportunities for their input into resource management processes.

### 8.1.2 Policy – The regional and district council statutory responsibilities

*The regional and district councils shall when developing plans and processing resource consents under the Resource Management Act 1991 (RMA):*

*(a) Recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral land, water, sites wāhi tapu, and other taonga;*

*(b) Have particular regard to kaitiakitanga; and*

*(c) Take into account the principles of the Treaty of Waitangi including partnership.*

**Explanation:**
Under the RMA, the regional and district councils have responsibilities to provide for tangata whenua involvement in resource management, particularly where it affects their taonga.

### 8.1.3 Policy – Use of Mātauranga Māori

*The regional and district councils shall provide opportunities for the use and incorporation of Mātauranga Māori into decision-making, management, implementation, and monitoring of natural and physical resources under the Resource Management Act 1991.*

# NEW ZEALAND COASTAL POLICY STATEMENT

# Objective 1

### In the "*New Zealand Coastal Policy Statement 2010*"


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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.

## 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.

## 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.

## Objective 4

To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:

- recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;
- maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and
- recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.

## Objective 5

To ensure that coastal hazard risks taking account of climate change, are managed by:

- locating new development away from areas prone to such risks;
- considering responses, including managed retreat, for existing development in this situation; and
- protecting or restoring natural defences to coastal hazards.

## Objective 6

To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:

- the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;
- some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;
- functionally some uses and developments can only be located on the coast or in the coastal marine area;
- the coastal environment contains renewable energy resources of significant value;
- the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;
- the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;
- the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and
- historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.

## Objective 7

To ensure that management of the coastal environment recognises and provides for New Zealand's international obligations regarding the coastal environment, including the coastal marine area.

# Policy 1: Extent and characteristics of the coastal environment

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1. Recognise that the extent and characteristics of the coastal environment vary from region to region and locality to locality; and the issues that arise may have different effects in different localities.
2. Recognise that the coastal environment includes:
    a. the coastal marine area;
    b. islands within the coastal marine area;
    c. areas where coastal processes, influences or qualities are significant, including coastal lakes, lagoons, tidal estuaries, saltmarshes, coastal wetlands, and the margins of these;
    d. areas at risk from coastal hazards;
    e. coastal vegetation and the habitat of indigenous coastal species including migratory birds;
    f. elements and features that contribute to the natural character, landscape, visual qualities or amenity values;
    g. items of cultural and historic heritage in the coastal marine area or on the coast;
    h. inter-related coastal marine and terrestrial systems, including the intertidal zone; and
    i. physical resources and built facilities, including infrastructure, that have modified the coastal environment.

# Policy 2: The Treaty of Waitangi, tangata whenua and Māori

**In the "*New Zealand Coastal Policy Statement 2010*"**


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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;
b. involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori;
c. with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori[1] in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes;
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 cultural localities or issues of cultural significance, and Māori experts, including pūkenga[2], 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;
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.

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[1]Mātauranga Māori – as defined in the Glossary.

[2]Pūkenga – as defined in the Glossary.

# Policy 6: Activities in the coastal environment

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1. In relation to the coastal environment:
    a. recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;
    b. consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;
    c. encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;
    d. recognise tangata whenua needs for papakāinga[3], marae and associated developments and make appropriate provision for them;
    e. consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;
    f. consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;
    g. take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;
    h. consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;
    i. set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and
    j. where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.
2. Additionally, in relation to the coastal marine area:
    a. recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations;
    b. recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;
    c. recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;
    d. recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and
    e. promote the efficient use of occupied space, including by:
        i. requiring that structures be made available for public or multiple use wherever reasonable and practicable;
        ii. requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and
        iii. considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.

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[3]Papakāinga – as defined in the Glossary.

# Policy 11: Indigenous biological diversity (biodiversity)

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To protect indigenous biological diversity in the coastal environment:

a. avoid adverse effects of activities on:
   i. indigenous taxa[4] that are listed as threatened[5] 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[6];
   iv. habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;
   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.

.axa – as defined in the Glossary.

[5]Examples of taxa listed as threatened are – Māui dolphin, Hector's dolphin, New Zealand fairy tern, Southern New Zealand dotterel.

[6]Naturally rare – as defined in the Glossary.

# Policy 13: Preservation of natural character

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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
    h. experiential attributes, including the sounds and smell of the sea; and their context or setting.

# Policy 14: Restoration of natural character

### In the "*New Zealand Coastal Policy Statement 2010*"


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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 15: Natural features and natural landscapes

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To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:

a. avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and
b. avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by:
c. identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:
    i. natural science factors, including geological, topographical, ecological and dynamic components;
    ii. the presence of water including in seas, lakes, rivers and streams;
    iii. legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;
    iv. aesthetic values including memorability and naturalness;
    v. vegetation (native and exotic);
    vi. transient values, including presence of wildlife or other values at certain times of the day or year;
    vii. whether the values are shared and recognised;
    viii. cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;
    ix. historical and heritage associations; and
    x. wild or scenic values;
d. ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and
e. including the objectives, policies and rules required by (d) in plans.

# Policy 18: Public open space

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Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:

a. ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;
b. taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;
c. maintaining and enhancing walking access linkages between public open space areas in the coastal environment;
d. considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and
e. recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.

# Policy 19: Walking access

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1. Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.
2. Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:
    a. identifying how information on where the public have walking access will be made publicly available;
    b. avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and
    c. identifying opportunities to enhance or restore public walking access, for example where:
        i. connections between existing public areas can be provided; or
        ii. improving access would promote outdoor recreation; or
        iii. physical access for people with disabilities is desirable; or
        iv. the long-term availability of public access is threatened by erosion or sea level rise; or
        v. access to areas or sites of historic or cultural significance is important; or
        vi. subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.
3. Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:
    a. to protect threatened indigenous species; or
    b. to protect dunes, estuaries and other sensitive natural areas or habitats; or
    c. to protect sites and activities of cultural value to Māori; or
    d. to protect historic heritage; or
    e. to protect public health or safety; or
    f. to avoid or reduce conflict between public uses of the coastal marine area and its margins; or
    g. for temporary activities or special events; or
    h. for defence purposes in accordance with the Defence Act 1990; or
    i. to ensure a level of security consistent with the purpose of a resource consent; or
    j. in other exceptional circumstances sufficient to justify the restriction.
4. Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.

# Policy 23: Discharge of contaminants

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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.
4. In managing discharges of stormwater take steps to avoid adverse effects of stormwater discharge to water in the coastal environment, on a catchment by catchment basis, by:
    a. avoiding where practicable and otherwise remedying cross contamination of sewage and stormwater systems;
    b. reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment and by controls on land use activities;
    c. promoting integrated management of catchments and stormwater networks; and
    d. promoting design options that reduce flows to stormwater reticulation systems at source.
5. In managing discharges from ports and other marine facilities:
    a. require operators of ports and other marine facilities to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that is more than minor;
    b. require that the disturbance or relocation of contaminated seabed material, other than by the movement of vessels, and the dumping or storage of dredged material does not result in significant adverse effects on water quality or the seabed, substrate, ecosystems or habitats;
    c. require operators of ports, marinas and other relevant marine facilities to provide for the collection of sewage and waste from vessels, and for residues from vessel maintenance to be safely contained and disposed of; and
    d. consider the need for facilities for the collection of sewage and other wastes for recreational and commercial boating.