

Appendix 28

Planning Policy Analysis

New Zealand Coastal Policy Statement (objectives and policies assessment)

Reference	Objective/Policy	Assessment
Objective 1	<p>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:</p> <ul style="list-style-type: none"> ▪ 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. 	<p>The proposal has been the subject of detailed, integrated, and appropriately scaled assessments of effects on indigenous biodiversity that recognise the dynamic, complex, and interrelated nature of the environment in this locality. The various assessments have concluded that the overall effects on biological and physical processes, and on the diversity of indigenous coastal flora and fauna, will be minor or less subject to the implementation of mitigation measures. In addition, coastal water quality has been determined to be good, and unlikely to be affected by additional run-off from the expanded container terminal. Overall, the proposal is considered to align with Objective 1.</p> <p>The related Policy 11 contains more specific direction to avoid adverse effects on endangered and threatened indigenous flora and fauna, and significant effects on other indigenous biodiversity and related habitat. The various ecological assessments have concluded that the effects in respect to these matters are also minor or less subject to the implementation of mitigation measures. Accordingly, the proposal aligns with Policy 11.</p>
Policy 11 Indigenous biological diversity (biodiversity)	<p>To protect indigenous biological diversity in the coastal environment:</p> <ol style="list-style-type: none"> a. avoid adverse effects of activities on: <ol style="list-style-type: none"> i. indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists; ii. taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened; iii. indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare⁶; 	

	<ul style="list-style-type: none"> 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 <p>b. avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:</p> <ul style="list-style-type: none"> 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. 	
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Objective 2	<p>To preserve the natural character of the coastal environment and protect natural features and landscape values through:</p> <ul style="list-style-type: none"> • 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. 	<p>In accordance with Objective 2, the BNZL assessment of effects on landscape values recognises the characteristics and qualities that contribute to the natural character of the environment in the vicinity of the port. It also recognises the matters in Policy 13(2).</p> <p>The BNZL assessment notes that the port is not located in an Outstanding Natural Character Area, and that there are no ONLAs, HNCAs, or ONCAs directly affected by the Northport proposal.</p> <p>At a more general level, although the character and values of Marsden Point Beach would be appreciably changed by the proposed expansion, this will not alter the natural character values of the wider Marsden Point coastline to a commensurate degree.</p>
Policy 13 Preservation of natural character	<p>1. To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:</p> <ol style="list-style-type: none"> 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. 	<p>The proposal is located in an area where natural character values are compromised by existing activities in the immediate and surrounding environment.</p> <p>Overall, the BNZL assessment concludes that the proposal is acceptable in natural character terms, and in alignment with Objective 2 and Policy 13.</p>

	<p>2. Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:</p> <ul style="list-style-type: none"> 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. 	
Objective 3	<ul style="list-style-type: none"> ▪ 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 	<p>The role of tangata whenua has been recognised through meaningful and ongoing engagement with mana whenua. Cultural values and cultural effects assessments have been prepared in respect of the application in order to identify those characteristics that are of special value, and how they may be affected by the proposal. Understanding the relationship of tangata whenua over their lands, rohe and resources and the related effects of the proposal on this relationship continues to be a key focus for Northport as it continues its proactive engagement through to, and post, lodgement.</p> <p>It is expected that there will be conditions of consent related to the mitigation of cultural effects, with these developed in consultation with mana whenua. It is expected that these conditions will align with many of the matters in Policy 2(a)-(g).</p>

	<ul style="list-style-type: none"> ▪ recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua. 	
<p>Policy 2</p> <p>The Treaty of Waitangi, tangata whenua and Maori</p>	<p>In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:</p> <ol style="list-style-type: none"> 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; 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; with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori¹ in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes; 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 pūkenga², may have knowledge not otherwise available; 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 	

	<p>the extent that its content has a bearing on resource management issues in the region or district; and</p> <ul style="list-style-type: none"> 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; <p>f. provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:</p> <ul style="list-style-type: none"> 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 mātaītai or other non commercial Māori customary fishing; <p>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:</p>	
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	<ul style="list-style-type: none"> 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. 	
Objective 4	<p>To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:</p> <ul style="list-style-type: none"> • 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. 	<p>Objective 4 recognises that there may be exceptional circumstances when maintaining and enhancing walking access to and along the coast is not practicable, alternative access should be provided. While some public open space will be lost as a result of the proposal, this is necessary to enable the port to expand and safely operate in order to provide its regionally (and nationally) significant infrastructure function.</p> <p>The proposal responds to this objective and the supporting Policies 18 and 19 by providing and enhancing public access through to the beach at the eastern end of the expanded port. New open space resources are proposed, including a pocket park/reserve area, associated carpark/toilet facilities, a fishing platform, and facilities to enhance water/swimming access.</p>
Policy 18 Public open space	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:	

	<ul style="list-style-type: none"> 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. 	
<p>Policy 19</p> <p>Walking access</p>	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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: 	

	<ul style="list-style-type: none"> 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. <p>3. Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:</p> <ul style="list-style-type: none"> 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 	
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	<p>h. for defence purposes in accordance with the Defence Act 1990; or</p> <p>i. to ensure a level of security consistent with the purpose of a resource consent; or</p> <p>j. in other exceptional circumstances sufficient to justify the restriction.</p> <p>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.</p>	
Objective 5	<p>To ensure that coastal hazard risks taking account of climate change, are managed by:</p> <ul style="list-style-type: none"> • 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. 	<p>Objective 5 and Policies 24-27 seek to manage the risks of natural hazards, taking account of climate change. The general thrust of these provisions is to manage those risks by considering locational factors. However, there is specific recognition that in some instances this will not be possible. This is particularly relevant to any Port proposal because it needs to be located at the land/coastal interface; and the cargo/container handling area needs to be functionally located proximate to the berths.</p> <p>Policy 25 encourages (but does not direct) the location of infrastructure away from areas of hazard risk <u>where practicable</u>. As noted above, it is not practicable to locate a port away from all coastal hazard risk areas, although in this case the location inside the harbour minimises the risk relative to more exposed coastal locations.</p> <p>Effects on coastal processes, including coastal hazards such as tsunami, have been assessed as part of the proposal. The proposal itself does not increase the adverse effects associated with coastal hazards, consistent with Policy 25(b).</p> <p>Furthermore, while Policy 25 generally discourages hard protection structures, Policy 27(c) recognises that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance. This is the case with the rock revetments around the end of the proposed reclamation.</p>
Policy 24 Identification of coastal hazards	<p>1. Identify areas in the coastal environment that are potentially affected by coastal hazards (including tsunami), giving priority to the identification of areas at high risk of being affected. Hazard risks, over at least 100 years, are to be assessed having regard to:</p> <ol style="list-style-type: none"> a. physical drivers and processes that cause coastal change including sea level rise; b. short-term and long-term natural dynamic fluctuations of erosion and accretion; c. geomorphological character; 	

	<p>d. the potential for inundation of the coastal environment, taking into account potential sources, inundation pathways and overland extent;</p> <p>e. cumulative effects of sea level rise, storm surge and wave height under storm conditions;</p> <p>f. influences that humans have had or are having on the coast;</p> <p>g. the extent and permanence of built development; and</p> <p>h. the effects of climate change on:</p> <ul style="list-style-type: none"> i. matters (a) to (g) above; ii. storm frequency, intensity and surges; and iii. coastal sediment dynamics; <p>taking into account national guidance and the best available information on the likely effects of climate change on the region or district.</p>	For the reasons outlined above, the proposal aligns with Objective 5 and Policies 24-27.
<p>Policy 25</p> <p>Subdivision, use and development in areas of coastal risk</p>	<p>In areas potentially affected by coastal hazards over at least the next 100 years:</p> <ul style="list-style-type: none"> a. avoid increasing the risk¹⁰ of social, environmental and economic harm from coastal hazards; b. avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards; c. encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events; 	

	<ul style="list-style-type: none"> d. encourage the location of infrastructure away from areas of hazard risk where practicable; e. discourage hard protection structures and promote the use of alternatives to them, including natural defences; and f. consider the potential effects of tsunami and how to avoid or mitigate them. 	
Policy 26 Natural defences against natural hazards	<ul style="list-style-type: none"> 1. Provide where appropriate for the protection, restoration or enhancement of natural defences that protect coastal land uses, or sites of significant biodiversity, cultural or historic heritage or geological value, from coastal hazards. 2. Recognise that such natural defences include beaches, estuaries, wetlands, intertidal areas, coastal vegetation, dunes and barrier islands. 	
Policy 27 Strategies for protecting significant existing development from coastal hazard risk	<ul style="list-style-type: none"> 1. In areas of significant existing development likely to be affected by coastal hazards, the range of options for reducing coastal hazard risk that should be assessed includes: <ul style="list-style-type: none"> a. promoting and identifying long-term sustainable risk reduction approaches including the relocation or removal of existing development or structures at risk; b. identifying the consequences of potential strategic options relative to the option of “do-nothing”; c. recognising that hard protection structures may be the only practical means to protect existing infrastructure of national or regional importance, to sustain the potential of built physical resources to meet the reasonably foreseeable needs of future generations; 	

	<ul style="list-style-type: none"> d. recognising and considering the environmental and social costs of permitting hard protection structures to protect private property; and e. identifying and planning for transition mechanisms and timeframes for moving to more sustainable approaches. <p>2. In evaluating options under (1):</p> <ul style="list-style-type: none"> a. focus on approaches to risk management that reduce the need for hard protection structures and similar engineering interventions; b. take into account the nature of the coastal hazard risk and how it might change over at least a 100-year timeframe, including the expected effects of climate change; and c. evaluate the likely costs and benefits of any proposed coastal hazard risk reduction options. <p>3. Where hard protection structures are considered to be necessary, ensure that the form and location of any structures are designed to minimise adverse effects on the coastal environment.</p> <p>4. Hard protection structures, where considered necessary to protect private assets, should not be located on public land if there is no significant public or environmental benefit in doing so.</p>	
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:	Ports are enablers of economic activity. In that regard, they enable people and communities to provide for their economic and social wellbeing, consistent with the intent of Objective 6.

	<ul style="list-style-type: none"> 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. 	<p>Objective 6 recognises that appropriate development is not precluded in the coastal environment, especially where development has a functional need to be located in the coastal environment. The proposed expansion of Northport aligns with this objective.</p> <p>Like Objective 6, the related Policy 6 also recognises the need to enable people and communities to provide for their economic and social wellbeing, but with further specific recognition given to infrastructure (Policy 6(1)). It also requires <i>inter alia</i> consideration of the rate of development to meet the reasonably foreseeably needs of future generations, and potential effects on natural character, public access, open space, and amenity. It also recognises activities that have a functional need to be located in the coastal environment and encourages the shared/public use of structures in the CMA where practicable.</p> <p>Objective 6 and Policy 6 are multi-faceted provisions. When considered overall, the proposed port expansion aligns well with them because the proposal:</p> <ul style="list-style-type: none"> has a range of positive economic and social effects; has an obvious functional need to be located in the CMA; is designed to meet the reasonably foreseeably needs of future generations of the district and region (and beyond that, North Auckland); is located in an area where natural character values are already influenced by existing activities in the immediate and surrounding environment; incorporates mitigation measures, including in relation to public access and open space; and includes shared use of facilities in the CMA where practicable (i.e. the proposed fishing platform and other amenities on the eastern revetment).
Policy 6	1. In relation to the coastal environment:	

<p>Activities in the coastal environment</p>	<ul style="list-style-type: none"> 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 papakāinga³, 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, 	
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	<p>currents and tides, to meet the reasonably foreseeable needs of future generations;</p> <p>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;</p> <p>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</p> <p>j. where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.</p> <p>2. Additionally, in relation to the coastal marine area:</p> <p>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;</p> <p>b. recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;</p> <p>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;</p>	
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	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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. 	
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.	The proposed port expansion does not compromise any of New Zealand's international obligations in respect to the coastal environment.
Policy 1 Extent and characteristics of the coastal environment	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> a. the coastal marine area; b. islands within the coastal marine area; 	<p>The proposed port expansion is located in the coastal environment, the extent of which has been mapped in the District Plan.</p> <p>This policy recognises that the effects of activities will vary according to the location, and that the characteristics of the coastal environment include <i>inter alia</i> physical resources and built facilities such as Northport (Policy 1(2)(i)). In that regard, it reinforces the importance of the "existing environment" in setting the context for assessing effects on the environment. An approach consistent with Policy 1 has been applied in the various effects assessments prepared in support of the application for resource consents.</p>

	<ul style="list-style-type: none"> 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. 	
<p>Policy 3</p> <p>Precautionary approach</p>	<ol style="list-style-type: none"> 1. Adopt a precautionary approach towards proposed activities whose effects on the coastal environment are uncertain, unknown, or little understood, but potentially significantly adverse. 2. In particular, adopt a precautionary approach to use and management of coastal resources potentially vulnerable to effects from climate change, so that: <ol style="list-style-type: none"> a. avoidable social and economic loss and harm to communities does not occur; b. natural adjustments for coastal processes, natural defences, ecosystems, habitat and species are allowed to occur; and 	<p>The effects of the proposal are well understood, and conditions of consent will manage those effects.</p>

	<p>c. the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.</p>	
<p>Policy 4 Integration</p>	<p>Provide for the integrated management of natural and physical resources in the coastal environment, and activities that affect the coastal environment. This requires:</p> <ul style="list-style-type: none"> a. co-ordinated management or control of activities within the coastal environment, and which could cross administrative boundaries, particularly: <ul style="list-style-type: none"> i. the local authority boundary between the coastal marine area and land; ii. local authority boundaries within the coastal environment, both within the coastal marine area and on land; and iii. where hapū or iwi boundaries or rohe cross local authority boundaries; b. working collaboratively with other bodies and agencies with responsibilities and functions relevant to resource management, such as where land or waters are held or managed for conservation purposes; and c. particular consideration of situations where: <ul style="list-style-type: none"> i. subdivision, use, or development and its effects above or below the line of mean high water springs will require, or is likely to result in, associated use or development that crosses the line of mean high water springs; or ii. public use and enjoyment of public space in the coastal environment is affected, or is likely to be affected; or 	<p>The application involves activities and effects that fall within the respective jurisdictions of the WDC and the NRC. To achieve the integrated management of natural and physical resources and continuity overall, Northport understands that the application for the various consents required from the respective councils is being processed jointly and by the same processing officer. Furthermore, the various technical effects assessments are cognisant of cross boundary activities and effects.</p> <p>Regarding hapu or iwi interests, a collaborative approach to consulting with the various parties is being pursued, consistent with this policy. This is reflected by the pre-application preparation of cultural values and cultural effects assessments, and by the ongoing meaningful engagement programme which will continue post-lodgement.</p>

	<ul style="list-style-type: none"> iii. development or land management practices may be affected by physical changes to the coastal environment or potential inundation from coastal hazards, including as a result of climate change; or iv. land use activities affect, or are likely to affect, water quality in the coastal environment and marine ecosystems through increasing sedimentation; or v. significant adverse cumulative effects are occurring, or can be anticipated. 	
<p>Policy 5</p> <p>Land or waters managed or held under other Acts</p>	<ol style="list-style-type: none"> 1. Consider effects on land or waters in the coastal environment held or managed under: <ol style="list-style-type: none"> a. the Conservation Act 1987 and any Act listed in the 1st Schedule to that Act; or b. other Acts for conservation or protection purposes; and, having regard to the purposes for which the land or waters are held or managed: c. avoid adverse effects of activities that are significant in relation to those purposes; and d. otherwise avoid, remedy, or mitigate adverse effects of activities in relation to those purposes. 2. Have regard to publicly notified proposals for statutory protection of land or waters in the coastal environment and the adverse effects of activities on the purposes of that proposed statutory protection. 	<p>The comprehensive assessment of effects, supported by a range of technical reports, prepared by qualified and experienced independent experts, considers all relevant actual and potential effects. This includes potential effects on the Whangarei Harbour Marine Reserve at Motukaroro Island, which is across the harbour from the port.</p>

<p>Policy 9</p> <p>Ports</p>	<p>Recognise that a sustainable national transport system requires an efficient national network of safe ports, servicing national and international shipping, with efficient connections with other transport modes, including by:</p> <p>a) ensuring that development in the coastal environment does not adversely affect the efficient and safe operation of these ports, or their connections with other transport modes; and</p> <p>b) considering where, how and when to provide in regional policy statements and in plans for the efficient and safe operation of these ports, the development of their capacity for shipping, and their connections with other transport modes.</p>	<p>The proposed expansion aligns with this policy as it is founded on a need to assist the overall network of ports in New Zealand to provide for the efficient and essential movement of national and international freight, noting the long lead in time to gaining consents and constructing ports requires forward planning.</p> <p>Furthermore, the proposed expansion is predominantly located in the Marsden Point Port Zone, the singular purpose of which is <i>“to enable the development and operation of existing and authorised maritime-related commercial enterprises or industrial activities located within these zones”</i>. In that regard, the PRP has confirmed the appropriate location for the port as per Policy 9(b).</p>
<p>Policy 10</p> <p>Reclamations</p>	<ol style="list-style-type: none"> 1. Avoid reclamation of land in the coastal marine area, unless: <ol style="list-style-type: none"> a. land outside the coastal marine area is not available for the proposed activity; b. the activity which requires reclamation can only occur in or adjacent to the coastal marine area; c. there are no practicable alternative methods of providing the activity; and d. the reclamation will provide significant regional or national benefit. 2. Where a reclamation is considered to be a suitable use of the coastal marine area, in considering its form and design have particular regard to: <ol style="list-style-type: none"> a. the potential effects on the site of climate change, including sea level rise, over no less than 100 years; 	<p>The proposal aligns with Policy 10(1) and (2) for the following reasons:</p> <ul style="list-style-type: none"> ▪ 1(a) It is not possible to provide additional berth length without an associated reclamation (freight handling area) - see issues and options report in Appendix 2. ▪ 1(b) The activity can only occur in the coastal marine area. ▪ 1(c) Other alternative methods have been considered and are not considered practicable - see issues and options report in Appendix 2. ▪ 1(d) The proposed reclamation will provide significant national and regional benefit – see ME report in Appendix 21. ▪ 2(a) The port deck height and rock armouring of the reclamation will be designed to take into account coastal hazards, including climate change and sea level rise. ▪ 2(b) The reclamation will have the same appearance as the existing port. ▪ 2(c) No contaminated materials will be used in the reclamation. ▪ 2(d) Public access is to be provided, and enhanced, within the esplanade reserve and along the eastern edge of the reclamation. ▪ 2(e) The various technical reports identify and recommend appropriate mitigation of effects. These mitigations are adopted by the applicant and will be recorded by appropriate conditions of consent.

	<p>b. the shape of the reclamation and, where appropriate, whether the materials used are visually and aesthetically compatible with the adjoining coast;</p> <p>c. the use of materials in the reclamation, including avoiding the use of contaminated materials that could significantly adversely affect water quality, aquatic ecosystems and indigenous biodiversity in the coastal marine area;</p> <p>d. providing public access, including providing access to and along the coastal marine area at high tide where practicable, unless a restriction on public access is appropriate as provided for in Policy 19;</p> <p>e. the ability to remedy or mitigate adverse effects on the coastal environment;</p> <p>f. whether the proposed activity will affect cultural landscapes and sites of significance to tangata whenua; and</p> <p>g. the ability to avoid consequential erosion and accretion, and other natural hazards.</p> <p>3. In 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.</p> <p>4. De-reclamation of redundant reclaimed land is encouraged where it would:</p>	<ul style="list-style-type: none"> ▪ 2(f) The interim draft CEA provided by Patuharakeke identifies that the proposal will not impact on any individual archaeological sites or wāhi tapu. ¹ Consultation with tangata whenua is ongoing with a view to understanding and mitigating effects on cultural landscapes, including Poupouwhenua. ▪ 2(g) MO modelling has determined that there will not be significant changes in harbour morphology resulting from the proposed reclamation, and that other effects can be mitigated. T+T have assessed effects on coastal processes, including natural hazards such as tsunami risk. <p>In regard to Policy 10(3), the purpose of the reclamation is to provide for a dedicated container terminal necessary to enable the efficient ongoing and future operation of Northport, and the overall movement of freight handled by the network of ports servicing the upper North Island.</p> <p>For the above reasons, the proposed expansion aligns with Policy 10.</p>
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¹ See Section 7.3.1 of the CEA in Appendix 23.

	<ul style="list-style-type: none"> a. restore the natural character and resources of the coastal marine area; and b. provide for more public open space. 	
Policy 12 Harmful aquatic organisms	<ol style="list-style-type: none"> 1. Provide in regional policy statements and in plans, as far as practicable, for the control of activities in or near the coastal marine area that could have adverse effects on the coastal environment by causing harmful aquatic organisms to be released or otherwise spread, and include conditions in resource consents, where relevant, to assist with managing the risk of such effects occurring. 2. Recognise that activities relevant to (1) include: <ul style="list-style-type: none"> a. the introduction of structures likely to be contaminated with harmful aquatic organisms; b. the discharge or disposal of organic material from dredging, or from vessels and structures, whether during maintenance, cleaning or otherwise; and whether in the coastal marine area or on land; c. the provision and ongoing maintenance of moorings, marina berths, jetties and wharves; and d. the establishment and relocation of equipment and stock required for or associated with aquaculture. 	<p>The proposal appropriately considers the requirements of the RPS and PRP in relation to biosecurity. Specifically, biosecurity management measures for construction vessels are included in the Draft CEMP included with this application.</p> <p>As an operating port, Northport is very familiar with, and will continue to adhere to, MPI biosecurity requirements for international shipping.</p>
Policy 15 Natural features and landscapes	<p>To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:</p>	<p>As explained in the BNZL report (Appendix 14), the proposed expansion aligns with this policy because:</p> <ol style="list-style-type: none"> 1. There are no mapped ONFs or ONLAs within the expansion footprint. 2. There are no ONLAs, HNCAs, ONFs, or ONCAs directly affected by the Northport proposal.

	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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; 	<p>3. ONFs and ONLAs in the surrounding environment already co-exist with port and refinery activities, and the effects associated with the proposed expansion's on ONLAs and ONFs are assessed to be minor, or less than minor and therefore consistent with Policy 15(a) and (b).</p>
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	<ul style="list-style-type: none"> ix. historical and heritage associations; and x. wild or scenic values; <p>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</p> <p>e. including the objectives, policies and rules required by (d) in plans.</p>	
<p>Policy 17</p> <p>Historic heritage</p>	<p>Protect historic heritage⁹ in the coastal environment from inappropriate subdivision, use, and development by:</p> <ul style="list-style-type: none"> a. identification, assessment and recording of historic heritage, including archaeological sites; b. providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki; c. initiating assessment and management of historic heritage in the context of historic landscapes; d. recognising that heritage to be protected may need conservation; e. facilitating and integrating management of historic heritage that spans the line of mean high water springs; f. including policies, rules and other methods relating to (a) to (e) above in regional policy statements, and plans; g. imposing or reviewing conditions on resource consents and designations, including for the continuation of activities; h. requiring, where practicable, conservation conditions; and 	<p>N/A - No historic heritage sites has been identified in the vicinity of the proposed expansion.</p> <p>The interim draft CEA prepared by Patuharakeke identifies that the proposal will not impact on any individual archaeological sites or wāhi tapu.</p>

	<p>i. considering provision for methods that would enhance owners' opportunities for conservation of listed heritage structures, such as relief grants or rates relief.</p>	
<p>Policy 20</p> <p>Vehicle access</p>	<ol style="list-style-type: none"> 1. Control use of vehicles, apart from emergency vehicles, on beaches, foreshore, seabed and adjacent public land where: <ol style="list-style-type: none"> a. damage to dune or other geological systems and processes; or b. harm to ecological systems or to indigenous flora and fauna, for example marine mammal and bird habitats or breeding areas and shellfish beds; or c. danger to other beach users; or d. disturbance of the peaceful enjoyment of the beach environment; or e. damage to historic heritage; or f. damage to the habitats of fisheries resources of significance to customary, commercial or recreational users; or g. damage to sites of significance to tangata whenua; might result. 2. Identify the locations where vehicular access is required for boat launching, or as the only practicable means of access to private property or public facilities, or for the operation of existing commercial activities, and make appropriate provision for such access. 3. Identify any areas where and times when recreational vehicular use on beaches, foreshore and seabed may be permitted, with or 	<p>Any need for vehicles on beaches and the foreshore during construction will be subject to conditions of consent targeted at minimising adverse effects on ecological values in these areas.</p> <p>Post-construction, it is expected that port-related vehicles would only traverse these areas in an emergency situation.</p>

	without restriction as to type of vehicle, without a likelihood of any of (1)(a) to (g) occurring.	
Policy 22 Sedimentation	<ol style="list-style-type: none"> 1. Assess and monitor sedimentation levels and impacts on the coastal environment. 2. Require that subdivision, use, or development will not result in a significant increase in sedimentation in the coastal marine area, or other coastal water. 3. Control the impacts of vegetation removal on sedimentation including the impacts of harvesting plantation forestry. 4. Reduce sediment loadings in runoff and in stormwater systems through controls on land use activities. 	The proposed construction, deposition and dredging activities will be subject to comprehensive conditions of consent designed to provide real-time monitoring of sedimentation levels, response mechanisms to appropriately manage adverse effects of sedimentation in coastal water and in the coastal marine area generally, and reporting of outcomes to councils and other bodies and agencies with collaborative responsibilities and duties in the coastal environment.
Policy 23 Discharge of contaminants	<ol style="list-style-type: none"> 1. In managing discharges to water in the coastal environment, have particular regard to: <ol style="list-style-type: none"> 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 	<p>Policy 23(5) refers specifically to managing discharges from ports and other marine facilities. It emphasises the need to take all practical steps to avoid more than minor adverse effects resulting from discharges from the port facility. It also requires that dredging and disturbance activities do not result in significant adverse effects on water quality or the seabed substrate, ecosystems of habits.</p> <p>Discharges to the CMA will be subject to conditions of consent. Any potentially significant adverse effects of fugitive dust emissions from construction activities and port operations will be avoided by utilising best practice.</p> <p>Discharges to water from the port facility will be managed by the existing pond-based stormwater treatment system for the existing port. The effects of these discharges on water quality are predicted to be minor or less.</p> <p>Mitigation measures are proposed to ensure that the disturbance or relocation of contaminated seabed material, other than by the movement of vessels, and the dumping or storage of dredged material will not result in significant adverse effects on water quality or the seabed, substrate, ecosystems, or habitats.</p>

	<p>f. minimise adverse effects on the life-supporting capacity of water within a mixing zone.</p> <p>2. In managing discharge of human sewage, do not allow:</p> <p>a. discharge of human sewage directly to water in the coastal environment without treatment; and</p> <p>b. the discharge of treated human sewage to water in the coastal environment, unless:</p> <p>i. there has been adequate consideration of alternative methods, sites and routes for undertaking the discharge; and</p> <p>ii. informed by an understanding of tangata whenua values and the effects on them.</p> <p>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.</p> <p>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:</p> <p>a. avoiding where practicable and otherwise remedying cross contamination of sewage and stormwater systems;</p> <p>b. reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment and by controls on land use activities;</p> <p>c. promoting integrated management of catchments and stormwater networks; and</p>	<p>For the above reason, the proposal aligns with Policy 23.</p>
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	<ul style="list-style-type: none">d. promoting design options that reduce flows to stormwater reticulation systems at source. <p>5. In managing discharges from ports and other marine facilities:</p> <ul style="list-style-type: none">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; andd. consider the need for facilities for the collection of sewage and other wastes for recreational and commercial boating.	
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Regional Policy Statement for Northland

Reference	Objective/Policy	Assessment
Objective 3.1 Integrated catchment management	Integrate the management of freshwater and the subdivision, use and development of land in catchments to enable catchment-specific objectives for fresh and associated coastal water to be met.	N/A
Objective 3.2 Region wide water quality	<p>Improve the overall quality of Northland's fresh and coastal water with a particular focus on:</p> <ul style="list-style-type: none"> (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. 	<p>The various technical assessments and results from monitoring existing port related discharges demonstrate that operational stormwater will not adversely affect overall water quality in the adjoining harbour. Mitigation measures are proposed to further minimise sedimentation during construction (reclamation and dredging). A comprehensive suite of conditions carefully crafted to provide real-time monitoring, response and reporting obligations for turbidity will be developed in consultation with council, mana whenua and stakeholders. Accordingly, the proposal aligns with this objective.</p> <p>Policy 4.2.1(a) requires the NRC to set region wide water quality limits, which has now been given effect to in the PRP. The conditions of consent will ensure that discharges from the existing and expanded port will continue to comply with these limits.</p> <p>Potential sediment loads during construction will also be controlled by implementing best construction management measures, as provided for by conditions of consent.</p>
Policy 4.2.1 (Improving overall water quality)	<p>Improve the overall quality of Northland's water resources by:</p> <ul style="list-style-type: none"> (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. 	<p>The proposal involves the creation of additional roosting habitat to the west of Northport, consistent with Policy 4.2.1(c).</p> <p>Overall, the proposal aligns with this policy.</p>

	<p>(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</p> <p>(c) Promoting and supporting the active management, enhancement and creation of vegetated riparian margins and wetlands.</p>	
<p>Objective 3.4</p> <p>(indigenous ecosystems and biodiversity)</p>	<p>Safeguard Northland's ecological integrity by:</p> <p>a) Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna;</p> <p>b) Maintaining the extent and diversity of indigenous ecosystems and habitats in the region; and</p> <p>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.</p>	<p>Objective 3.4 and Policy 4.4.1 give effect to Objective 1 and Policy 11 of the NZCPS.</p> <p>The proposal has been the subject of detailed, integrated, and appropriately scaled assessments of effects on indigenous biodiversity that recognise the dynamic, complex, and interrelated nature of the environment in this locality. The various assessments by qualified and experienced independent experts conclude that the overall effects on biological and physical processes, and on the diversity of indigenous coastal flora and fauna, will be minor or less subject to the implementation of mitigation measures. In addition, coastal water quality has been determined to be good, and unlikely to be affected by additional run-off from the expanded container terminal. The proposal aligns with Objective 3.4 and Policy 4.4.1.</p>
<p>Policy 4.4.1</p> <p>(Maintaining and protecting significant ecological areas and habitats)</p>	<p>(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:</p> <p>(a) Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;</p> <p>(b) Areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5;</p> <p>(c) Areas set aside for full or partial protection of indigenous biodiversity under other legislation.</p> <p>(2) In the coastal environment, avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of subdivision, use and development on:</p> <p>(a) Areas of predominantly indigenous vegetation;</p>	

	<p>(b) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes;</p> <p>(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.</p> <p>(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:</p> <p>(a) Areas of predominantly indigenous vegetation;</p> <p>(b) Habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes;</p> <p>(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.</p> <p>(4) For the purposes of clause (1), (2) and (3), when considering whether there are any adverse effects and/or any significant adverse effects:</p> <p>(a) Recognise that a minor or transitory effect may not be an adverse effect;</p> <p>(b) Recognise that where the effects are or maybe irreversible, then they are likely to be more than minor;</p> <p>(c) Recognise that there may be more than minor cumulative effects from minor or transitory effects.</p> <p>(5) For the purpose of clause (3) if adverse effects cannot be reasonably avoided, remedied or mitigated then it may be appropriate to consider the next steps in the</p>	
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	mitigation hierarchy i.e. biodiversity offsetting followed by environmental biodiversity compensation, as methods to achieve Objective 3.4.	
Objective 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.	The purpose of the proposed expansion is to improve the economic well-being of Northland and its communities through ensuring a robust port network with sufficient capacity into the future, thereby enabling the operation and expansion of downstream businesses and investment that contribute to the economic wellbeing of people and communities. The proposal therefore aligns with this objective.
Objective 3.6 (Economic activities – reverse sensitivity and sterilisation)	<p>The viability of land and activities important for Northland's economy is protected from the negative impacts of new subdivision, use and development, with particular emphasis on either:</p> <p>(a) Reverse sensitivity for existing:</p> <ul style="list-style-type: none"> (i) Primary production activities; (ii) Industrial and commercial activities; (iii) Mining*; or (iv) Existing and planned regionally significant infrastructure; or <p>(b) Sterilisation of:</p> <ul style="list-style-type: none"> (i) Land with regionally significant mineral resources; or (ii) Land which is likely to be used for regionally significant infrastructure. <p>*Includes aggregates and other minerals.</p>	This objective is not directly applicable but emphasises the importance of Regionally Significant Infrastructure in the RPS and seeks to avoid reverse sensitivity effects for both existing and planned infrastructure.
Objective 3.7	Recognise and promote the benefits of regionally significant infrastructure, (a physical resource), which through its use of natural and physical resources can significantly enhance Northland's economic, cultural, environmental, and social wellbeing.	The importance of regionally significant infrastructure, and economic development in general is one of the key themes of the Regional Policy Statement.

(Regionally significant infrastructure)		Northport is identified as regionally significant infrastructure in the RPS. The proposed expansion of the Port will enhance Northland's economic and social well-being in the manner contemplated by Objective 3.7 (see ME report in Appendix 21).
Policy 5.3.1 (Identifying regionally significant infrastructure)	The regional and district councils shall recognise the activities identified in Appendix 3 of this document as being regionally significant infrastructure.	Objective 3.7 is supported by Policies 5.3.1, 5.3.2, and 5.3.3. Policy 5.3.1 expressly identifies Northport is regionally significant infrastructure. Notwithstanding subsequent caselaw in respect to the overall judgement approach, Policy 5.3.2 requires particular regard to be had to the significant social, economic, and cultural benefits of regionally significant infrastructure when determining resource consent applications for such proposals
5.3.2 Policy – (Benefits of regionally significant infrastructure)	Particular regard shall be had to the significant social, economic, and cultural benefits of regionally significant infrastructure when considering and determining resource consent applications or notices of requirement for regionally significant infrastructure. <i>Explanation: The intent of this policy is to assist regionally significant infrastructure when it comes to the overall judgement to be made in terms of section 5 of the Resource Management Act 1991(RMA), during the resource consent process, by providing clear recognition of the social, economic, and cultural benefits of regionally significant infrastructure.</i>	Policy 5.3.3 a recognises that the establishment and operation of new regionally significant infrastructure, and the maintenance and upgrading of established regionally significant infrastructure, may have adverse effects which should be allowed and/or managed. The proposal is consistent with the policies referred to in 5.3.3(1)(a) as covered elsewhere in this analysis. Furthermore, it does not result in water quality limits being exceeded, and effects are otherwise avoided, remedied, or mitigated, noting that the effects relating to mana whenua continue to be interpreted.
Policy 5.3.3 (Managing adverse effects arising from regionally significant infrastructure)	(1) Allow adverse effects arising from the establishment and operation of new regionally significant infrastructure and the re-consenting of existing operations where: (a) The proposal is consistent with Policies 4.4.1(1), 4.4.1(2). 4.6.1(1)(a), 4.6.1(1)(b), 4.6.1(2) and 4.6.2(1); (b) The proposal does not result in established water quality limits or environmental flows and / or levels being exceeded or otherwise could lead to the over-allocation of a catchment (refer to Policy 4.1.1);	Policy 5.3.3(3) sets out matters that are to be assigned weight by decision makers when managing the adverse effects of regionally significant infrastructure. These include (relevantly) the benefits of the proposed port expansion in accordance with Policy 5.3.2, the fact that ports are specifically recognised in the NZCPS, the functional need for the Port be located in the coastal environment and the relative effects of other alternatives, the fact that the Port is a lifeline utility, and the fact that the effects of the proposal can be avoided or otherwise mitigated.

	<p>(c) Damage to and / or loss of the relationship of iwi with ancestral sites, sites of significance, wāhi tapu, customary activities and / or taonga is avoided or otherwise agreed to by the affected iwi or hapū; and</p> <p>(d) In addition to the matters outlined in 1) (a) – (c) above, other adverse effects are avoided, remedied or mitigated to the extent that they are no more than minor.</p> <p>(2) Allow adverse effects arising from the maintenance and upgrading of established regionally significant infrastructure wherever it is located, where:</p> <p>(a) The adverse effects whilst the maintenance or upgrading is being undertaken are not significant; and</p> <p>(b) The adverse effects after the conclusion of the maintenance or upgrading are the same or similar to before the activity being undertaken.</p> <p>(3) When managing the adverse effects of regionally significant infrastructure decision makers will give weight to:</p> <p>(a) The benefits of the activity in terms of Policy 5.3.2;</p> <p>(b) Whether the activity must be recognised and provided for as directed by a national policy statement;</p> <p>(c) Any 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;</p> <p>(d) Whether the proposal 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.</p> <p>(e) The extent to which the adverse effects of the activity can be practicably reduced. Such an assessment shall also take into account appropriate measures, when offered, to provide positive effects, either within the subject site or elsewhere</p>	<p>For the reasons outlined above, the proposal aligns with Objective 3.7 and the supporting policies 5.3.1, 5.3.2, and 5.3.3.</p>
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	<p>provided that the positive effects accrue to the community of interest and / or resource affected; and</p> <p>(f) Whether a monitoring programme for any identified significant adverse effects with unknown or uncertain outcomes could be included as a condition of consent and an adaptive management regime (including modification to the consented activity) is used to respond to such effects.</p> <p>(g) Whether the infrastructure proposal helps to achieve consolidated development and efficient use of land.</p>	
<p>Objective 3.8</p> <p>(Efficient and effective infrastructure)</p>	<p>Manage resource use to:</p> <p>(a) Optimise the use of existing infrastructure;</p> <p>(b) Ensure new infrastructure is flexible, adaptable, and resilient, and meets the reasonably foreseeable needs of the community; and</p> <p>(c) Strategically enable infrastructure to lead or support regional economic development and community wellbeing.</p>	<p>The proposal aligns with Objective 3.8 for the following reasons:</p> <p>(1) Following extensive consideration of potential alternative locations and designs over a number of years, the proposal optimises the use of the existing port infrastructure and avoids the need for a new port in Northland (Objective 3.8(a)).</p> <p>(2) It will enable flexibility to adapt to changing market and political conditions to meet the reasonably foreseeable needs of the community (Objective 3.8(b)).</p> <p>(3) It will enable the port to continue to lead and facilitate regional economic development and community wellbeing for the Northland region (Objective 3.8(c)).</p> <p>Objective 3.8 is supported by policies 5.2.1, 5.2.2, and 5.2.3, which collectively recognise the importance of infrastructure to the economic wellbeing of the region. These policies emphasise the importance of flexibility, resilience, and adaptability for infrastructure to meet the foreseeable needs of future generations. The proposal is consistent with these policies, the core project purposes being to provide flexibility for Northport to adapt to everchanging changing markets, and to enable Northport to continue to facilitate economic growth in the region, and nationally.</p>
<p>Policy 5.2.1</p> <p>(Managing the use of resources)</p>	<p>Encourage development and activities to efficiently use resources, particularly network resources, water and energy, and promote the reduction and reuse of waste.</p>	
<p>Policy 5.2.2</p> <p>(Future-proofing infrastructure)</p>	<p>Encourage the development of infrastructure that is flexible, resilient, and adaptable to the reasonably foreseeable needs of the community.</p>	
<p>Policy 5.2.3</p>	<p>Promote the provision of infrastructure as a means to shape, stimulate and direct opportunities for growth and economic development.</p>	

(Infrastructure, growth, economic development)		These provisions are reinforced by the Regionally Significant Infrastructure provisions (Objective 3.7 supported by Policies 5.3.1, 5.3.2, and 5.3.3). The proposal aligns with all of these provisions.
Objective 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.	<p>The role of tangata whenua in decision-making has been recognised in the Northland and Whangarei contexts through regional and district plan provisions, including iwi management plans, and through meaningful and ongoing engagement with mana whenua on this proposal.</p> <p>Understanding the relationship of tangata whenua over their lands, rohe and resources and the related effects of the proposal on this relationship continues to be a key focus for Northport.</p>
Objective 3.13 (Natural hazard risk)	<p>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:</p> <ul style="list-style-type: none"> (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. 	<p>Objective 3.13, supported by policies 7.1.1, 7.1.3, 7.1.4, 7.1.5 and 7.1.6, is aimed at minimising the risks and impacts of natural hazards.</p> <p>Northport (as with all ports) has a functional need to be located in the coastal environment. As such, it is more likely to be subject to potential risks and impacts associated with coastal hazards, although the natural hazard risk to the port itself is lessened by its location inside the harbour, as opposed to more exposed coastal locations. This is specifically recognised in Policy 7.1.5. Accordingly, the proposal is an appropriate development in the context of these provisions.</p> <p>The remaining focus of the provisions is on ensuring that the development is designed to accommodate natural hazards, cognisant of the impacts of climate change. These factors have been carefully considered and will influence the final design of the expanded port as envisaged by these provisions.</p>

	(g) Recognising that in justified circumstances, critical infrastructure may have to be located in natural hazard-prone areas.	
Policy 7.1.1 (General risk management approach)	<p>Subdivision, use and development of land will be managed to minimise the risks from natural hazards by:</p> <p>(a) Seeking to use the best available information, including formal risk management techniques in areas potentially affected by natural hazards;</p> <p>(b) Minimising any increase in vulnerability due to residual risk;</p> <p>(c) Aligning with emergency management approaches (especially risk reduction);</p> <p>(d) Ensuring that natural hazard risk to vehicular access routes and building platforms for proposed new lots is considered when assessing subdivision proposals; and</p> <p>(e) Exercising a degree of caution that reflects the level of uncertainty as to the likelihood or consequences of a natural hazard event.</p>	
Policy 7.1.3 (New subdivision, use and development within areas potentially affected by coastal hazards (including high risk coastal hazard areas))	<p>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:</p> <p>(a) Redevelopment or changes in land use that reduce the risk of adverse effects from coastal hazards are encouraged;</p> <p>(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;</p> <p>(c) Coastal hazard risk to vehicular access routes for proposed new lots is assessed;</p> <p>(d) Any use or development does not increase the risk of social, environmental or economic harm (from coastal hazards);</p>	

	<p>(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;</p> <p>(f) The use of hard protection structures is discouraged and the use of alternatives to them promoted; and</p> <p>(g) Mechanisms are in place for the safe storage of hazardous substances.</p>	
<p>Policy 7.1.4 (Existing development in known hazard-prone areas)</p>	<p>In 10-year and 100-year flood hazard areas and coastal hazard areas, mitigation measures to reduce natural hazard risk to existing development will be encouraged. These may include one or more of the following:</p> <p>(a) Designing for relocatable or recoverable structures (when changing existing buildings);</p> <p>(b) Providing for low or no risk activities within hazard-prone areas;</p> <p>(c) Providing for setbacks (from rivers / streams or the coastal marine area);</p> <p>(d) Managed retreat by relocation, removal, or abandonment of structures;</p> <p>(e) Replacing or modifying existing development without resorting to hard protection structures (see Policy 7.2.2); or</p> <p>(f) Protecting, restoring or enhancing natural defences against natural hazards (see Policy 7.2.1).</p>	
<p>Policy 7.1.5 (Regionally significant infrastructure and critical infrastructure)</p>	<p>New regionally significant infrastructure and critical infrastructure:</p> <p>(1) Must be designed to maintain, as far as practicable, its integrity and function during natural hazard events; and</p> <p>(2) May be considered appropriate to locate within flood and coastal hazard areas, even if it cannot meet policies 7.1.2 or 7.1.3 provided:</p>	

	<p>(a) There is a need to be located within the flood hazard and / or coastal hazard area; and</p> <p>(b) infrastructure providers have demonstrated that the proposed location within the hazard area is the most appropriate (taking into account social, cultural, and economic costs and benefits) to service the needs of the community; and</p> <p>(c) An engineer's assessment identifies the potential for the infrastructure to exacerbate flood and erosion hazard risk on neighbouring properties, and where the assessment shows that risk will be exacerbated; the assessment must outline ways this risk can be minimised.</p>	
Policy 7.1.6 (Climate change and development)	When managing subdivision, use and development in Northland, climate change effects will be included in all estimates of natural hazard risk, taking into account the scale and type of the proposed development and using the latest guidance and best available information on the likely effects of climate change on the region or district.	
Objective 3.14 (Natural character, outstanding natural features, outstanding natural landscapes and historic heritage)	<p>Identify and protect from inappropriate subdivision, use and development;</p> <p>(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;</p> <p>(b) The qualities and characteristics that make up outstanding natural features and outstanding natural landscapes;</p> <p>(c) The integrity of historic heritage.</p>	<p>Objective 3.14 and Policy 4.6.1 give effect to Objective 2 and Policies 13 and 15 of the NZCPS. The BNZL assessment of effects recognises the qualities and characteristics that contribute to the natural character and landscape values of the environment in the vicinity of the port and concludes that although the character and values of Marsden Point Beach would be appreciably changed by the proposed expansion, this will not alter the natural character values of the wider Marsden Point coastline to a commensurate degree.</p> <p>The BNZL report notes that the proposal is not located in mapped Outstanding Natural Character, Feature, and Landscape Areas, and rather is located in an area where natural character values are compromised by existing activities in the immediate and surrounding environment (consistent with Policy 4.6.1(b)(iii)).</p> <p>The BNZL assessment concludes that the proposal is acceptable in natural character terms, avoiding effects on outstanding natural features, outstanding</p>
Policy 4.6.1 Managing effects on the characteristics	<p>(1) In the coastal environment:</p> <p>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.</p>	

<p>and qualities (<i>sic</i>) natural character, natural features and landscapes</p>	<p>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.</p> <p>Methods which may achieve this include:</p> <p>(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</p> <p>(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</p> <p>(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.</p> <p>(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:</p> <p>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;</p> <p>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;</p>	<p>natural character, and landscape areas, and otherwise avoiding significant effects in the coastal environment. It therefore aligns with this objective and policy.</p>
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	<p>c) Minimising, indigenous vegetation clearance and modification (including earthworks / disturbance and structures) to natural wetlands, the beds of lakes, rivers and their margins.</p> <p>(3) When considering whether there are any adverse effects on the characteristics and qualities of the natural character, natural features and landscape values in terms of (1)(a), whether there are any significant adverse effects and the scale of any adverse effects in terms of (1)(b) and (2), and in determining the character, intensity and scale of the adverse effects:</p> <p>a) Recognise that a minor or transitory effect may not be an adverse effect;</p> <p>b) Recognise that many areas contain ongoing use and development that:</p> <p>(i) Were present when the area was identified as high or outstanding or have subsequently been lawfully established</p> <p>(ii) May be dynamic, diverse or seasonal;</p> <p>c) Recognise that there may be more than minor cumulative adverse effects from minor or transitory adverse effects; and</p> <p>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.</p>	
<p>Objective 3.15</p> <p>(Active management)</p>	<p>Maintain and / or improve;</p> <p>(a) The natural character of the coastal environment and freshwater bodies and their margins;</p> <p>(b) Outstanding natural features and outstanding natural landscapes;</p> <p>(c) Historic heritage;</p> <p>(d) Areas of significant indigenous vegetation and significant habitats of indigenous fauna (including those within estuaries and harbours);</p>	<p>Although the natural character of the Marsden Point Beach area will be maintained or improved by the proposal, the natural character values of the wider Marsden Point coastline will not be altered to a degree and will therefore be maintained.</p> <p>The proposal incorporates mitigation measures in relation to indigenous biodiversity (3.15(d), maintaining and enhancing public open space and access (3.15(e)), and water quality (3.15(f)) in line with this objective. Additional restoration and enhancement measures that accord with Policy</p>

	<p>(e) Public access to the coast; and</p> <p>(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.</p>	4.4.2 may be proposed following further consultation with mana whenua and other interest groups.
Policy 4.4.2 (supporting restoration and enhancement)	Support voluntary efforts of landowners and community groups, iwi and hapū, to achieve Objective 3.15.	
Policy 4.5.2 (Application of the Regional Policy Statement – Maps)	The Regional Policy Statement Maps of high and outstanding natural character and outstanding natural features and outstanding natural landscapes identify areas that are sensitive to subdivision, use and development. The maps of these areas identify where caution is required to ensure activities are appropriate. However, suitably qualified assessment at a site or property-specific level can be used to demonstrate lesser (or greater) sensitivity to particular subdivision, use and development proposals given the greater resolution provided.	The proposed expansion is not located in any of these mapped areas under the RPS.
Policy 4.5.3 (Assessing, identifying, and recording historic heritage)	<p>Historic heritage resources (areas, places, sites, buildings, or structures either individually or as a group) are identified taking into account one or more of the following criteria:</p> <p>(a) Archaeological and / or scientific importance: the resource contributes significantly to our understanding of human history or archaeological research;</p> <p>(b) Architecture and technology: the structure or building is significant due to design, form, scale, materials, style, period, craftsmanship, construction technique or other unique element / characteristic;</p> <p>(c) Rarity: the resource or site is unique, uncommon or rare at a district, regional or national level;</p>	There are no recorded archaeological sites or sites of significance within the proposed expansion footprint. The interim draft CEA prepared by Patuharakeke identifies that the proposal will not impact on any individual archaeological sites or wāhi tapu. Actual and potential effects on the wider cultural landscape will be carefully considered as the application progresses.

	<p>(d) Representativeness: the resource is an excellent example of its class in terms of design, type, use, technology, time period or other characteristic;</p> <p>(e) Integrity: the resource retains a high proportion of its original characteristics and integrity compared with other examples in the district or region;</p> <p>(f) Context: the resource forms part of an association of heritage sites or buildings which, when considered as a whole, become important at a district, regional or national scale;</p> <p>(g) People and events: the resource is directly associated with the life or works of a well-known or important individual, group or organisation and / or is associated with locally, regionally or nationally significant historic events;</p> <p>(h) Identity: the resource provides a sense of place, community identity or cultural or historical continuity;</p> <p>(i) Tangata whenua: the resource place or feature is important to tangata whenua for traditional, spiritual, cultural or historic reasons; and</p> <p>(j) Statutory: the resource or feature is recognised nationally or internationally, including: a World Heritage Site under the World Heritage Convention 1972; is registered under the Historic Places Act 1993; or is recognised as having significant heritage value under a statutory acknowledgement or other legislation.</p>	
<p>Policy 4.6.2</p> <p>(Maintaining the integrity of heritage resources)</p>	<p>(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):</p> <p>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:</p> <p>(i) Requiring careful design and location of subdivision, use and development to retain heritage buildings and other physical elements of historic heritage and where practical enhance public use and access;</p>	

	<p>(ii) Restricting the demolition / relocation of and / or inappropriate modifications, additions or alterations to physical elements of historic heritage;</p> <p>(iii) Recognising that the integrity of many historic heritage resources relies on context and maintain these relationships in the design and location of subdivision, use and development;</p> <p>(iv) Recognising the collective value of groups of heritage buildings, structures and / or places, particularly where these are representative of Northland's historic settlements, architecture or periods in history and maintain the wider character of such areas; and</p> <p>(v) Restricting activities that compromise important spiritual or cultural values held by Māori / Mana Whenua and / or the wider community in association with particular heritage places or features.</p> <p>(2) Despite the above: a) Clause 1 does not apply where natural hazards threaten the viability of regionally significant infrastructure and / or public health and safety; or b) Regionally significant infrastructure proposals that cannot meet 4.6.2(1) may still be appropriate after assessment against the matters in Policy 5.3.3(3).</p>	
<p>Policy 4.7.1 (Promote active management)</p>	<p>In plan provisions and the resource consent process, recognise and promote the positive effects of the following activities that contribute to active management:</p> <p>a) Pest control, particularly where it will complement an existing pest control project / programme;</p> <p>b) Soil conservation / erosion control;</p> <p>c) Measures to improve water quality in parts of the coastal marine area where it has deteriorated and is having significant adverse effects, or in freshwater bodies targeted for water quality enhancement;</p> <p>d) Measures to improve flows and / or levels in over allocated freshwater bodies;</p>	<p>The proposal will result in a number of positive effects outcomes, including outcomes that align with relevant aspects of policies 4.7.1 and 4.7.3 as follows:</p> <p>(1) Effects on indigenous biodiversity are minor or less in the context of Policy 4.4.1.</p> <p>(2) Effects on ONCAs, ONLAs, and ONFs are avoided.</p> <p>(3) Additional natural habitat (roosting area) is being created to support indigenous biodiversity identified under Policy 4.4.1.</p> <p>(4) Public access is being provided to the pocket park.</p> <p>(5) The existing pest control programme on the existing port will be expanded to include the expanded port.</p>

	<p>e) Re-vegetation with indigenous species, particularly in areas identified for natural character improvement;</p> <p>f) Maintenance of historic heritage resources (including sites, buildings and structures);</p> <p>g) Improvement of public access to and along the coastal marine area or the margins of rivers or lakes except where this would compromise the conservation of historic heritage or significant indigenous vegetation and / or significant habitats of indigenous fauna;</p> <p>h) Exclusion of stock from waterways and areas of significant indigenous vegetation and / or significant habitats of indigenous fauna;</p> <p>i) Protection of indigenous biodiversity values identified under Policy 4.4.1, outstanding natural character, outstanding natural landscapes or outstanding natural features either through legal means or physical works;</p> <p>j) Removal of redundant or unwanted structures and / or buildings except where these are of historic heritage value or where removal reduces public access to and along the coast or lakes and rivers;</p> <p>k) Restoration or creation of natural habitat and processes, including ecological corridors in association with indigenous biodiversity values identified under Policy 4.4.1, particularly wetlands and / or wetland sequences;</p> <p>l) Restoration of natural processes in marine and freshwater habitats</p>	(6) Unwanted/redundant structures will be removed from the CMA.
<p>Policy 4.7.3 (Improving natural character)</p>	<p>Except where in conflict with established uses promote rehabilitation and restoration of natural character in the manner described in Policy 4.7.1 in the following areas:</p> <p>(a) Wetlands, rivers, lakes, estuaries, and their margins;</p>	

	<p>(b) Undeveloped or largely undeveloped natural landforms between settlements, such as coastal headlands, peninsulas, ridgelines, dune systems;</p> <p>(c) Areas of high natural character;</p> <p>(d) Land adjacent to outstanding natural character areas, outstanding natural features, and outstanding natural landscapes;</p> <p>(e) Remnants of indigenous coastal vegetation particularly where these are adjacent to water or can be linked to establish or enhance ecological corridors; and</p> <p>(f) The areas or values identified in Policy 4.4.1 (protecting significant areas and species).</p>	
<p>Policy 4.8.1 (Demonstrate the need to occupy space in the common marine and coastal area)</p>	<p>(1) Only consider allowing structures, the use of structures and other activities that occupy space in the common marine and coastal area where:</p> <p>(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);</p> <p>(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);</p> <p>(c) It is not feasible to use an existing authorised structure; and</p> <p>(d) The area occupied is necessary to provide for or undertake the intended use.</p> <p>(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.</p> <p>(3) If the public are excluded from using a structure or common marine and coastal area, the exclusion is:</p> <p>(a) Only for the time period(s) and the area necessary to provide for or undertake the intended use ;or</p>	<p>The proposal aligns with this policy as follows:</p> <p>(1) There is a clear functional need for port activities, and therefore the expansion to the port to be in the coastal marine area – they cannot be located anywhere else.</p> <p>(2) The design and location of the proposal is constrained by the existing port development and the need for additional berth space. It then follows that the operational port area must be located immediately proximate to the berths. It is not feasible or viable to undertake port activities on inland areas, which would require inefficient multiple handling of cargo/containers – see issues and options report in Appendix 2.</p> <p>(3) The proposed extent of the port and reclamation footprint extent is necessary to provide for the intended use – see issues and options report in Appendix 2.</p> <p>(4) Exclusion of the public from the port operations area, including the port exclusion zone, is necessary to protect the integrity of the structure and for health and safety reasons.</p>

	<p>(b) Necessary to ensure the integrity of the structure; or</p> <p>(c) Necessary to ensure the health and safety of the public.</p>	
<p>Policy 4.8.3 (Coastal permit duration)</p>	<p>When determining the expiry date for coastal permits to occupy space in the common marine and coastal area, particular regard will be had to:</p> <p>(a) The security of tenure for investment (the larger the investment, the longer the consent duration);</p> <p>(b) Aligning the expiry date with other coastal permits to occupy space in the surrounding common marine and coastal area;</p> <p>(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</p> <p>(d) Certainty of effects (the less certain the effects the shorter the consent duration).</p>	<p>The proposed 35 year durations sought for the Northland Regional Council consents – other than the coastal permit for reclamation, which is of unlimited duration pursuant to s 123(a) of the RMA, reflects the need for security of tenure given the extremely significant level of capital investment involved. It also reflects the long-term perspective required for investment in regionally significant infrastructure, including specifically port development, and the need for flexibility and the ability to react to changing factors, such as exchange rates, availability of resources, and market requirements.</p>
<p>Policy 4.8.4 (Private use of common marine and coastal area)</p>	<p>Recognise activities which provide a net gain in environmental and/or public benefit from persons occupying space in the common marine and coastal area.</p>	<p>The considerable public benefits, including for people and communities in Northland, from the expanded port occupying additional common marine and coastal area are outlined in the ME economic assessment.</p>
<p>Policy 5.1.2 (Development in the coastal environment)</p>	<p>Enable people and communities to provide for their wellbeing through appropriate subdivision, use, and development that:</p> <p>(a) Consolidates urban development¹ within or adjacent to existing coastal settlements and avoids sprawling or sporadic patterns of development;</p> <p>(b) Ensures sufficient development setbacks from the coastal marine area to;</p>	<p>The purpose of the proposed expansion is to improve the economic well-being of Northland and its communities, consistent with the intent of this policy. It achieves this by:</p> <p>(1) Consolidating the existing port development consistent with Policy 5.1.2(a).</p>

¹ 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.

	<p>(i) maintain and enhance public access, open space, and amenity values; and</p> <p>(ii) allow for natural functioning of coastal processes and ecosystems;</p> <p>(c) Takes into account the values of adjoining or adjacent land and established activities (both within the coastal marine area and on land);</p> <p>(d) Ensures adequate infrastructure services will be provided for the development; and</p> <p>(e) Avoids adverse effects on access to, use and enjoyment of surf breaks of national significance for surfing.</p>	<p>(2) Retaining public access to the residual beach area and the eastern side of the reclamation and improving public amenities as per the pocket park concept, consistent with Policy 5.1.2(b)(i).</p> <p>(3) Minimising effects on the functioning of coastal processes and ecosystems consistent with Policy 5.1.2(b)(ii).</p> <p>(4) Compatibility with existing development in the surrounding environment (i.e. existing port and CINZ facility) consistent with Policy 5.1.2(c).</p> <p>(5) The ability to service the expanded port area with adequate infrastructure consistent with Policy 5.1.2(d).</p>
<p>Policy 5.1.3</p> <p>(Avoiding the adverse effects of new use(s) and development)</p>	<p>Avoid the adverse effects, including reverse sensitivity effects of new subdivision, use and development, particularly residential development on the following:</p> <p>(a) Primary production activities in primary production zones (including within the coastal marine area);</p> <p>(b) Commercial and industrial activities in commercial and industrial zones;</p> <p>(c) The operation, maintenance or upgrading of existing or planned² regionally significant infrastructure³; and</p> <p>(d) The use and development of regionally significant mineral resources.⁴</p>	<p>N/A - preventing reverse sensitivity effects related to other development is beyond the scope of this application, although some of the proposed conditions of consent relating to port noise are aimed at reducing the potential for reverse sensitivity.</p>

² In this instance, planned means the infrastructure has been identified and provided for in a; notice of requirement designation, resource consent, a regional or district plan, the Northland Regional Land Transport Strategy or a document prepared using the special consultative process under the Local Government Act 2002.

³ See also Policy 5.3.1.

⁴ See also Policy 5.3.4.

<p>Policy 7.2.2</p> <p>(Establishing the need for hard protection structures)</p>	<p>Priority will be given to the use of non-structural measures over the use / construction of hard protection structures when managing hazard risk. New hard protection structures may be considered appropriate when:</p> <p>(a) The level of hazard risk reduction that the proposed structural asset is seeking to achieve is appropriate and cannot reasonably be achieved through non-structural options; OR</p> <p>(b) They will provide protection for concentrations of vulnerable existing development and the works form part of a long-term hazard management strategy that represents the best practicable option for the future; and</p> <p>(c) The financial costs of non-structural measures (compared to the costs of the hard protection structure that will achieve the desired level of hazard risk reduction) are too high for the community; and</p> <p>(d) It can be demonstrated that the benefits of mitigation outweigh the adverse effects and that the form and location of the hard protection structure is such that any adverse effects on the environment are minimised. Hard protection structures, when considered necessary to protect private assets, should not be located on public land unless there is significant public or environmental benefit in doing so.</p>	<p>The reclamation rock revetment is the best practicable option for protecting the reclamation against natural hazards. There are no viable non-structural measures.</p>
<p>Policy 8.1.1</p> <p>(Tangata whenua participation)</p>	<p>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.</p>	<p>Northport acknowledges the responsibilities of regional and district councils to provide opportunities for tangata whenua participation in RMA processes. Northport generally supports a collaborative approach to decision making.</p>
<p>Policy 8.1.2</p> <p>(The regional and district council statutory responsibilities)</p>	<p>The regional and district councils shall when developing plans and processing resource consents under the Resource Management Act 1991 (RMA):</p> <p>(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;</p> <p>(b) Have particular regard to kaitiakitanga; and</p>	<p>Northport has carried out meaningful engagement with mana whenua, and this will continue post lodgement. The applicant has requested public notification of its application for resource consents, providing another avenue for public participation, and participation by tangata whenua, in the process.</p>

	(c) Take into account the principles of the Treaty of Waitangi including partnership.	
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Proposed Regional Plan for Northland

Reference	Objective/Policy	Assessment
Objective F.1.2 Water quality	<p>Manage the use of land and discharges of contaminants to land and water so that:</p> <ol style="list-style-type: none"> 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. 	<p>Based on the various technical assessments, and results of monitoring existing port related discharges, the proposal is consistent with all the matters listed in Objective F.1.2. Similarly, the various technical assessments, and results of monitoring existing port related discharges, indicate that operational stormwater will not adversely affect overall water quality in the adjoining harbour, consistent with Policy D.4.1.</p> <p>The proposed treatment method, being utilisation of the existing bespoke Northport canal and pond system is considered to be the best practicable option in accordance with Policy D.4.2. Replacement consents are being sought in order to provide a consistent, comprehensive approach to treatment and monitoring of stormwater across the operational port site.</p> <p>Regarding Policy D.4.27, construction will be undertaken in accordance with good management practices established by the comprehensive CEMP, which is to be duly certified by council. There will be no significant adverse effects, and any residual transitory effects, including turbidity from dredging and discharge of decant water from the reclamation, will be appropriately avoided, remedied, or mitigated.</p> <p>The proposal aligns with the objectives and policies of the PRP relating to water quality.</p>

<p>Policy D.4.1</p> <p>Maintaining overall water quality</p>	<p>When considering an application for a resource consent to discharge a contaminant into water or into land where it may enter water or onto land where it may enter water:</p> <p>1) ensure that the quality of fresh and coastal water is at least maintained, and</p> <p>2) where a water quality standard in Appendix H.3 is currently met:</p> <p>a. ensure that the quality of water in a river, lake or the coastal marine area will continue to meet the standards in Appendix H.3, and</p> <p>b. consider whether any improvements to water quality are required in order to achieve Objective F.1.2</p> <p>3) where a water quality standard in Appendix H.3 is currently exceeded, ensure that any resource consent for a new discharge will not, or is not likely to, cause or contribute to a further exceedance of a water quality standard in Appendix H.3;</p> <p>4) where a water quality standard in Appendix H.3 is currently exceeded and the exceedance of the water quality standard is caused or contributed to by an existing activity for which the replacement resource consent is being considered, ensure any replacement resource consent granted for the existing discharge includes a condition(s) that:</p> <p>a. requires the quality of the discharge to be improved over the term of the consent to reduce the contribution of the discharge to the exceedance of the water quality standard in Appendix H.3; and</p> <p>b. sets out a series of time bound steps, demonstrating how the activity will be managed to achieve the water quality improvements required by (4) (a).</p> <p>5) ensure that the discharge will not cause an acute toxic adverse effect within the zone of reasonable mixing.</p> <p>6) where a discharge will, or is likely to, cause or contribute to:</p>	
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	<p>a. an exceedance of the coastal sediment quality guidelines in Appendix H.3.4, or</p> <p>b. a transitory exceedance of the toxicants, metals and metalloids standard in Table 22, and the activity is associated with the establishment, operation, maintenance or upgrade of regionally significant infrastructure, determine whether higher levels of contaminants in the particular location affected by the discharge can be provided for while still achieving Objective F.1.2, and set appropriate levels of contaminants in accordance with best practice methodology to safeguard the ecosystem values present at the location affected by the discharge; and</p> <p>7) where existing water quality is unknown, or the effect of a discharge on water quality is unknown, the activity must be managed using a precautionary approach, which may include adaptive management.</p>	
<p>Policy D.4.2</p> <p>Industrial or trade wastewater discharges to water</p>	<p>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.</p>	
<p>Policy D.4.4 Zone of reasonable mixing</p>	<p>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:</p> <ol style="list-style-type: none"> 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. 	

<p>Policy D.4.27</p> <p>Land preparation, earthworks and vegetation clearance</p>	<p>When assessing an application for a resource consent for an earthworks, vegetation clearance or land preparation activity and any associated discharge of a contaminant, ensure that the activity:</p> <ol style="list-style-type: none"> 1) will be done in accordance with established good management practices, and 2) avoids significant adverse effects, and avoids, remedies or mitigates other adverse effects on: <ol style="list-style-type: none"> a) drinking water supplies, and b) areas of high recreational use, and c) aquatic ecosystem health, indigenous biodiversity in water bodies and coastal water and receiving environments that are sensitive to sediment or phosphorus accumulation. 	
<p>Objective F.1.3</p> <p>Indigenous ecosystems and biodiversity</p>	<p>In the coastal marine area and in fresh waterbodies, safeguard ecological integrity by:</p> <ol style="list-style-type: none"> 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. 	<p>Objective F.1.3 is satisfied because the various technical assessments indicate that ecological integrity will be safeguarded, and the matters listed in the objective achieved.</p> <p>In accordance with Policy D.2.18, the proposal has been carefully scoped, located, and designed to avoid areas of significant indigenous vegetation and significant habitats of indigenous fauna. Many years of studies and careful consideration of alternative sites and methods have been undertaken.</p> <p>The proposal has been the subject of detailed, integrated, and appropriately scaled assessments of effects on indigenous biodiversity that recognise the dynamic, complex, and interrelated nature of the environment in this locality. The various assessments have balanced desktop analysis, technical modelling, and survey work, and have concluded that the overall effects on biological and physical processes,</p>
<p>Policy D.2.18</p> <p>Managing adverse effects on</p>	<p>Manage the adverse effects of activities on indigenous biodiversity by:</p> <ol style="list-style-type: none"> 1) in the coastal environment: <ol style="list-style-type: none"> a) avoiding adverse effects on: 	

<p>indigenous biodiversity</p>	<p>i. indigenous taxa that are listed as Threatened or At Risk in the New Zealand Threat Classification System lists, and</p> <p>ii. the values and characteristics 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</p> <p>iii. areas set aside for full or partial protection of indigenous biodiversity under other legislation, and</p> <p>b) avoiding significant adverse effects and avoiding, remedying or mitigating other adverse effects on:</p> <p>i. areas of predominantly indigenous vegetation, and</p> <p>ii. habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes, and</p> <p>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</p> <p>2) outside the coastal environment:</p> <p>a) avoiding, remedying or mitigating adverse effects so they are no more than minor on:</p> <p>i. indigenous taxa that are listed as Threatened or At Risk in the New Zealand Threat Classification System lists, and</p> <p>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</p> <p>iii. areas set aside for full or partial protection of indigenous biodiversity under other legislation, and</p>	<p>and on the diversity of indigenous coastal flora and fauna, will be minor or less subject to the implementation of mitigation measures.</p> <p>The proposed mitigation measures for avifauna, marine mammals, and other marine ecology accord with D.2.18(6), including the construction of roosting habitat to maintain/enhance connections within areas of biodiversity, therefore maintaining ecological processes and integrity, and measures to avoid transitory adverse effects associated with construction during sensitive times (i.e., during avifauna nesting and when marine mammals are known to be near works areas).</p> <p>Regarding marine pests, adherence to biosecurity management measures in the CEMP (for construction vessels) and to MPI guidelines for international ships will minimise the potential for new marine pests being introduced into Northland, as will compliance with relevant regional plan rules, and the Northland Regional Pest and Marine Pathway Management Plan.</p> <p>The proposal aligns with Objective F.1.3 and Policy D.2.18.</p>
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	<p>b) avoiding, remedying or mitigating adverse effects so they are not significant on:</p> <ul style="list-style-type: none"> i. areas of predominantly indigenous vegetation, and ii. habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes, and iii. indigenous ecosystems and habitats that are particularly vulnerable to modification, including wetlands, wet heathlands, headwater streams, spawning and nursery areas, and <p>3) recognising areas of significant indigenous vegetation and significant habitats of indigenous fauna include:</p> <ul style="list-style-type: none"> a) Significant Ecological Areas, and b) Significant Bird Areas, and c) Significant Marine Mammal and Seabird Areas, and <p>4) recognising damage, disturbance or loss to the following as being potential adverse effects:</p> <ul style="list-style-type: none"> 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 <p>5) assessing the potential adverse effects of the activity on identified values of indigenous biodiversity, including by:</p> <ul style="list-style-type: none"> 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 	
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	<p>b) recognising that existing activities may be having existing acceptable effects, and</p> <p>c) recognising that minor or transitory effects may not be an adverse effect, and</p> <p>d) recognising that where effects may be irreversible, then they are likely to be more than minor, and</p> <p>e) recognising that there may be more than minor cumulative effects from minor or transitory effects, and</p> <p>6) recognising that appropriate methods of avoiding, remedying or mitigating adverse effects may include:</p> <p>a) careful design, scale and location proposed in relation to areas of indigenous biodiversity, and</p> <p>b) maintaining and enhancing connections within and between areas of indigenous biodiversity, and</p> <p>c) considering the minimisation of effects during sensitive times such as indigenous freshwater fish spawning and migration periods, and</p> <p>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</p> <p>e) maintaining the continuity of natural processes and systems contributing to the integrity of ecological areas, and</p> <p>f) the development of ecological management and restoration plans, and</p> <p>7) recognising that significant residual adverse effects on biodiversity values can be offset or compensated:</p> <p>a) in accordance with the Regional Policy Statement for Northland Policy 4.4.1, and</p>	
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	<p>b) after consideration of the methods in (6) above, recognising the benefits of activities that:</p> <p>8) recognising the benefits of activities on biodiversity values that:</p> <p>a) include the restoration and enhancement of ecosystems, habitats and indigenous biodiversity, and</p> <p>b) improve the public use, value or understanding of ecosystems, habitats and indigenous biodiversity.</p>	
<p>Objective F.1.4</p> <p>Fish passage</p>	<p>The passage of fish is maintained, or is improved, by instream structures, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats.</p>	<p>N/A</p>
<p>Objective F.1.5</p> <p>Enabling economic wellbeing</p>	<p>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.</p>	<p>Objective F.1.5 is a replica of Objective 3.5 of the RPS. By providing future employment opportunities, enabling a range of associated and ancillary business opportunities, and representing a strategic part of NZ's network of coastal ports, the proposal will improve the economic and social well-being of Northland and its communities and therefore aligns with this objective.</p>
<p>Objective F.1.6</p> <p>Regionally significant infrastructure</p>	<p>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.</p>	<p>Objective F.1.6 is a similarly worded objective to Objective 3.7 of the RPS, where Northport is identified as regionally significant infrastructure.</p> <p>The proposed expansion of the Port will enhance Northland's economic and social well-being in the manner contemplated by Objective F.1.6 (see ME report in Appendix 21).</p>
<p>Policy D.2.5</p> <p>(Benefits of regionally</p>	<p>Particular regard must be had to the national, regional, and locally significant social, economic, and cultural benefits of regionally significant infrastructure.</p>	<p>The effects of proposal align with the matters listed in Policy D.2.7(1) and (2) and have been assessed as being are no more than minor (noting that</p>

significant infrastructure)		further consultation is required in respect to the policies in Section D.1 'Tangata Whenua').
Policy D.2.7 (Minor effects arising from the establishment and operation of regionally significant infrastructure)	<p>Enable the establishment and operation (including consenting) of regionally significant infrastructure by allowing any minor adverse effects providing:</p> <p>1) The regionally significant infrastructure proposal is consistent with:</p> <ul style="list-style-type: none"> a) all policies in Section D.1 Tangāta whenua, and b) Policy D.2.16 Managing adverse effects on historic heritage, and c) Policy D.2.17 Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features, and d) Policy D.2.18 Managing adverse effects on indigenous biodiversity, and <p>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</p> <p>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.</p>	<p>Regarding Policy D.2.8 the various technical studies have confirmed that the effects associated with construction will be minor or less (and not significant) and/or transitory, and that the effects of the Port after the proposed upgrading will be similar to those of the existing Port. Accordingly, the proposal aligns with Policy D.2.8.</p> <p>Policy D.2.9 specifically contemplates circumstances where the adverse effects of regionally significant infrastructure will be greater than those contemplated by Policies D.2.7 and D.2.8 (including the effects referred to in the cross-referenced policies in D.2.7) and sets out a range of matters (1)-(9) to have regard and give weight to in such circumstances. Many of these matters should be carefully regarded, and heavily weighted, as they are central to the proposal. For instance, the proposal: has a range of social and economic benefits to the region; has a clear and demonstrated functional need to be located within the CMA and integrated with the current operating port therefore achieving consolidated development and efficient use of existing infrastructure resources; has been the subject of extensive studies into alternative sites and methods, and careful design, all of which have avoided or mitigated a range of adverse effects.</p>
Policy D.2.8 (Maintenance and upgrading of regionally significant infrastructure)	<p>Enable the maintenance and upgrading of established regionally significant infrastructure wherever it is located by allowing adverse effects, where:</p> <p>1) the adverse effects whilst the maintenance or upgrading is being undertaken are not significant or they are temporary or transitory, and</p> <p>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.</p>	<p>The various technical studies carried out in support of the AEE establish that the adverse effects of the proposal are consistent with those envisaged in Policies D.2.6 and D.2.7.</p>

<p>Policy D.2.9</p> <p>(Appropriateness of regionally significant infrastructure proposals)</p>	<p>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:</p> <ol style="list-style-type: none"> 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. 	<p>Policy D.2.11 is not relevant because it relates to reverse sensitivity effects ON regionally significant infrastructure.</p> <p>For the reasons outlined above, the proposal aligns with Objective F.1.6 and Policies D.2.5, D.2.7, D.2.8, D.2.9, and D.2.11</p>
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Policy D.2.11 (Protection of regionally significant infrastructure)	When considering new use and development activities that could adversely affect the ongoing operation, maintenance, upgrade or development of regionally significant infrastructure; ensure that the regionally significant infrastructure is not compromised.	
Objective F.1.8 Use and development in the coastal marine area	<p>Use and development in the coastal marine area:</p> <ol style="list-style-type: none"> 1) makes efficient use of space occupied in the common marine and coastal area, and 2) is of a scale, density and design compatible with its location, and 3) recognises the need to maintain and enhance public open space and recreational opportunities, and 4) is provided for in appropriate places and forms, and within appropriate limits, and 5) is undertaken in a way that recognises it can have effects outside the coastal marine area. 	<p>The proposal makes efficient use of space in the CMA by expanding the existing facility, which is appropriately zoned within the Marine 5 Management Area and adjacent to port- and heavy industry-zoned land, as opposed to constructing a new port elsewhere. This represents consolidated development and efficient use of existing infrastructure resources. The various technical studies have concluded that the scale and design is necessary to provide for the future needs of Northland and North Auckland communities, is compatible with the location, and has effects (both within and outside the CMA) that fall within appropriate limits. Furthermore, the design recognises the need to maintain and enhance public open space and recreational opportunities through the proposed pocket park development and associated amenities. For these reasons, the proposal aligns with Objective F .1 .8.</p>
Objective F.1.9 Tangata whenua role in decision-making	Tangāta whenua's kaitiaki role is recognised and provided for in decision-making over natural and physical resources.	<p>Objective F.1.9 is a replica of Objective 3.12 of the RPS.</p> <p>The role of tangata whenua has been recognised through meaningful and ongoing engagement with mana whenua. Understanding the relationship of tangata whenua over their lands, rohe and resources and the related</p>

<p>Policy D.1.1</p> <p>When an analysis of effects on tangata whenua and their taonga is required</p>	<p>A resource consent application must include in its assessment of environmental effects an analysis of the effects of an activity on tangāta whenua and their taonga if one or more of the following is likely:</p> <ol style="list-style-type: none"> 1) adverse effects on mahinga kai or access to mahinga kai, or 2) any damage, destruction or loss of access to wāhi tapu, sites of customary value and other ancestral sites and taonga with which Māori have a special relationship, or 3) adverse effects on indigenous biodiversity in the beds of waterbodies or the coastal marine area where it impacts on the ability of tangāta whenua to carry out cultural and traditional activities, or 4) the use of genetic engineering and the release of genetically modified organisms to the environment, or 5) adverse effects on tāiapure, mataitai or Māori non-commercial fisheries, or 6) adverse effects on protected customary rights, or 7) adverse effects on sites and areas of significance to tangāta whenua mapped in the Regional Plan (refer I Maps Ngā mahere matawhenua). 	<p>effects of the proposal on this relationship continues to be a key focus for Northport.</p> <p>Consistent with Policy D.1.1 and D.1.2, Northport has carried out meaningful engagement with mana whenua, including providing early drafts of independent expert reports and facilitating review and feedback on those reports. Consultation will continue post lodgement, as is best practise.</p> <p>A draft cultural effects assessment has been provided by Patuharakeke. That draft CEA identifies that the proposal will not directly impact on any individual archaeological sites or wāhi tapu. Northport continues to meaningfully engage in order to interpret and respond to matters raised, such as effects associated with the proposal, including on the broader cultural landscape.</p> <p>In addition to direct engagement with mana whenua prior to lodgement of its application, regarding Policy D.1.3, the applicant has requested public notification, providing another avenue for participation in the process.</p> <p>Regarding Policy D.1.4, ongoing consultation with mana whenua is expected to result in mitigation measures consistent with the intent of this policy.</p>
<p>Policy D.1.2</p> <p>Requirements of an analysis of effects on tangata whenua and their tangata whenua</p>	<p>If an analysis of the effects of an activity on tangāta whenua and their taonga is required in a resource consent application, the analysis must:</p> <ol style="list-style-type: none"> 1) include such detail as corresponds with the scale and significance of the effects that the activity may have on tangāta whenua and their taonga, and 2) have regard to (but not be limited to): <ol style="list-style-type: none"> 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 	<p>Regarding Policy D.1.5, no specific sites or areas of cultural significance have been identified to date, and none are mapped in the PRP.</p> <p>In summary, the Assessment of Environmental Effects has addressed all the matters listed in Policies D.1.2 - D.1.4 and aligns with them.</p>

	<p>b) the outcomes of any consultation with tangāta whenua with respect to the consent application, and</p> <p>c) statutory acknowledgements in Treaty Settlement legislation, and</p> <p>3) follow best practice, including requesting, in the first instance, that the relevant tangāta whenua undertake the assessment, and</p> <p>4) specify the tangāta whenua that the assessment relates to, and</p> <p>5) be evidence-based, and</p> <p>6) incorporate, where appropriate, mātauranga Māori, and</p> <p>7) identify and describe all the cultural resources and activities that may be affected by the activity, and</p> <p>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</p> <p>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</p> <p>10) include any other relevant information.</p>	
<p>Policy D.1.3</p> <p>Affected persons</p>	<p>The following persons must be considered an affected person regarding notification where the adverse effects on the following resources and activities are minor or more than minor:</p>	

	Table 16: Circumstances where tāngata whenua are adversely affected for purposes of notification												
	<table><tr><th>Person</th><th>Resource or activity</th></tr><tr><td>The tāngata whenua identified in an analysis of the effects undertaken in accordance with policy D.1.2 'Requirements of an analysis of effects on tāngata whenua and their taonga'.</td><td>Cultural resources or activities identified in an analysis of effects undertaken in accordance with Policy D.1.2.</td></tr><tr><td>The committee of management of a taiāpure.</td><td>Taiāpure</td></tr><tr><td>The Māori committee, marae committee or the kaitiaki with responsibility for the mataitai.</td><td>Mataitai</td></tr><tr><td>The tangāta kaitiaki / tiaki appointed by the provisions of the Fisheries (Kaimoana Customary Fishing) Regulations 1998 for the relevant rohe moana.</td><td>Non-commercial Māori fisheries.</td></tr></table>	Person	Resource or activity	The tāngata whenua identified in an analysis of the effects undertaken in accordance with policy D.1.2 'Requirements of an analysis of effects on tāngata 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 tangāta kaitiaki / tiaki appointed by the provisions of the Fisheries (Kaimoana Customary Fishing) Regulations 1998 for the relevant rohe moana.	Non-commercial Māori fisheries.		
Person	Resource or activity												
The tāngata whenua identified in an analysis of the effects undertaken in accordance with policy D.1.2 'Requirements of an analysis of effects on tāngata 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 tangāta kaitiaki / tiaki appointed by the provisions of the Fisheries (Kaimoana Customary Fishing) Regulations 1998 for the relevant rohe moana.	Non-commercial Māori fisheries.												
Policy D.1.4 Managing effects on places of significance to tangata whenua	Resource consent for an activity may generally only be granted if the adverse effects from the activity on the values of Places of Significance to tangāta whenua in the coastal marine area and water bodies are avoided, remedied or mitigated so they are no more than minor.												
Policy D.1.5 Places of significance to tangata whenua	For the purposes of this Plan, a place of significance to tangāta whenua: 1) is in the coastal marine area, or in a water body, where the values which may be impacted are related to any of the following: a) soil conservation, or b) quality and quantity of water, or c) aquatic ecosystems and indigenous biodiversity, and 2) is: a) a historic heritage resource, or												

	<p>b) ancestral land, water, site, wāhi tapu, or other taonga, and</p> <p>3) is either:</p> <p>a) a Site or Area of Significance to tangāta whenua, which is a single resource or set of resources identified, described and contained in a mapped location, or</p> <p>b) a Landscape of Significance to tangāta whenua, which is a collection of related resources identified and described within a mapped area, with the relationship between those component resources identified, and</p> <p>4) has one or more of the following attributes:</p> <p>a) historic associations, which include but are not limited to:</p> <p>i. stories of initial migration, arrival and settlement, or</p> <p>ii. patterns of occupation, including permanent, temporary or seasonal occupation, or</p> <p>iii. the sites of conflicts and the subsequent peace-making and rebuilding of iwi or hapū, or</p> <p>iv. kinship and alliances built between areas and iwi or hapū, often in terms of significant events, or</p> <p>v. alliances to defend against external threats, or</p> <p>vi. recognition of notable tupuna, and sites associated with them, or</p> <p>b) traditional associations, which include but are not limited to:</p> <p>i. resource use, including trading and trading routes between groups (for instance – with minerals such as matā/obsidian), or</p> <p>ii. traditional travel and communication linkages, both on land and sea, or</p> <p>iii. areas of mana moana for fisheries and other rights, or</p> <p>iv. use of landmarks for navigation and location of fisheries grounds, or</p>	
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	<p>v. implementation of traditional management measures, such as rāhui or tohatoha (distribution), or</p> <p>c) cultural associations, which include but are not limited to:</p> <p>i. the web of whanaungatanga connecting across locations and generations, or</p> <p>ii. the implementation of concepts such as kaitiakitanga and manākitanga, with specific details for each whanau, hapū and iwi, or</p> <p>d) spiritual associations which pervade all environmental and social realities, and include but are not limited to:</p> <p>i. the role of the atua Ranginui and Papatūānuku, and their offspring such as Tangaroa and Tāne, or</p> <p>ii. the recognition of places with connection to the wairua of those with us and those who have passed away, or</p> <p>iii. the need to maintain the mauri of all living things and their environment, and</p> <p>5) must:</p> <p>a) be based on traditions and tikanga, and</p> <p>b) be endorsed for evidential purposes by the relevant tangāta whenua community, and</p> <p>c) record the values of the place for which protection is required, and</p> <p>d) record the relationship between the individual sites or resources (landscapes only), and</p> <p>e) record the tangāta whenua groups determining and endorsing the assessment, and</p> <p>f) geographically define the areas where values can be adversely affected.</p>	
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<p>Objective F.1.10</p> <p>Natural hazard risk</p>	<p>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:</p> <ol style="list-style-type: none"> 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. 	<p>This objective is a replica of Objective 3.13 of the RPS, except for the addition of F.1.10(8).</p> <p>Northport (as with all ports) has a functional need to be located in an area subject to coastal hazards, noting that the natural hazard risk is lessened by the location of the Port inside the harbour, as opposed to more exposed coastal locations. This is specifically recognised in Objective F.1.10(7). Careful assessment of natural hazard risk, including tsunami, has been undertaken by independent experts.</p> <p>Regarding Objective D.6.1, the reclamation rock revetment is the best practicable option for protecting the reclamation against natural hazards. There are no viable non-structural measures.</p> <p>The proposal has been located and designed in full recognition of the matters listed in Objective D.6.2 and aligns with it.</p>
<p>D.6.1</p> <p>Appropriate of hard protection structures</p>	<p>Priority will be given to the use of non-structural measures over the use and construction of hard protection structures when managing hazard risk. New hard protection structures may be considered appropriate when:</p>	

	<p>1) alternative responses to the hazard (including soft protection measures, restoration or enhancement of natural defences against coastal hazards and abandonment of assets) are demonstrated to be impractical or have greater adverse effects on the environment, or</p> <p>2) they are the only practical means to protect:</p> <p>a) existing or planned regionally significant infrastructure, or</p> <p>b) existing core local infrastructure, or</p> <p>c) concentrations of existing vulnerable development, and</p> <p>d) they provide a better outcome for the local community, district or region, compared to no hard protection structure, and the works form part of a long-term hazard management strategy, which represents the best practicable option for the future.</p> <p>Hard protection structures, when considered necessary to protect private assets, should not be located on public land unless there is significant public or environmental benefit in doing so.</p>	
<p>D.6.2</p> <p>Design and location of hard protection structures</p>	<p>New hard protection structures must:</p> <p>1) be located as far landward as possible in order to retain existing natural defences against coastal hazards as much as possible, and</p> <p>2) be designed and constructed by a suitably qualified and experienced professional, and</p> <p>3) incorporate the use of soft protection measures where practical, and</p> <p>4) be designed to take into account the nature of the coastal hazard risk and how it might change over at least a 100-year time-frame, including the projected effects of a sea level rise, using the latest national guidance and best available information.</p>	

<p>Objective F.1.11</p> <p>Improving Northland's natural and physical resources</p>	<p>Enable and positively recognise activities that contribute to improving Northland's natural and physical resources.</p>	<p>Consistent with Objective F.1.11, it must be recognised that the proposal will contribute to Northlands physical resources by extending and ensuring future capacity at Northport, which is an important part of achieving resilience in the national port network. This will promote the social and economic wellbeing of people and communities in Northland.</p>
<p>Objective F.1.12</p> <p>Natural character, outstanding natural features, historic heritage and places of significance to tangata whenua</p>	<p>Protect from inappropriate use and development:</p> <ol style="list-style-type: none"> 1) the characteristics, qualities and values that make up: <ol style="list-style-type: none"> a) outstanding natural features in the coastal marine area and in fresh waterbodies, and 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 tangāta whenua in the coastal marine area and freshwater bodies. 	<p>There are no outstanding natural character areas or seascapes within the development footprint. Furthermore, the assessment of effects on natural character by BNZL concludes that the proposal is appropriate in this location. This is consistent with Objective F.1.12(a), (b) and (d).</p> <p>In regard to Objective F .1 .12(2), there are no known historic heritage values associated with the area located within the proposed expansion footprint.</p> <p>In regard to Objective F .1 .12(d), while there are no mapped places of significance to tangata whenua within the proposed expansion footprint, Northport continues to consult with tangata whenua to understand the impacts of the port on the values important to them.</p> <p>Regarding Policy D.2.17, the proposed expansion footprint is not located within an outstanding natural character area, outstanding natural feature, or an outstanding natural seascape. Adverse effects on natural character are not assessed as being significant (see Appendix 14), and the proposed expansion effects of the proposed expansion on natural character are appropriate in the context of the existing port, oil terminal and surrounding heavy industrial activities and zoning.</p> <p>For the reasons outlined above, the proposal aligns with Objective F.1.12 and Policy D.2.17.</p>
<p>Policy D.2.17</p> <p>(Managing adverse effects on natural character, outstanding natural landscapes and</p>	<p>Manage the adverse effects of activities on natural character, outstanding natural landscapes and outstanding natural features by:</p> <ol style="list-style-type: none"> 1) avoiding adverse effects of activities as follows: <p>Table 17: Adverse effects to be avoided</p>	

outstanding natural features)	Table 17: Adverse effects to be avoided		
	Place / value	Location of the place	Effects to be avoided
	Areas of outstanding natural character Outstanding natural features Outstanding natural landscapes	Coastal marine area and fresh water bodies in the coastal environment.	Adverse effects on the characteristics, qualities and values that contribute to make the place outstanding.
	Natural character (incl. high natural character) Other natural features and landscapes	The coastal marine area and fresh water bodies in the coastal environment.	Significant adverse effects on the characteristics, qualities and values that contribute to natural character or other natural features and landscapes.
	Natural character Outstanding natural features Outstanding natural landscapes	Fresh water bodies outside the coastal environment.	Significant adverse effects on the characteristics, qualities and values that contribute to natural character or which make the natural character or landscape outstanding.
<p>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:</p> <p>a) ensuring the location, intensity, scale and form of activities is appropriate having regard to natural elements and processes, and</p> <p>b) in areas of high natural character in the coastal environment, minimising to the extent practicable indigenous vegetation clearance and modification (seabed and foreshore disturbance, structures, discharges of contaminants), and</p> <p>c) in freshwater, minimising to the extent practicable modification (disturbance, structures, discharge of contaminants), and</p> <p>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:</p>			

	<p>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</p> <p>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</p> <p>4) recognising that uses and development form part of existing landscapes, features and waterbodies and have existing effects.</p>	
<p>Objective F.1.13</p> <p>Air quality</p>	Human health, ambient air quality, cultural values, amenity values and the environment are protected from significant adverse effects caused by the discharge of contaminants to air.	<p>The PDP report on potential effects on air quality concludes that the effects of construction and operational discharges will not be significant. The proposal therefore aligns with Objective F.1.13.</p>
<p>Policy D.3.1</p> <p>General approach to managing air quality</p>	<p>When considering resource consent applications for discharges to air:</p> <p>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</p> <p>2) apply the best practicable option when managing the discharge of contaminants listed in the National Environmental Standards Air Quality, and</p> <p>3) H.1 Stack height requirements when assessing height requirements for fuel burning devices of more than 40KW capacity, and</p> <p>4) consider the use of air dispersion modelling where the effects of a discharge are likely to be significant on sensitive areas, and</p> <p>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</p>	<p>Policies D.3.1, D.3.4, and D.3.6 contain matters to be considered when considering resource consent application for discharges to air. It is not relevant in this instance because the proposal does not require a resource consent for air emissions.</p> <p>Regarding Policy D.3.2, the measures proposed to mitigate fugitive dust emissions during construction are contained in the PDP report (Appendix 20).</p> <p>The proposal aligns with Objective F.1.13 and Policies D.3.1, D.3.3, D.3. 4 and D.3.6.</p>

	<p>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</p> <p>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</p> <p>8) take into account the current environment and surrounding zoning in the relevant district plan including existing amenity values, and</p> <p>9) consider the following factors when determining consent duration:</p> <ul style="list-style-type: none"> 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 <p>10) use national guidance produced by the Ministry for the Environment, including:</p> <ul style="list-style-type: none"> 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 <p>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.</p>	
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<p>D.3.2</p> <p>General approach to managing adverse effects of discharges to air</p>	<p>Adverse effects from the discharge of contaminants to air are managed by:</p> <ol style="list-style-type: none"> 1) avoiding, remedying, or mitigating cross-boundary effects on dust, odour, smoke and spray sensitive areas from discharges of dust, smoke, agricultural 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 where appropriate. 	
<p>D.3.4</p> <p>Dust and odour generating activities</p>	<p>When considering resource consent applications for discharges to air from dust or odour generating activities:</p> <ol style="list-style-type: none"> 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, or where the activity is likely to cause a breach of the ambient air quality standard for PM₁₀ in Schedule 1 of the National Environmental Standard for Air Quality. The dust or odour management plan must include: <ol style="list-style-type: none"> 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. 	

D.3.6 Activities in the Marsden Point airshed	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 airshed.	
Objective F.1.14 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.	There are no discharges of hazardous substances or from contaminated land associated with the proposed expansion. Once operational, the port activities on the reclaimed area may involve the storage and use of hazardous substances. These will be handled in accordance with existing operations, which reflect best practice, and consistent with any relevant authorisations and/or approvals, such as pursuant to the HSNO Act and Regulations.
Policy D.2.1 (Rules for managing natural and physical resources)	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.	N/A - this policy is relevant to plan formulation rather than the consideration of resource consents applications.

Policy 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.	<p>The application clearly outlines the significant cultural and economic benefits associated with the proposal, including promoting employment opportunities and supply chains for regional businesses. The benefits to Māori, and opportunities for enhancing Māori development in Northland, continue to be understood through ongoing consultation.</p> <p>The proposal aligns with Policy D.2.2.</p>
Policy 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.	The impacts of climate change have been considered by the independent technical experts in their assessments. The final design of the expanded port will take into account the latest information and guidance on the effects of climate change, as envisaged by these provisions.
Policy D.2.4 (Adaptive management)	Regard should be had to the appropriateness of an adaptive management approach where: <ol style="list-style-type: none"> 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. 	The potential effects of the proposal on the receiving environment have been thoroughly assessed and are well understood, such that they are able to be addressed by clear monitoring and management responses, to be set out via Management Plans and in conditions of consent. An adaptive management approach is not necessary in this regard.
Policy D.2.13 (Marine and freshwater pest management)	Manage the adverse effects from marine pests, and pests within the beds of freshwater bodies, by: <ol style="list-style-type: none"> 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 	<p>The proposal includes management measures to be included in the CEMP designed to manage biosecurity risks associated with construction vessels. Once the expanded port is operational, Northport will continue to follow MPI biosecurity requirements for international shipping.</p> <p>The proposal aligns with Policy D.2.13.</p>

	<p>2) recognising that the main risk of introducing and spreading pests is from the movement of vessels, structures, equipment, materials, and aquaculture livestock, and</p> <p>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</p> <p>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.</p>	
<p>Policy D.2.14</p> <p>Resource consent duration</p>	<p>When determining the expiry date for a resource consent, have particular regard to:</p> <p>1) security of tenure for investment (the larger the investment, then generally the longer the consent duration), and</p> <p>2) the administrative benefits of aligning the expiry date with other resource consents for the same activity in the surrounding area or catchment, and</p> <p>3) certainty of effects (the less certain the effects, the shorter the consent duration), and</p> <p>4) whether the activity is associated with regionally significant infrastructure (generally longer consent durations for regionally significant infrastructure), and</p> <p>5) the following additional matters where the resource consent application is to re-consent an activity:</p> <p>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</p> <p>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).</p>	<p>Policy D.2.14 is a precis of Policy 4.8.3 in the RPS.</p> <p>The proposed 35 year durations sought for the Northland Regional Council consents – other than the coastal permit for reclamation, which is of unlimited duration pursuant to s 123(a) of the RMA, reflects the need for security of tenure given the investment involved, the fact that the activity is Regionally Significant Infrastructure, and Northport's prior compliance history and adoption of good management practices (all factors to be considered under this policy). It also reflects the long-term perspective required for port development, and the need for flexibility and the ability to react quickly to changing market requirements.</p>

<p>Policy D.2.15</p> <p>Recognising other plans and strategies</p>	<p>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.</p>	<p>The expansion of Northport is identified and provided for in Section 5.5.1 (page 51) and Chapter 6 ‘Key Initiatives’ (page 69) of the <i>30 Year Transport Strategy for Northland ‘incorporating’ The Regional Land Transport Strategy</i>. Similarly, it is identified and provided for in the Whangarei District Council Growth Strategy ‘Sustainable Futures’ on pages 5, 68,69.</p>
<p>D.2.16</p> <p>Managing adverse effects on historic heritage</p>	<p>Manage the adverse effects of activities on historic heritage by:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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 	<p>There are no historic heritage sites within the project footprint. It is not expected that there will be any material effects on historic heritage associated with the proposal. Suitable conditions of consent will be proposed, consistent with best practice, requiring that any archaeological or historic items or sites uncovered during construction will be handled in accordance with direction from Heritage New Zealand Pouhere Taonga and/or tangata whenua.</p>

	<p>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</p> <p>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</p> <p>5) determining the likely adverse effects of proposals by taking into account:</p> <p>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</p> <p>b) the outcomes of any consultation with:</p> <p>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</p> <p>ii. tangāta whenua in instances where historic heritage has identified values of significance to tangāta whenua, and</p> <p>c) where considered necessary, a historic heritage impact assessment produced by a suitably qualified and experienced heritage professional, and 235</p> <p>d) any values identified in addition to those listed in Policy 4.5.3 of the Regional Policy Statement for Northland 2016 including:</p> <p>i. vulnerability (the resource is vulnerable to deterioration or destruction or is threatened by land use activities), and</p> <p>ii. patterns (the resource is associated with important aspects, processes, themes or patterns of local, regional or national history), and</p>	
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	<p>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</p> <p>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</p> <p>v. education (the resource contributes, through public education, to people's awareness, understanding and appreciation of New Zealand's history and cultures), and</p> <p>6) recognising that appropriate methods of avoiding, remedying or mitigating adverse effects may include:</p> <p>a) careful design, scale and location proposed in relation to historic heritage values, including proposed use and development adjacent to historic heritage, and</p> <p>b) the use of setback, buffers and screening from historic heritage, and</p> <p>c) reversing previous damage or disturbance to historic heritage, and</p> <p>d) improving the public use, value, or understanding of the historic heritage, and e) the development of management and conservation plans, and</p> <p>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 ICOMOS156 New Zealand Charter Revised 2010, and</p> <p>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</p>	
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	<p>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:</p> <p>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.</p>	
<p>Policy D.2.19</p> <p>Managing adverse effects on land-based values and infrastructure</p>	<p>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:</p> <p>1) areas and values including:</p> <ul style="list-style-type: none"> 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 tangāta whenua, and <p>2) land-based infrastructure including:</p> <ul style="list-style-type: none"> a) toilets, and b) car parks, and c) refuse facilities, and d) boat ramps, and e) boat and dinghy storage, and 	<p>Effects of the proposal, including on natural character, landscapes, and features, have been carefully considered by qualified and experienced independent experts. Based on the various technical assessments, none of the matters raised in Policy D.2.9(1) are present on the land-based portion of the expanded port, and there no such features in the surrounding environment that are adversely affected.</p> <p>The proposal incorporates a proposed pocket park and landscape-designed public access area to facilitate beach access including for swimming and fishing. This will also provide public toilets, car parks and refuse facilities. It is expected that suitable conditions on resource consents will be imposed to secure these land-based infrastructure outcomes.</p>

	<p>3) decision-makers should have regard to:</p> <p>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</p> <p>b) the need to impose conditions on resource consents for those activities in order to avoid, remedy or mitigate these adverse effects.</p>	
<p>Policy D.2.20</p> <p>Precautionary approach to managing effects on significant indigenous biodiversity</p>	<p>That decision makers adopt a precautionary approach where the adverse effects of proposed activities are uncertain, unknown or little understood, on:</p> <p>1) indigenous biodiversity, including significant ecological areas, significant bird areas and other areas that are assessed as significant under the criteria in Appendix 5 of the Regional Policy Statement; and</p> <p>2) the coastal environment where the adverse effects are potentially significantly adverse, particularly in relation to coastal resources vulnerable to the effects of climate change.</p>	<p>This policy gives effect to Policy 3 of the NZCPS.</p> <p>The proposal has been carefully designed and located in order to avoid significant areas of indigenous biodiversity. Further, the applicant has invested heavily and over a period of years in commissioning a broad suite of independent expert studies to thoroughly understand the existing values, and the effects associated with its proposal. The effects of the proposal are therefore well understood, and conditions of consent will manage those effects. A decision maker should be satisfied that, to the appropriate extent, the applicant has adopted a precautionary approach in accordance with Policy D.2.20.</p>
<p>Policy D.5.8</p> <p>Coastal Commercial Zone and Marsden Point Port Zone Purpose</p>	<p>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.</p>	<p>The proposed port expansion is directly consistent with the purpose of the Marsden Point Port Zone. The proposal is located immediately adjacent to the existing port, and therefore represents consolidated, efficient, and appropriately zoned development of regionally significant infrastructure which will result in benefits to the economic and social well-being of the Northland region.</p>
<p>Policy D.5.9</p>	<p>Development in the Coastal Commercial Zone and the Marsden Point Port Zone will generally be appropriate provided it is:</p>	<p>The proposed port expansion is appropriate in the Marsden Point Port Zone for the following reasons:</p>

Coastal Commercial Zone and Marsden Point Port Zone	<p>1) consistent with:</p> <p>a) existing development in the Coastal Commercial Zone or the Marsden Point Port Zone, and</p> <p>b) existing development on adjacent land above mean high water springs, and</p> <p>c) development anticipated on the land above mean high water springs by the relevant district plan, or</p> <p>2) associated with regionally significant infrastructure in the Marsden Point Port Zone.</p> <p>Development that is inconsistent with 1) or 2) will not necessarily be inappropriate.</p>	<ul style="list-style-type: none"> ▪ It is an expansion of an existing port 1(a); and ▪ It is consistent with existing port activities and the CINZ facility 1(b). ▪ It is consistent with what is anticipated in the adjoining Port Zone 1(c). ▪ It is associated with regionally significant infrastructure (2). <p>The proposal directly aligns with, and is therefore enabled by, Policy D.5.9.</p>
Policy D.5.20 Reclamation	<p>Reclamation of land in the coastal marine area shall be avoided unless all the following criteria are met:</p> <p>1) land outside the coastal marine area is not available for the proposed activity;</p> <p>2) the activity which requires the reclamation can only occur in or adjacent to the coastal marine area;</p> <p>3) there are no practicable alternative methods of providing the activity; and</p> <p>4) the reclamation will provide significant regional or national benefit.</p>	<p>The proposed port expansion is consistent with Policy D.5.20 for the following reasons:</p> <ul style="list-style-type: none"> ▪ The activity cannot be provided for on land, because of the obvious need to provide deep water berthage (1). ▪ The activity has a functional need to occur in the CMA (2). ▪ There is no other practical means of providing additional berthage, and associated freight handling areas which must be located physically adjacent to the wharf, otherwise they become unviable for a number of reasons, including the need for double (or multiple) handling of cargoes (3). ▪ The activity will provide significant regional and national benefits, representing a key part of the national port network, as identified in the ME report (4).
Policy D.5.21 Reclamation	<p>When considering proposed reclamations, have particular regard to the extent to which the reclamation and intended purpose would provide for the efficient operation of</p>	<p>The reclamation is designed and located to interact seamlessly with the existing port facility. As such, it represents consolidation of development</p>

	infrastructure, including ports, airports, coastal roads, pipelines, electricity transmission, railways and ferry terminals, and of marinas and electricity generation.	in a manner that most efficiently utilises existing physical resources including port handling, road, and rail infrastructure. Overall, the proposal will provide for the efficient operation of Northport in full alignment with this policy.
D.5.22 Reclamation	<p>Recognise the potential benefits of reclamations when they are undertaken to:</p> <ol style="list-style-type: none"> 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. 	<p>The proposed construction of roosting habitat to maintain/enhance connections within areas of biodiversity is consistent with Policy D.5.22(3).</p>
D.5.24 Dredging, disturbance and deposition activities	<p>Dredging, disturbance, and deposition activities should not:</p> <ol style="list-style-type: none"> 1) cause long-term erosion within the coastal marine area or on adjacent land, and 2) cause damage to any authorised structure. 	<p>The various technical assessments accompanying these applications have not identified long term erosion within the CMA, or any damage to authorised structures. It is acknowledged that some accretion is likely to occur over time around the CINZL jetties. Northport holds resource consents to undertake maintenance dredging around those jetties, and it may be necessary for such dredging to occur in order to maintain the necessary access depth for vessels. Northport intends to continue direct discussions with CINZL on this issue post-lodgement.</p> <p>The proposal aligns with this policy.</p>
Policy D.5.25 Benefits of dredging, disturbance and deposition activities	<p>Recognise that dredging, disturbance and deposition activities may be necessary:</p> <ol style="list-style-type: none"> 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 	<p>The proposed dredging, disturbance, and deposition activities associated with the proposal align with Policy D.5.25 because:</p> <ul style="list-style-type: none"> ▪ The dredging is associated with the upgrade and subsequent operation and maintenance of regionally significant infrastructure (1) and (2). ▪ The dredging will improve access and navigational safety. ▪ The deposition associated with the proposed bird roosting area aligns with Policy D.5.25(4)-(6) and will result in positive outcomes for avifauna species.

	<p>5) to protect, restore or rehabilitate ecological or recreational values, or</p> <p>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.</p>	
<p>D.5.27</p> <p>Underwater noise</p>	<p>Activities causing underwater noise (such as blasting, vibratory piling and drilling, construction, demolition and marine seismic surveying) must:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. 	<p>Potential underwater noise from piling activities and dredging has been assessed by Styles Group (see Appendix 24). The potential effects of underwater noise on marine mammals have been considered by the Cawthorn Institute (see Appendix 13); and the effects on avifauna (including penguin) have been considered by Boffa Miskell (see Appendix 12). A Marine Mammal Management Plan and avifauna effects management measures are to be included in the CEMP (see draft CEMP in Appendix 5). These measures will avoid or otherwise minimise adverse effects on marine mammals and avifauna during the construction phase of the project. The recommendation to be included in the CEMP represent the best practicable option to minimise noise effects on marine mammals and avifauna and ensure that noise is appropriately managed, noting that the activity is regionally significant infrastructure consistent with Policy D.5.27(4)(c).</p> <p>The approach to managing the effects of underwater noise is consistent with Policy D.5.27.</p>

Operative Regional Coastal Plan

Reference	Objective/Policy	Assessment
Chapter 6	Marine Management Areas	
Objective 6.3	The development of an integrated coastal resource management regime which recognises areas of differing levels of subdivision, use, development, and conservation value.	<p>The proposal is located within the Marine 5 (Port Facilities) Management Area, the primary objective of which is:</p> <p><i>Provision for commercial port operations while avoiding, remedying, or mitigating the adverse effects of such operations on the coastal marine area.</i></p>
Policy 6.4(2)	To define all parts of the coastal marine area which are not either Marine 1 (Protection), Marine 3 (Marine Farming), Marine 4 (Mooring), Marine 5 (Port Facilities) or Marine 6 (Wharves) Management Areas as Marine 2 (Conservation) Management Areas and without precluding the provision for appropriate subdivision, use and development to manage those remaining areas in such a way as to protect, and where practicable, enhance natural, cultural and amenity values.	<p>Development of port areas is specifically anticipated in this zone. This aligns with Objective 6.3 and Policy 6.4(5). The policy intent of Chapter 6 is expressly stated as being to concentrate development of port facilities in the Marine 5 (Port Facilities) Management Area. This intent is reinforced in 6.6 ‘Principal reasons for adopting’ the relevant objectives, policies, and methods.</p> <p>Interpreting Chapter 6, and in particular the policy framework for the Marine 5 (Port Facilities) Management Area, the Operative Plan specifically directs port-related development to concentrate in that area. The proposal is consistent with this directive requirement of the Operative Plan.</p>
Policy 6.4(5)	<p>To define areas being managed primarily for port-related purposes as Marine 5 (Port Facilities) Management Areas as a means for providing for the continuation of such activity, where appropriate and of facilitating the management of any adverse environmental effects associated with them.</p> <p>For the purpose of this Plan, “port areas” are areas within the coastal marine area which contain or are directly associated with wharves, jetties 6. Marine Management Areas Regional Coastal Plan 38 or other structures used</p>	<p>In regard to Policy 6.4(7), some effects extend into the Marine 2 ‘Conservation’ zone. As contemplated by this policy, the relevant objectives and policies of this zone are also taken into account below.</p>

	<p>commercially for loading or unloading goods or passengers. More specifically a “port area” is:</p> <p>A harbour area where marine terminal facilities such as jetties and wharves are provided at which commercial ships of 4500 Dead Weight Tonnes (DWT), or greater, regularly berth to load and unload cargo or passengers. Such areas can also include ship construction and/or maintenance activity, barging operations and any related structures.</p> <p>Port areas which currently meet these criteria are Port Whangarei, Portland and Marsden Point.</p> <p><i>Explanation. The definition of the three types of area will allow the Plan to reflect the major existing uses of Northland's coastal marine area which require exclusive occupation of coastal space. This is intended to establish a benchmark against which future expansion of these uses and developments can be measured.</i></p>	
Policy 6.4(7)	Where adverse effects of activities that are external to a Marine Management Area impact on the values of that area, then the objectives and policies of that Marine Management Area shall be taken into account.	
6.6 Principal reasons for adopting	<p>... An additional reason for the establishment of Marine Management Areas 3, 4, and 5 is to set a benchmark against which future expansion of these uses and developments can be measured. As far as is practicable within the constraints of the Resource Management Act, these areas will be used to concentrate similar uses and development within these coastal areas over the 10-year term of this Plan.</p>	

Chapter 7	Preservation of natural character	
Objective 7.3	The preservation of the natural character of Northland's coastal marine area, and the protection of it from inappropriate subdivision, use and development.	<p>The proposal has been carefully scoped and designed to ensure there are no outstanding natural character areas or seascapes within the development footprint.</p> <p>Furthermore, the assessment of effects on natural character by BNZL (consistent with policies 7.4(5) and (6)), concludes that the proposal is appropriate in this location. This is consistent with Objective 7.3.</p> <p>Regarding Policies 7.4(1), (2) and (4), while the area within the proposed expansion footprint and surrounds displays a degree of natural character, existing amenity values include the existing heavy industrial zoning and operations in the area, including the commercial navigation channel, Northport and the CINZL facility. Based on the BNZL assessment (see Appendix 14), the effects of the proposed expansion on natural character are appropriate in this context.</p> <p>Policy 7.4(4) also emphasises the importance of providing for the economic, social, and cultural well-being of people by providing for consolidated development within the Marine 5 Zone.</p> <p>For the above reasons, the proposal aligns with Objective 7.3 and the associated policies.</p>
Policy 7.4(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.	
Policy 7.4(2)	<p>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:</p> <ul style="list-style-type: none"> (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. 	
Policy 7.4(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.	
Policy 7.4(4)	<p>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.</p> <p>Explanation: <i>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.</i></p>	
Policy 7.4(5)	To ensure a consistent approach to the assessment of the natural character of Northland's coastal marine area.	
Policy 7.4(6)	To promote an integrated approach to the preservation of the natural character of Northland's coastal environment as a whole.	
Policy 7.4(7)	To promote, where appropriate, the restoration and rehabilitation of the natural character of the coastal marine area where it has been significantly degraded.	

Chapter 8	Natural features and landscapes	
Objective 8.3	The identification, and protection from inappropriate subdivision, use and development of outstanding natural features and landscapes which are wholly or partially within Northland's coastal marine area.	There are no outstanding natural features or outstanding natural landscapes within the project footprint. The BNZL assessment (Appendix 14) carefully considers effects on natural features and landscapes and concludes that the proposal will not adversely affect nearby ONLs and ONFs at Whangarei Heads. The proposal aligns with Objective 8.3 and the associated policies.
Policy 8.4(1)	To recognise and provide for the protection from inappropriate subdivision, use and development of outstanding landscape values, such as those identified in the landscape assessment studies that have been commissioned by district councils of the Northland region of the following areas: • Cape Maria van Diemen/Cape Reinga/North Cape • Kokota sandspit, Parengarenga Harbour entrance • Matai Bay, Cape Karikari • Whangaroa Harbour entrance including Pekapeka Bay • The Cavalli Islands • The islands of the outer Bay of Islands • The Cape Brett peninsula including Motukokako (Piercy) Island • Bream Head and Mount Manaia • The Poor Knights Islands • Ngunguru Sandspit • The Hen and Chickens Islands • Mangawhai sandspit • Whangape Harbour entrance • Hokianga Heads • Maunganui Bluff • North Head, Kaipara Harbour entrance	
Policy 8.4(2)	To recognise and provide for the protection from inappropriate subdivision, use and development of landforms and/or geological features of international, national or regional importance which are wholly or partially within Northland's coastal marine area.	
Policy 8.4(3)	To identify and protect from inappropriate subdivision, use and development any other regionally outstanding features and landscapes within Northland's coastal marine area in a co-ordinated and consistent manner.	

Policy 8.4(4)	To promote the identification and protection of outstanding natural features and landscapes immediately adjacent to Northland's coastal marine area in a co-ordinated and consistent manner.	
Chapter 9	Protection of significant vegetation and the habitats of significant fauna	
Objective 9.1.3 (A) (flora)	The protection of areas of significant indigenous vegetation within Northland's coastal marine area from the adverse effects of subdivision, use and development.	<p>No significant indigenous vegetation (including mangroves) is located within the project footprint in the coastal marine area, and no such areas have been identified and mapped in the Regional Coastal Plan. The proposal therefore aligns with Objective 9.1.3(A) and the associated Policies 9.1.4(1)-(5).</p> <p>Policies 9.1.4(6) and (8) are more directed at public bodies and is of limited relevance to resource consent applications.</p> <p>Regarding Policy 9.1.4(7), the proposal requires biosecurity management measures for construction vessels to be included in the CEMP, the primary purpose being to avoid the spread of unwanted exotic species. Ongoing port operations will continue to comply with the requirements of MPI for international shipping, relevant regional plan rules, and the Northland Regional Pest and Marine Pathway Management Plan.</p> <p>The proposal aligns with objectives 9.1.3(A) and (B) and the associated policies.</p>
Objective 9.1.3 (B) (flora)	Local community organisations such as “land care” or “harbour care” groups are able to provide local solutions for the sustainable management of estuaries in conjunction with local authorities and other relevant agencies.	
Policy 9.1.4(1) (flora)	To identify areas of significant indigenous vegetation, including mangroves, within Northland’s coastal marine area and protect these from the adverse effects of subdivision, use and development.	
Policy 9.1.4(3) (flora)	The Council shall apply a cautious approach when considering applications to modify or remove significant indigenous vegetation, including mangroves, recognising that relatively little scientific research has been conducted on such ecosystems and how they inter-relate with the wider coastal environment.	
Policy 9.1.4(4) (flora)	To monitor the distribution and abundance of significant indigenous vegetation within the coastal marine area as a basis for the identification of adverse effects of subdivision, use and development.	
Policy 9.1.4(5) (flora)	To identify specific areas of significant indigenous vegetation within the coastal marine area which are being degraded by existing subdivision, use or	

	development of the coastal marine area or adjacent land and, as far as practicable, prevent that degradation.	
Policy 9.1.4(6) (flora)	To promote public understanding of the importance of salt marshes, mangroves, eelgrass, seaweed, and other forms of indigenous vegetation to the life-supporting capacity of the coastal marine area.	
Policy 9.1.4(7) (flora)	To avoid where practicable, the introduction and spread of exotic species which represent a threat to significant indigenous vegetation.	
Policy 9.1.4(8) (flora)	To promote, when appropriate, the restoration and rehabilitation of degraded areas of significant indigenous vegetation.	
Objective 9.2.3 (fauna)	The protection of significant habitats of indigenous fauna within Northland's coastal marine area.	<p>The proposal footprint has been carefully scoped and designed to avoid protected significant habitats of indigenous fauna identified in the Regional Coastal Plan.</p> <p>It is recognised that the proposal will result in the displacement of roosting habitat for two at risk avifauna species. The effects of this displacement have been carefully considered by marine ecology and avifauna experts, and the creation and ongoing maintenance of additional new high tide roosting habitat in a suitable low-disturbance location proposed. This avifauna enhancement aligns with Policy 9.2.4(2)</p> <p>The technical assessments have concluded, subject to mitigation, that the effects on fauna will be minor or less.</p> <p>Regarding Policy 9.2.4(3), technical investigations and assessment carried out by marine ecologists, avifauna, and marine mammal experts have concluded that there would be minor or less than minor adverse effects (and not significant effects). Notwithstanding that, mitigation measures are proposed as conditions of consent.</p>
Policy 9.2.4(1) (fauna)	To identify habitats or habitat areas of indigenous fauna that have moderate, moderate high, high, or outstanding value within Northland's coastal marine area and protect these from adverse effects of subdivision, use and development.	
Policy 9.2.4(2) (fauna)	To provide for the restoration and enhancement, where necessary, of significant habitats of estuarine and marine fauna, in Marine 1 and Marine 2 Management Areas.	
Policy 9.2.4(3) (fauna)	In processing coastal permit applications for subdivision, use and development within all Marine Management Areas, require specific assessment of the actual and potential effects of the proposed subdivision, use or	

	<p>development on any significant habitat in the vicinity and, if significant, particular consideration be given to either:</p> <p>(a) declining consent to the application; or</p> <p>(b) requiring as a condition of the permit, mitigation and/or remedial measures to be instituted.</p>	<p>Consistent with Policy 9.2.4(4), the proposal requires biosecurity management measures for construction vessels to be included in the CEMP, the primary purpose being to avoid the spread of exotic species. Ongoing port operations will continue to comply with the requirements of MPI for international shipping, relevant regional plan rules, and the Northland Regional Pest and Marine Pathway Management Plan.</p> <p>For the above reasons, the proposal aligns with the intent of Objective 9.2.3 and the supporting policies.</p>
Policy 9.2.4(4) (fauna)	To avoid where practicable, the introduction and spread of exotic species which represent a threat to natural character and the significant habitats of indigenous fauna.	
Chapter 10	Public access	
Objective 10.3(1)	The maintenance and enhancement of public access to and along Northland's coastal marine area except where restriction on that access is necessary.	<p>Regarding Objective 10.3(1) and Policy 10.4(3), some restrictions on public access are necessary to protect public health and safety, and the security of commercial operations. Accordingly, the proposal aligns with Objective 10.3(1) and Policy 10.4(3).</p> <p>Regarding Policy 10.4(1), the proposal incorporates public access to the residual beach area at the eastern end of the proposed reclamation. This, together with improved public amenities, including beach access for swimming, fishing, and other recreation, at the proposed 'pocket park' aligns with Policy 10.4(1).</p>
Policy 10.4(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.	
Policy 10.4(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.	

Chapter 11	Recognition of and provision for Maori and their culture and traditions	
Objective 11.3	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.	The role of tangata whenua has been recognised through meaningful and ongoing engagement. The cultural effects values ('CVA') and cultural effects assessments ('CEA') submitted with the application provide a summary of cultural perspectives and relationships. Understanding the relationship of tangata whenua over their lands, rohe and resources and the related effects of the proposal on this relationship continues to be a key focus for Northport. It is expected that mitigation measures will be developed in conjunction with tangata whenua, consistent with the intent of these provisions.
Policy 11.4(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.	
Policy 11.4(3)	To investigate options for involving tangata whenua in monitoring the effects of use, development and protection of resources within the coastal marine area.	
Chapter 12	Cultural heritage values	
Objective 12.3(1)	The recognition and protection of sites, buildings and other structures, places or areas of cultural heritage value within Northland's coastal marine area.	No archaeological sites have been identified in the proposed expansion footprint. There are no other known cultural heritage sites affected by the proposal.
Objective 12.3(2)	The recognition and protection of sites, buildings and other structures, places or areas of cultural heritage value that exist adjacent to the coastal marine area and may be adversely affected by use and development of the coastal marine area.	
Policy 12.4(3)	In assessing the potential effects of a proposed activity to identify whether an activity will have an adverse effect on a known site, building, place or area of cultural heritage value within the coastal marine area or on adjoining land.	

Chapter 13	Water quality	
Objective 13.3(1)	The maintenance, and where practicable, enhancement of water quality within Northland's coastal marine area.	<p>The proposal aligns with Objective 13.3(1) because the technical assessments conclude that discharges from the expanded port operations area canal and pond system will not adversely affect water quality within the CMA. This conclusion is reinforced by monitoring results for discharges from the existing Port.</p> <p>Temporary effects, primarily turbidity, will occur during dredging and construction of the reclamation. Management measures are proposed to ensure that water quality is not compromised by construction activities. These measures will be comprehensively detailed in management plans to be provided and certified by Council and secured through appropriate resource consent conditions.</p>
Policies (various)	There are no relevant policies in Chapter 13 as they are all directed at the NRC.	
Chapter 14	Air quality	
Objective 14.3(1)	To maintain the high standard of air quality within Northland's coastal marine area.	<p>The air quality provisions in the operative regional plans have now been replaced by the new provisions in the PRP. These new provisions can be considered operative under s86B of the RMA, and no further assessment is required under the operative plans. As such, these provisions are no longer relevant.</p>
Objective 14.3(2)	To achieve the integrated management of coastal air quality across the administrative boundary of the line of Mean High Water Springs.	
Policy 14.4(1)	An integrated management approach will be adopted between the Northland Regional Council and the territorial authorities in the Northland Region to effectively manage coastal air quality across the line of Mean High Water Springs.	
Policy 14.4(2)	When considering any application for a plan change or resource consent for activities within or near to the coastal marine area that involve discharges of contaminants into air, consent authorities shall recognise that airborne	

	contaminants can drift in either direction across the line of Mean High Water Springs.	
Policy 14.4(3)	Unless a different approach is required in response to specific coastal issues, methods for the control of particular types of discharge to air within the coastal marine area shall be the same as those adopted on the landward side of Mean High Water Springs.	
Policy 14.4(4)	Differences in the nature and sensitivity of the receiving environment (including existing ambient air quality) shall be recognised when determining an acceptable level of effect on the environment in relation to discharges of contaminants into air within the coastal marine area.	
Chapter 15	Natural hazard management	
Objective 15.3(1)	The avoidance, remediation, or mitigation of the adverse effects of natural hazards on coastal subdivision, use and development.	<p>The effects of the proposal have been addressed in detail in Appendix 10 and shown to be acceptable. Objectives 15.3(1) and Objective 15.3(2) are non-directive and only refer to adverse effects of natural hazards being avoided, remedied, or mitigated.</p> <p>The proposal will avoid the adverse effects of natural hazards through the implementation of design measures, including hard protection structures around the perimeter of the reclamation. This aligns with the objectives and Policy 15.4(2)(a).</p> <p>While there will be some interference with natural sediment transport processes, the effects have been carefully modelled and analysed by independent coastal process</p>
Objective 15.3(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.	
Policy 15.4(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.	

Policy 15.4(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.	<p>experts. Those experts have assessed the effect on those processes to be localised and minimal, consistent with Policy 15.4(2)(b).</p> <p>The rock revetments around the perimeter of the reclamation are considered to be the best practicable option, and the most effective in the long term, consistent with Policy 15.4(3).</p> <p>The proposal aligns with these objectives and the associated policies.</p>
Policy 15.4(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.	
Policy 15.4(4)	To provide for the maintenance of existing authorised shoreline protection works and structures.	
Policy 15.4(5)	To maintain a state of preparedness for dealing with the effects of rising sea levels and rare events such as tsunamis.	
Chapter 16	Recreation	
Objective 16.3	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.	<p>The proposal will have some adverse effects on existing land based recreational activities within the expansion footprint. However, consistent with non-directive Objective 16.3, the proposal avoids adverse effects on recreation users outside the proposed development footprint. Within the development footprint, the proposal incorporates appropriate mitigation measures including the provision of a public park, reserve area with associated amenities, and relocation of the existing public deep water fishing platform.</p> <p>Furthermore, the proposal has only localised effects on existing recreational activities. As noted above, outside the development footprint it does not</p>
Policy 16.4(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.	

		unnecessarily compromise existing recreational activities, including fishing, boating, and swimming, consistent with Policy 16.4(3).
Chapter 17	Structures	
Objective 17.3	The provision for appropriate structures within the coastal marine area while avoiding, remedying, or mitigating the adverse effects of such structures.	<p>The proposed expansion is an appropriate structure given the location of the existing Port in the associated Marine 5 Management Area. The adverse effects will be avoided or mitigated, consistent with Objective 17.3.</p> <p>Policy 17.4(1) is applicable to the existing Port but is of limited relevance to the proposed expansion.</p> <p>The proposal closely aligns with Policy 17.4(3) for the following reasons:</p> <ul style="list-style-type: none"> (a) There is a clear operational need for the activity to be in the coastal marine area. It is functionally integrated with the existing port and requires access to the deep water navigation channel in order to operate efficiently. (b) There is no practical alternative location outside the CMA. Even within the CMA, there is no practical alternative location as this would require construction of an entirely new port, including all port-related infrastructure. (c) For reasons including health and safety, and biosecurity, the port is required to exclude the public from operational areas. However, structures will incorporate dual (or multiple) uses where practicable. Examples of this is the public access, pocket park area, and fishing jetty. (d) The vast majority of associated landward development required for the proposal already exists in that Northport already operates a functioning, but constrained, port. Future infrastructure, including the proposed rail link, can be accommodated.
Policy 17.4(1)	To provide for the continued lawfully established use of existing authorised structures within Northland's coastal marine area.	
Policy 17.4(3)	<p>Within all Marine Management areas, to consider structures generally appropriate where:</p> <ul style="list-style-type: none"> (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. <p>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.</p>	

	<i>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.</i>	(e) Adverse effects are proposed to be avoided as far as practicable, as described in the various independent expert reports – and beyond this, a variety of mitigation measures are proposed. The proposed structures provide for the particular operational requirements of the Port in alignment with Policy 17.4(5).
Policy 17.4(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.	The management of the proposed structures in the CMA will be consistent with the management of structures on the adjacent land in alignment with Policy 17.4(7). The proposed coastal structures will be appropriately designed and maintained in accordance with best practice in alignment with Policy 17.4(8).
Policy 17.4(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.	
Policy 17.4(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.	
Chapter 18	Reclamation and impoundment	
Objective 18.3	The avoidance, remediation, or mitigation of the adverse effects of reclamation and impoundment of Northland's coastal marine area.	It is acknowledged that reclamation of the CMA results in some irreversible effects, which are not able to be fully avoided. Against that, the proposal is necessary in order to provide for the future economic and social needs of Northland; and has been very carefully planned over many years, with a number of alternative sites and methods considered. Further, the proposal has a functional and operational need to be located in the CMA, there is no practical land-based alternative, and there are considerable efficiency gains in integrating the proposal with existing Northport operations. The
Policy 18.4(1)	To restrict new reclamations and impoundments of the coastal marine area by ensuring that only those reclamations and impoundments proceed which: (a) are associated with uses and developments which have an operational need to be located within the coastal marine area; and (b) are of the minimum area for the proposed use; and	

	<p>(c) have no practical land-based alternative; and</p> <p>(d) avoid adverse effects as far as practicable, and where avoidance is not practicable, mitigate adverse effects and provide for remedying those effects to the extent practicable.</p> <p>A reclamation or impoundment that does not meet all of the considerations listed above may also be an appropriate development, depending on the merits of the particular proposal.</p>	<p>residual effects associated with the proposed reclamation will be avoided to the extent practicable, and otherwise mitigated, in accordance with Objective 18.3.</p> <p>The proposal aligns with Policy 18.4(1) for the following reasons:</p> <ul style="list-style-type: none"> (a) The port has an operational need to be located in the coastal marine area. (b) The proposed reclamation is the minimum area for the proposed use. (c) There is no practical land-based alternative for extending the berth length and associated loading area behind the berth. (d) Adverse effects are being avoided as far as practicable and where they cannot be avoided, mitigation is proposed. <p>The potential effects of contaminants escaping from the proposed reclamation will be avoided as the majority of material will be sand from dredging. This aligns with the Policy 18.4(2)</p>
Policy 18.4(2)	In considering coastal permit applications, to ensure that the creation and formation of a reclamation within the coastal marine area does not result in the escape of contaminants which are likely to, or have the potential to, adversely affect the coastal marine area.	
Chapter 19	Discharges to water	
Objective 19.3	The avoidance of the effects of discharges of contaminants to Northland's coastal water and the remediation or mitigation of any adverse effects of those discharges of contaminants to coastal waters, which are unavoidable.	Objective 19.3 expresses a preference for adverse effects of contaminant discharges to coastal waters being avoided, but also contemplates remediation or mitigation when that is not possible. The effects of contaminant discharges have been avoided to the extent practicable and otherwise mitigated, as set out in the Hawthorn Geddes and C+C reports (see Appendix 19 and 11), consistent with this objective,
Policy 19.4(1)	<p>In the consideration of coastal permit applications to use the best practicable option approach to avoid, remedy, or mitigate the adverse effects of:</p> <ul style="list-style-type: none"> (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 	<p>The proposal aligns with Policy 19.4(1) as it includes a range of measures to maintain water quality, including conditions of consent to minimise sediment discharges during construction, and treatment of stormwater during port operations. Such measures are the best practicable option, consistent with the policy.</p>

Policy 19.4(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.	Regarding Policy 19.4(4), the cumulative effects of discharges to the coastal marine area have been considered by Hawthorn Geddes and C+C. The reports conclude that the existing and proposed discharges will not compromise coastal water quality.
Policy 19.4(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.	Regarding Policy 19.4(7), the existing port has an oil spill response plan. This plan will remain in place and will, in due course, be updated for the expanded port.
Policy 19.4(9)	To promote the provision of facilities for the disposal of litter from ships and other vessels.	Regarding Policy 19.4(9), the existing port provides facilities for the disposal of litter from ships and other vessels. These facilities will remain in place for the expanded port.
Policy 19.4(11)	To advocate for measures to minimise the risk of the introduction of exotic species via ballast water discharges.	Regarding Policy 19.4(11), the port will continue to comply with the requirements of MPI in respect to biosecurity matters associated with international ships, regional plans rules relating to biosecurity, and the requirements of the NRC Marine Pathway Management Plan. The proposed discharges align with Objective 19.3 and the associated policies.
Chapter 20	Discharges to Air	
Objective 20.3	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.	The air quality provisions in the operative regional plans have now been replaced by the new provisions in the PRP. These new provisions can be considered operative under s86B of the RMA, and no further assessment is required under the operative plans. Accordingly, these provisions are now no longer relevant.
Policy 20.4(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	

<p>Policy 20.4(2)</p>	<p>Discharges of contaminants into air from activities located within or near to the coastal marine area should not:</p> <p>(a) Result in significant degradation of existing ambient air quality in the coastal marine area;</p> <p>(b) Adversely affect areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal marine area;</p> <p>(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;</p> <p>(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);</p> <p>(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.</p>	
<p>Policy 20.4(3)</p>	<p>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:</p> <p>(a) The nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and</p>	

	<p>(b) The financial implications, and the effects on the environment, of that option when compared with other options; and</p> <p>(c) The current state of technical knowledge and the likelihood that the option can be successfully applied.</p>	
Policy 20.4(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.	
Chapter 21	Taking, use, damming and diversion of coastal water	
Objective 21.3	The avoidance, remediation, or mitigation of the adverse effects of taking, use, damming or diversion of water in the coastal marine area.	A range of management measures are proposed to avoid and/or mitigate the adverse effects associated with construction of the reclamation, in alignment with Objective 21.3.
Policy 21.4(2)	To apply the precautionary approach to damming and diversion of sea water where adverse effects may occur.	Regarding Policy 21.4(2), there is no need to apply a precautionary approach to the temporary damming component of the reclamation as the effects are well understood and are mitigated to the extent that they are not adverse.
Chapter 22	Dredging and dredging spoil disposal	
Objective 22.3	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.	As expressly provided for in Chapter 22, capital and maintenance dredging is required for the Port expansion. The dredging has been carefully designed to be located within the Marine 5 Management Area. In accordance with Objective 22.3 and the associated Policies 22.4(3) and (4) which specifically provide for dredging associated with the expansion of ports, conditions of consent are proposed to avoid and/or mitigate the

<p>Policy 22.4(3)</p>	<p>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.</p> <p>Explanation: <i>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.</i></p>	<p>effects of the proposed dredging, particularly in respect to sediment deposition and water quality.</p> <p>The proposal has been carefully designed in order that dredge spoil is to be used in the reclamation or disposed at a land-based location. This will ensure that effects within the CMA are minimised and is consistent with Policy 22.4(4) and (7).</p> <p>The proposal aligns with the provisions relating to dredging and dredging spoil disposal.</p>
<p>Policy 22.4(4)</p>	<p>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.</p> <p>Explanation: <i>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.</i></p>	
<p>Policy 22.4(7)</p>	<p>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.</p>	

Chapter 26	Marine 2 (Conservation) Management Area	
Objective 26.3	Subdivision, use and development occurring in such a way as to maintain, and where practicable, enhance, the existing natural, cultural and amenity values in the Marine 2 (Conservation) Management Area.	The proposed Port expansion has been carefully located and designed to occur entirely within the Marine 5 Management Area. Notwithstanding, due to the dynamic nature of coastal processes and the mobile nature of some marine species, it is recognised that there is potential for some adverse effects on marine ecology to extend into the Marine 2 (Conservation) Management Area. These effects have been carefully considered by the relevant experts and determined to be minor or less subject to mitigation. The approach taken to managing the potential adverse effects on marine ecology as a whole aligns with Objective 26.3.
Chapter 29	Marine 5 (Port Facilities) Management Area	
Objective 29.3	Provision for commercial port operations while avoiding, remedying or mitigating the adverse effects of such operations on the coastal marine area.	The proposal aligns with Objective 29.3 and the associated policies. It is consistent with activities anticipated in the Marine 5 Management Area, and the potential effects are being avoided and/or mitigated.
Policy 29.4(1)	<p>To recognise and provide for the operational requirements of existing ports within Northland's coastal marine area including:</p> <ul style="list-style-type: none"> (a) the berthage of commercial ships adjacent to port facilities; and (b) maintenance dredging of navigation channels, turning basins and berths for the purposes of safe berthage, and manoeuvring of commercial vessels, (c) authorised structures (including buildings on wharves, wharves, dolphins, slipways and cargo handling areas) necessary for port operations; and (d) placement and maintenance of navigation aids; and (e) signage; while avoiding, remedying, or mitigating the adverse effects. 	<p>The proposed expansion is necessary to provide for the operational requirements of the port in response to growth, consistent with Policy 29.4(1). This, in turn, is necessary to meet the reasonably foreseeable needs of, and in particular to provide for the social and economic well-being of, Northland and North Auckland.</p> <p>Regarding Policy 29.4(2), the proposal is located in both the CMA and on land. The proposed management of effects is integrated across the entire port in accordance with this policy.</p> <p>Policy 29.4(3) refers specifically to Port expansions and seeks to ensure that the effects are avoided as far as practicable, and otherwise mitigated to the extent</p>

	<p>Explanation: <i>Port operations within Northland's coastal marine area contribute significantly to the region's economy. For these to continue to operate, provision needs to be made for such things as occupation of space and dredging requirements and other port-related requirements. The Marine 5 Management Area in particular caters for the requirements of port operations.</i></p>	<p>practicable. The approach taken to the management of effects of the proposed expansion is consistent with this policy.</p> <p>Regarding Policy 29.4(4), Northport will continue to manage the port in a manner that avoids, as far as practicable, the adverse effects listed in this policy.</p>
Policy 29.4(2)	<p>To promote the integrated management of ports and any associated land and water-based facilities and operations.</p> <p>Explanation: <i>Port operations frequently result in extensive modification of both the coastal marine area and the adjoining land. Integrated management of port areas as a whole is therefore required to effectively manage their environmental effects.</i></p>	
Policy 29.4(3)	<p>To ensure that port expansions and new port facilities are located, designed, constructed, and managed in ways which as far as practicable avoid adverse effects on the coastal marine area and where avoidance is not practicable, to mitigate adverse effects and provide for remedying those effects to the extent practicable.</p> <p>Explanation: <i>The possibility of new port development has been raised in a number of areas. Because of the relatively high natural character of much of Northland's coastal marine area and the extensive modification of the coastal marine area often associated with such development, consideration of the effects of new ports is necessary.</i></p>	
Policy 29.4(4)	<p>To ensure, within the constraints of legislation relating to foreign-owned vessels, that port owners, port operators and, where relevant, ships' agents take all practicable steps to avoid:</p>	

	<p>(a) the creation of noise and dust nuisance during loading and unloading of ships;</p> <p>(b) spillages and other loss of cargo during loading and unloading operations;</p> <p>(c) discharges of contaminated stormwater from cargo handling areas;</p> <p>(d) oil spills;</p> <p>(e) sewage discharges from ships at berth;</p> <p>(f) the introduction of exotic organisms via ballast water discharges.</p> <p>Explanation: <i>Adverse effects of port operations can result from a range of sources. Each needs to be managed to ensure that the effects of the port operation as a whole are avoided as far as possible. Those who own or operate the port facilities are primarily responsible for avoiding the adverse effects of their operations.</i></p>	
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Operative Regional Air Quality Plan

Reference	Objective/Policy	Assessment
Objective 6.6(1)	The sustainable management of Northland's air resource including its physical, amenity and aesthetic qualities by avoiding, remedying, or mitigating adverse effects on the environment from the discharge of contaminants to air	<p>Air quality effects associated with both construction and future port operations have been assessed by PDP.</p> <p>There are no noxious or dangerous discharges associated with the proposal. PDP conclude that, subject to appropriate management, offensive and objectionable adverse effects resulting from the discharge of contaminants to air will be avoided and otherwise minimised.</p>
Objective 6.6(2)	The maintenance and, where necessary, enhancement of the quality of the environment so that it is free from noxious, dangerous, offensive, or objectionable adverse effects associated with discharges to air, such as odour, dust, smoke and poor visibility.	
Policy 6.7(1)	To maintain the existing high standard of ambient air quality in the Northland region, and to enhance air quality in those instances where it is adversely affected, by avoiding, remedying or mitigating adverse effects of activities discharging contaminants to air.	<p>See assessment under Objective 6.6(1) above. PDP conclude that the data indicates that air quality around Northport is relatively good and based on the proposed activities at Northport the combustion emissions are considered insignificant, and they are unlikely to result in any noticeable off-site changes in ambient air quality.</p> <p>The main pollutant is identified by PDP as being nuisance dust, and there are a range of pre- and post-construction management measures identified for dust suppression in order to manage nuisance dust effects to an acceptable level.</p>
Objective 6.6(3)	The reduction and minimisation of adverse effects from discharges of contaminants to air of global significance, such as greenhouse gases or ozone depleting substances, in agreement with government policy.	Northport is continuing to actively reduce its emissions from combustion engines. This includes by purchasing electric (or electrifiable) equipment where practicable. Apart from combustion engines, there are no additional greenhouse gases or ozone depleting substances associated with the proposal.
Policy 6.7(2)	To avoid, remedy or mitigate the adverse effects generated by discharges of contaminants to air including cumulative or synergistic/interactive effects.	Potential adverse effects of fugitive dust emissions associated with the reclamation construction will be avoided and otherwise minimised through adherence to the management measures recommended in the PDP report.

Policy 6.7(8)	To support and implement national policies that seek to avoid, remedy or mitigate the adverse effects on the global environment of motor vehicle and greenhouse gas emissions and ozone depleting substances.	N/A - see assessment under Objective 6.6(3).
Policy 6.7(3)	To recognise that many activities which discharge contaminants to air have a minor effect on the quality of Northland's air environment.	The proposed mitigation measures will ensure that the effects on the air environment are less than minor.
Policy 6.7(4)	To manage the discharge of hazardous, noxious and dangerous contaminants to air in a manner that ensures any adverse environmental effects, including on human health, are avoided, remedied or mitigated.	N/A - there are no new discharges of hazardous, noxious, and dangerous contaminants to air proposed.
Policy 6.7(5)	Where the effects of activities are unknown or not well understood, to adopt a precautionary approach to the granting of resource consent applications for the discharge of contaminants to air where it is considered that the effects of such discharges on the environment may be significant.	N/A – the effects of the potential discharges from the proposal are well understood to the extent that a precautionary approach is not required.
Policy 6.7(6)	Where necessary, apply the best practicable option to discharges of contaminants to air, while complying with the other policies in this Plan.	The measures recommended by PDP are the best practicable option for the management of potential fugitive dust discharges during construction.
Policy 6.7(7)	To recognise that discharges of contaminants to air may adversely affect other receiving environments.	The proposed mitigation measures seek to avoid potential fugitive dust emissions to the CMA as well as land-based environments.
Policy 6.7(10)	To promote the integrated management of natural and physical resources in order to avoid, remedy or mitigate the adverse effects of discharges of contaminants to air.	Potential adverse effects of fugitive dust emissions will be avoided through the adoption of mitigation measures.

Policy 6.7(9)

To promote a consistent regional approach to avoid the adverse health and environmental effects from abrasive blasting operations.

N/A - no abrasive blasting is proposed.

Whangarei District Plan (objectives and policies assessment)

Reference	Objective/Policy	Assessment
Port Zone		
Objective PORTZ-O1 – Regionally Significant Infrastructure	Recognise and provide for the importance of the Port as regionally significant infrastructure and the contribution it makes to the economic and social wellbeing of the District and Region.	The port is expressly denoted as Regionally Significant Infrastructure in the RPS. In accordance with this Objective, the decision maker is required to recognise and provide for the importance of the port itself, and beyond that, its valuable contribution to the economic and social wellbeing of the Whangarei District and Northland Region.
Objective PORTZ-O2 – Current Operation and Future Development	Recognise the unique characteristics of the Port and provide for: 1. The efficient and effective ongoing operation of Port activities within the Port Zone without undue constraints; and 2. The future development and expansion of Port operations and activities within the Port Zone.	This objective recognises the unique characteristics of the port, including presumably its impacts on amenity. Further, it requires that the ongoing operation of port activities, including importantly the port's future development and expansion, be provided for. This is a key directive provision which provides important recognition of, and support for, the proposal.
Objective PORTZ-O3 – Adverse effects	Manage the adverse effects of the Port and port activities on the environment.	This Objective directs that adverse effects of the port and port activities on the environment should be 'managed', without directing avoidance or mitigation requirements. The clear implication of this Objective is that the effects management hierarchy is available in order to manage adverse effects, i.e. avoid/remedy/mitigate/offset/compensate. In practice, the effects of expanded port activities have been minimised by careful location selection and design of the facility and will be closely

		managed by conditions of consent. Effects are avoided where possible, and residual effects will be managed in accordance with a range of environmental management plans. The proposal is consistent with this objective.
Objective PORTZ-O4 – Public Access to the Coastal Marine Area	Maintain, and where practicable enhance, public access, use and enjoyment to and along the Coastal Marine Area, provided it does not adversely affect the efficient and safe operation of the Port.	Through careful design, including a landscape designed ‘pocket park’, the proposal will maintain public access to the esplanade reserve, residual eastern beach, and the eastern side of the reclamation to the greatest extent practicable. For obvious health and safety reasons, the public are required to be excluded from operational port areas. The proposal is consistent with this objective.
Objective PORTZ-O6 – Cultural Values	To recognise and provide for the relationship of Māori and their culture and traditions with their cultural landscapes in the future development and expansion of the Port.	Northport has, and continues, to meaningfully engage with mana whenua in respect to this project. It is intended that conditions of consent will be developed in conjunction with mana whenua in recognition of their special relationship with the project area.
Policy PORTZ-P1 – Regional Significance	To recognise the regional significance of the Port by providing for a wide range of existing and future port operations and port activities within the Port Zone.	This policy provides further recognition of the importance (regional significance) of the port and supports existing and future port operations and activities. The proposal is consistent with this policy.
Policy PORTZ-P5 – Adverse effects	<p>To manage adverse effects of the Port and associated port activities by:</p> <ol style="list-style-type: none"> 1. Limiting the height of buildings and outdoor storage areas to minimise adverse visual amenity effects while recognising the operational requirements of the Port; 2. Minimising adverse effects of noise and light spill while recognising the operational requirements of the Port; and 	<p>This Policy attempts to establish some broad limits on port operations and development in order to maintain a level of amenity and/or to appropriately manage adverse effects. Consistent with this Policy, the adverse effects of the expanded port operations and activities will be managed through:</p> <ul style="list-style-type: none"> ▪ The height of buildings on the expanded port will match the permitted height in the adjoining Port Zone. ▪ Noise on the existing and expanded port will be managed in accordance with best practice and specifically NZS 6809: 1999.

	<p>3. Managing the effects of earthworks (other than earthworks associated with flood control works) to ensure such works do not divert flood flow onto neighbouring properties or deplete flood plain storage capacity.</p>	<ul style="list-style-type: none"> ▪ Lighting on the expanded port will comply with the permitted standard applicable to the adjoining Port Zone. ▪ Due to the location, there is no potential for earthworks to delivery flood flows onto neighbouring properties.
<p>Policy PORTZ-P6 – Public Access to the Coastal Marine Area</p>	<p>To manage public accessways to and along the Coastal Marine Area by:</p> <ol style="list-style-type: none"> 1. Recognising the need for public walking access to and along the Coastal Marine Area; and 2. Maintaining, enhancing, and developing public accessways to and along the Coastal Marine Area. 3. Only restricting public accessways to and along the Coastal Marine Area where it is necessary to: <ol style="list-style-type: none"> a. Protect public health and safety; or b. Ensure the efficient and effective operation of the Port is not compromised. c. Meet the requirements of other regulations and legislation. 	<p>The proposal aligns with the intent of this policy as follows:</p> <ul style="list-style-type: none"> ▪ Public access to the residual beach and esplanade reserve has been incorporated into the design. Importantly, vehicle access, car parking, public toilet facilities, beach access and areas to facilitate swimming and fishing have been carefully considered and concept plans developed. ▪ A new public park and associated amenities are proposed at the eastern end of the reclamation. ▪ Public access to and along the coastal margin has been maintained to the greatest extent practicable without compromising the efficient and effective operation of the expanded port, and public health and safety.
<p>Policy PORTZ-P9 – Cultural Values</p>	<p>Ensure activities within the Port Zone are undertaken in a manner which recognises and provides for the cultural values associated with cultural landscapes by:</p> <ol style="list-style-type: none"> 1. Limiting the height of buildings and outdoor storage areas to minimise adverse effects on cultural landscapes; and 2. Requiring an assessment of cultural values where these may be adversely affected by future development within the Port Zone. 	<p>The proposal aligns with this policy as follows:</p> <ul style="list-style-type: none"> ▪ The maximum proposed height of buildings on the expanded port matches the permitted height on the existing port. ▪ Potential adverse effects on cultural landscapes, and specifically views of important landscape features from areas important to mana whenua, have been considered by a landscape architect with the assistance of visual imagery. The results have been shared with mana whenua. ▪ Meaningful consultation has been undertaken with mana whenua and remains ongoing. A draft cultural assessment has been provided, and the matters raised continue to be discussed and interpreted.

		<ul style="list-style-type: none"> Consultation undertaken to date is consistent with the intent of this policy.
DGD District Growth and Development		
Objective DGD-O5 Incompatible Activities and Reverse Sensitivity	Avoid conflict between incompatible land use activities from new subdivision, use and development.	With the exception of some encroachment into land zoned Natural Open Space, the land within the jurisdiction of the proposed District Plan utilised by the project adjoins the Port Zone and complies with the key relevant permitted activity standards for that zone. The proposal is therefore sited appropriately.
Policy DGD-P2 Incompatible Land Uses and Reverse Sensitivity	To manage the establishment and location of new activities and expansion of existing activities to avoid conflicts between incompatible land uses.	Additionally, the objective of NZS6809: 1999 is “to ensure the long-term compatibility of ports and their neighbours by the application of appropriate land use planning techniques”. It recognises the need for ports to operate in an effective manner and provides guidelines to ensure that the adjacent residential communities can co-exist with ports and their associated activities. The proposed adoption of port noise management measures in accordance with the guidelines in NZS6809: 1999 is consistent with the outcomes sought under DGD-O5 and DGD-P2.
Objective DGD-O6 Indigenous Biodiversity	Identify and protect the values and attributes of indigenous biological diversity (Significant Natural Areas) and maintain the extent and diversity of other indigenous biodiversity.	There are no identified SNAs within the proposed expansion area. While the proposal will result in the loss of some indigenous biodiversity within the reclamation and dredging footprint, this is almost entirely within the CMA and these areas are outside the jurisdiction of the WDC. The proposal sits comfortably with this objective.
Objective DGD-O7 Onsite and Reticulated Infrastructure	Provide efficient and effective onsite and reticulated infrastructure in a sustainable manner and co-ordinate new land use and development with the establishment or extension of infrastructure and services.	The proposed expansion is consistent with this objective. It will incorporate a combination of on-site and reticulated infrastructure, consolidated with

		the existing port infrastructure as efficiently as possible, and developed in accordance with appropriate conditions of consent.
Objective DGD-08 Cultural Values	Ensure that growth and development takes into account Māori cultural values.	Meaningful consultation has been undertaken with mana whenua and remains ongoing. A cultural values assessment and draft cultural effects assessment has been provided, and the matters raised continue to be discussed and interpreted. Consultation undertaken to date has been meaningful, and is ongoing, in a manner consistent with the intent of this objective.
Objective DGD-09 Land Use and Transport Planning	Maintain and enhance accessibility and safety for communities and integrate land use and transport planning.	<p>The proposal is a key aspect of cargo transport in the region, and North Auckland. This will have significant benefits for communities and their social and economic well-being.</p> <p>More directly, the proposal carefully considers and integrates with existing commercial and recreational shipping using the Whangarei Harbour. Effects on road traffic have been carefully assessed by independent experts, who have recommended appropriate mitigations (primarily, upgrade of key intersections, should port related traffic movements exceed specified triggers) which will be secured by appropriate conditions of consent. Subject to compliance with these conditions (as required) the proposal will maintain and enhance accessibility and safety in accordance with this objective.</p>
Objective DGD-010 Hazards	Minimise the risks and impacts of natural hazard events, including the influence of climate change, on people, property, and infrastructure.	Effects of natural hazards have been assessed by the independent experts engaged by the applicant. Consistent with the objective, the expanded port will be designed to minimise the risks of natural hazard events, including the deck height above sea level, rock armouring of the reclamation extents, and stormwater treatment system capacity.

Objective DGD-013 Identification and Protection	Regionally Significant Infrastructure is identified and protected.	The port is recognised as Regionally Significant Infrastructure. Accordingly, this Objective broadly requires its protection.
Objective DGD-014 Recognised Benefits	The benefits of Regionally Significant Infrastructure are recognised and provided for.	<p>The significant and broadly encompassing benefits associated with the port as Regionally Significant Infrastructure are detailed in the application. In particular, the economic effects assessment prepared by ME concludes that there are significant economic benefits for the region, and potentially at a national level.</p> <p>This objective directs that these benefits be recognised and provided for.</p>
Objective DGD-015 Adverse effects	Avoid, remedy, mitigate or offset adverse effects arising from the development, operation, maintenance, and upgrading of Regionally Significant Infrastructure.	<p>As discussed above in relation to Objective PORTZ-O3, the range of effects management hierarchy responses are provided for by this Objective.</p> <p>The approach to managing the effects of the proposed port expansion outlined in the application aligns with this objective.</p>
Policy DGD-P3 Natural Hazards	<p>To avoid increasing the risk of natural hazards on people and property by:</p> <ol style="list-style-type: none"> 1. Assessing the risk of coastal and flood hazards on subdivision, use and development over a 100-year timeframe. 2. Ensuring new subdivision, use and development does not increase the risk from coastal and flood hazards. 3. Ensuring measures to mitigate and adapt to the effects of climate change are provided for in development, growth and transport planning. 4. Ensuring that the risk of natural hazards is assessed when zoning new areas of land for more intensive development. 	There is an obvious functional and operational need for the expanded port to be in this location. The design will avoid natural hazards to the greatest extent practicable. Accordingly, the proposal is consistent with this policy.

	5. Avoiding locating regionally significant and critical infrastructure within identified hazard zones unless there is a functional or operational need for its location.	
Policy DGD-P4 Amenity	To ensure that the scale and nature of new land use activities are commensurate with the anticipated level of amenity and the stated issues and objectives for the relevant zone.	The proposed port expansion is not a new land use activity. Notwithstanding this, activities on the expanded port are consistent with the anticipated level of amenity and the stated objectives for the adjoining Port Zone, and the adjoining Marsden Point Port Zone (within the adjoining CMA). Mitigation measures (most notably in relation to noise management) have been incorporated in the proposal to maintain amenity values in nearby residential zones, and in the residual Natural Open Space Zone. The policy is satisfied by the proposal.
Policy DGD-P5 Sustainable Infrastructure	To avoid, remedy or mitigate adverse effects on the sustainable provision of infrastructure by ensuring that all subdivision and land use is served by infrastructure and services that are appropriately designed, located and constructed.	The proposed expansion will incorporate a combination of on-site and reticulated infrastructure designed and installed in accordance with appropriate conditions of consent.
Policy DGD-P7 Transport System	To enable a safe, effective, efficient, and accessible transport system by: <ol style="list-style-type: none"> 1. Integrating and coordinating transport and land use planning. 2. Improving access to alternative transport options. 3. Enhancing walkability and cycle connections within urban neighbourhoods and rural villages. 4. Concentrating more intensive urban development in close proximity to public transport infrastructure. 	As per the intent of this policy, the potential effects of the proposed expansion on the road network servicing the port have been considered in detail. The proposal includes conditions of consent for the upgrade of key intersections should port related traffic movements exceed specified triggers. Subject to compliance with these conditions (as required) the proposal will enable a safe, effective, efficient, and accessible transport system. Furthermore, while not within the scope of these consent applications, it is possible that an expanded port operation will proceed in parallel with alternative transport options, most notably rail. Accordingly, the proposal achieves the intent of this policy.

Policy DGD-P8 Resource Areas	To identify and protect biodiversity, outstanding landscapes and features, the natural character of the coastal environment, heritage features, and Sites of Significance to Māori from inappropriate subdivision and development by mapping Resource Areas, and applying rules to protect the values, attributes, characteristics, and qualities of these areas.	There are no mapped resource areas in the vicinity of the proposed port expansion area except for the general 'Coastal Area' overlay. The Coastal Area overlay provisions are not targeted at port development and are of limited relevance in the context of the proposal.
Policy DGD-P9 Special Purpose Zones	To provide for specific activities or areas where special circumstances apply by identifying and zoning areas as Special Purpose Zones.	The existing port is located within a specific 'Port Zone', which is broadly permissive of port related activities and development. The proposed expansion adjoins this zone and is predominantly in the CMA (zoned Marsden Point Port Zone in the PDP).
Policy DGD-P15 Benefits of Regionally Significant Infrastructure	To recognise and provide for the social, economic, and cultural benefits of Regionally Significant Infrastructure by enabling its ongoing operation, maintenance, development and upgrading where adverse effects are managed.	<p>This Policy again establishes a clear directive to recognise and provide for the benefits associated with the port as Regionally Significant Infrastructure, including specifically by enabling (inter alia) its development and upgrading.</p> <p>This important policy direction provides clear support for the proposal, requiring also that adverse effects are managed (again, with implicit reference to the effects management hierarchy).</p>
Policy DGD-P16 New Regionally Significant Infrastructure	<p>Manage adverse effects created by new network utilities and Regionally Significant Infrastructure by avoiding, remedying, mitigating, or offsetting (where offered and agreed to), while taking into account the following matters:</p> <ol style="list-style-type: none"> 1. Benefits of an activity. 2. Any recognition within a national policy statement. 3. Constraints that limit the design and location of the activity. 	<p>The proposal aligns with this policy for the following reasons:</p> <ul style="list-style-type: none"> ▪ Adverse effects are being managed through a combination of avoidance and mitigation measures. ▪ There are measurable economic and social benefits that can be taken into account. ▪ The efficient and safe operation of Ports is specifically recognised in the NZCPS.

	<p>4. Whether the proposal is a regionally significant infrastructure lifeline utility which meets the foreseeable needs of Northland.</p> <p>5. The extent to which the adverse effects of the activity can be practicably reduced including any positive effects on the subject site or elsewhere (provided that the positive effects accrue to the community of interest and/or resource affected.</p> <p>6. Any monitoring programme for identified significant adverse effects with uncertain outcomes which can be addressed by an adaptive management regime where the infrastructure assists in achieving efficient use of land.</p> <p>7. Whether the infrastructure proposal helps to achieve consolidated development and efficient use of land.</p> <p>8. Ensuring damage to or loss of relationship of iwi with ancestral sites, sites of significance, wāhi tapu, customary activities and/or taonga is avoided or otherwise agreed to by the affected iwi or hapū.</p>	<ul style="list-style-type: none"> ▪ The port expansion has been carefully planned and constrained in terms of its design and location in order to appropriately manage its effects. ▪ Ports are a regionally significant infrastructure lifeline utility. ▪ There are a range of positive effects associated with the proposal. ▪ An expansion of the existing port is a more efficient use of land, CMA, and other physical and natural resources than establishment of a new port. ▪ Meaningful engagement/consultation with mana whenua has been initiated. Consultation will continue with a view to ensuring that the relationship of iwi with their ancestral sites, sites of significance, wahi tapu, customary activities and/or taonga is not damaged or lost.
<p>Policy DGD-P17</p> <p>Managing Adverse Effects of Existing Regionally Significant Infrastructure</p>	<p>To manage adverse effects created by the operation, maintenance and upgrading of existing network utilities and regionally significant infrastructure by:</p> <ol style="list-style-type: none"> 1. Allowing adverse effects that are not significant while the maintenance or upgrading is being undertaken. 2. Allowing any adverse effects that, after the conclusion of the maintenance or upgrading, are the same or similar to the adverse effects that existed before the maintenance or upgrading was undertaken. 3. Avoiding, remedying, mitigating, or offsetting (where offered or agreed to) adverse effects, if DGD-P17.1 or DGD-P17.2 do not apply. 4. Taking into account the following matters: <ol style="list-style-type: none"> a. Benefits of the activity. 	<p>The proposal aligns with this policy for the following reasons:</p> <ul style="list-style-type: none"> ▪ The adverse effects of the existing port (most notably noise) are being managed in combination with those of the proposed expanded port through a combination of avoidance and mitigation measures. ▪ There are measurable economic and social benefits of the existing port and the proposed expanded port that can be taken into account. ▪ Ports are specifically recognised in the NZCPS. ▪ The port is constrained in terms of its design and location. ▪ Ports are a regionally significant infrastructure lifeline utility. ▪ There are a range of positive effects associated with the existing port. ▪ No significant adverse effects have been identified.

	<p>b. Any recognition within a national policy statement.</p> <p>c. Constraints that limit the design and location of the activity.</p> <p>d. Whether the proposal is a regionally significant infrastructure lifeline utility which meets the foreseeable needs of Northland.</p> <p>e. The extent to which the adverse effects of the activity can be practicably reduced including any positive effects on the subject site or elsewhere (provided that the positive effects accrue to the community of interest and/or resource affected).</p> <p>f. Any monitoring programme for identified significant adverse effects with uncertain outcomes which can be addressed by an adaptive management regime where the infrastructure assists in achieving efficient land use.</p> <p>g. Whether the infrastructure proposal helps to achieve consolidated development and efficient use of land.</p>	
NOSZ Natural Open Space Zone (esplanade reserve)		
NOSZ-O1 Natural Environment	Protect and enhance the natural, ecological, landscape, cultural and heritage values of the Natural Open Space Zone.	The proposed expansion will result in the loss of a portion of esplanade reserve and the adjoining beach area to the east of the existing port. While it cannot be said that the proposal implements this policy, the open space values in this locality are influenced to an extent by the existing Northport and CINZLL facilities, and the mitigation proposed minimises effects on the NOSZ in this locality to the greatest extent practicable, while creating new open space resources in the immediate vicinity.
NOSZ-P1 Open Spaces	To identify and protect open spaces that are managed primarily for conservation and have high natural, ecological, landscape, cultural and heritage values.	
NOSZ-P1 Open Spaces	To identify and protect open spaces that are managed primarily for conservation and have high natural, ecological, landscape, cultural and heritage values.	

NOSZ-O2 – Activities and Buildings	Buildings associated with recreational, educational, cultural and conservation activities, complement and do not compromise the values and qualities of the Natural Open Space Zone.	The relocated public toilet building proposed for the eastern end of the expanded port (a building for recreational purposes) will be similar to the existing toilet building in scale and appearance. Given the scale of structures on nearby land (including Northport and CINZL structures on land and in the CMA) the proposed toilet building will not compromise the values and qualities of the NOSZ. No other buildings are proposed in the NOSZ.
NOSZ-P2 Adverse Effects	To manage adverse effects on the values and qualities of the Natural Open Space Zone by limiting the use, location, scale, and design of buildings.	
NOSZ-P3 Enable Appropriate Structures	To enable structures and platforms in appropriate locations to enhance visitors understanding and experience of natural, cultural and heritage values.	
NOSZ-P4 Limiting Inappropriate Activities	To avoid, remedy and mitigate adverse effects on the values and qualities of the Natural Open Space Zone by managing the scale and nature of activities.	The proposal seeks to mitigate the adverse effects of the port development through the retention of access, and the creation of a park/reserve area and other amenities at the eastern end of the expanded port.
NOSZ-P5 Manage Activities	To avoid adverse effects on amenity and character of the Natural Open Space Zone by managing activities to ensure that they support ongoing conservation.	The proposal does not align with NOSZ-P5 as it does not avoid adverse effects on the amenity and character of the NOSZ. However, measures are proposed to support and enhance the ongoing conservation of species that currently utilise the NOSZ (i.e. VOC and NZ Dotterel) by providing appropriate habitat.
TRA Transport		
TRA-O1 – Transport Network	Provide and maintain a safe, efficient, accessible, and sustainable transport network while avoiding, remedying, or mitigating adverse effects on the environment, adjoining land uses and the surrounding amenity and character.	The traffic effects of the proposed expansion are considered in the WSP report (Appendix 17). The report concludes that there is sufficient capacity within the network to accommodate additional traffic from the expanded

TRA-O2 – Integrate Transport and Land use planning	Integrate land use and transport planning to ensure that land use activities, development and subdivision maintain the safety and efficiency of the transport network.	port, and any effects of additional port traffic can be managed by upgrading key SH15 intersections when/if capacity is exceeded.
TRA-O6 – Future Growth	Ensure that future growth can be supported by appropriate transport infrastructure.	
Policy TRA-P3 Transport Network Capacity	<p>To manage the scale and design of subdivision and development by:</p> <ol style="list-style-type: none"> 1. Ensuring that there is sufficient capacity within the transport network to cater for the proposal. 2. Requiring subdividers and developers to meet the costs of any upgrades and/or extensions to the transport network which are directly attributed to measurable impacts of the subdivision or development. 	
Policy TRA-P7 Access and intersections	<p>To ensure that access and intersections are designed and located so that:</p> <ol style="list-style-type: none"> 1. Good visibility is provided. 2. Vehicle manoeuvres and public and active transport modes are appropriately accommodated. 3. They are sufficiently separated so as not to adversely affect the free flow of traffic. 	
Policy TRA-P8 Vehicle Crossings and Access	<p>To require vehicle crossings and associated access to be designed and located to ensure safe and efficient movement to and from sites for vehicles, pedestrians and cyclists by managing:</p> <ol style="list-style-type: none"> 1. Separation distances between vehicle crossings. 2. Separation distances from intersections, railway crossings and pedestrian crossing facilities. 	

	<p>3. Vehicle crossing sight distances.</p> <p>4. The number of vehicle crossings per site.</p> <p>5. The design, formation and construction standards of crossings and access.</p>	
TRA-O4 – Safety and efficiency	Provide suitable and sufficient vehicle crossings, access, parking, loading and manoeuvring areas that minimise adverse effects on the safe, effective, and efficient functioning of the transport network.	The port has direct access to the end of SH15. It is not anticipated that any upgrade to the existing connection to SH15 will be necessary. Adequate parking will be provided within the port.
Policy TRA-P4 Integrated Transport Assessments	To avoid remedy or mitigate adverse effects on the adjacent and wider transport network by requiring Integrated Transport Assessments for large scale developments and subdivisions.	The WSP report is an Integrated Transport Assessment. It concludes that any adverse effects on the wider transport network can be mitigated if/when they occur in accordance with appropriately worded conditions of consent.
TWM Three Waters Management		
Objective TWM-O1 – Connections	Ensure that connections to public reticulated three waters networks are provided within Reticulated Stormwater Areas, Reticulated Wastewater Areas, and Reticulated Water Supply Areas.	The applicant has engaged with the WDC infrastructure division. The expanded port will remain connected to the reticulated wastewater and water supply system in consultation with the WDC.
Objective TWM-O2 – Reticulated Networks	Maintain the effectiveness, efficiency and sustainability of reticulated three waters networks.	The port will remain connected to the Council reticulated water and wastewater networks in a manner that ensures the effectiveness, efficiency, and sustainability of those networks.
Objective TWM-O3 – Integrated infrastructure	Plan and provide for three waters infrastructure in an integrated and comprehensive manner.	Infrastructure will be provided in an integrated and comprehensive manner in consultation with the WDC infrastructure division.

Objective TWM-O4 – Private systems	Ensure that private three waters systems are provided where connections are not provided to public reticulated networks.	The proposed expansion will be connected to the private stormwater treatment and disposal system. No stormwater connection to the WDC reticulated stormwater network will be necessary.
Objective TWM-O5 – Adverse effects	Minimise adverse effects from stormwater and wastewater on people, property, infrastructure, the receiving environment, and cultural values.	The existing stormwater treatment and disposal system is the best practicable option and is proven to achieve the water quality requirements of the PRP.
Policy TWM-P1 Three Waters Infrastructure	<p>To ensure that three waters resources are appropriately managed by requiring subdivision and development to provide three waters infrastructure that:</p> <ol style="list-style-type: none"> 1. Is coordinated, integrated and compatible with the existing infrastructure and capacities. 2. Enables the existing public reticulated network to be expanded or extended to adjacent land where that land is within a Reticulated Stormwater Area, Reticulated Wastewater Area or Reticulated Water Supply Area. 	<p>The expanded port will remain connected to wastewater and water infrastructure. The proposed public toilet will utilise the connection to the existing toilet at the end of Ralph Trimmer Drive.</p> <p>Network capacity will continue to be discussed with the WDC so that it aligns with the construction timeframe of the expansion.</p> <p>The applicant will work closely with the WDC infrastructure division to ensure that there is sufficient capacity when the port expansion eventually occurs.</p>
Policy TWM-P3 Capacity	To manage the scale and design of subdivision and development where connection is proposed to public reticulated three waters networks to ensure that there is sufficient capacity in the public reticulated networks, or where necessary require upgrades and/or extensions to the public reticulated networks to enable appropriate subdivision and development.	
Policy TWM-P4 Future Development	To ensure that three waters infrastructure is designed to accommodate the anticipated servicing requirements of plan enabled development in the locality.	
Policy TWM-P2	To sustainably and efficiently manage three waters resources by avoiding private three waters systems where connection to the public reticulated network is	Stormwater will discharge via the existing (private) treatment and disposal system. The use of this system is appropriate given the location of the site

Reticulated Areas	practicable in a Reticulated Stormwater Area, Reticulated Wastewater Area or Reticulated Water Supply Area.	adjacent to the CMA and the relatively unique nature of the activity and its associated stormwater. The port will remain connected to the WDC wastewater and water networks.
Policy TWM-P6 Private Systems	<p>To ensure that where connection to a public reticulated three waters network is not available or practicable that provision can be made for:</p> <ol style="list-style-type: none"> 1. A water supply. 2. The treatment, disposal, and where appropriate attenuation, of stormwater in a way that does not lead to significant adverse effects on or off site. 3. Management of wastewater via: <ol style="list-style-type: none"> a. An on-site wastewater treatment system; or b. Approval to connect to a private wastewater system. 	The Hawthorn Geddes report (Appendix 19) confirms that it is appropriate for stormwater from the expanded port to continue to be treated in the existing canal and pond- based system and no practicable public network is available.
Policy TWM-P8 Integrated Three Waters Assessments	<p>To require Integrated Three Waters Assessments for large scale developments to:</p> <ol style="list-style-type: none"> 1. Provide three waters infrastructure in an integrated and comprehensive manner. 2. Enable and recognise the benefits of green infrastructure and low impact design. 	The proposed port expansion does not trigger an Integrated Three Waters assessment.
Policy TWM-P9 Infrastructure	To require subdividers and developers to meet the fair and reasonable costs of any upgrades or extensions of public reticulated three waters infrastructure which are attributed to the impacts of the subdivision or development.	This policy will be achieved through the payment of development contributions calculated and levied at the time of development.
LIGHT Lighting		
Objective LIGHT-O1 Provision of Lighting	Artificial lighting is provided to enable activities to occur outside of daylight hours and to support the health, safety and security of people, communities, and their property.	Artificial lighting will be provided in accordance with these objectives and LIGHT-P2.

Objective LIGHT-O3 Lighting infrastructure	The subdivision and development of land provides artificial lighting infrastructure to support the safety and security of people and property and to maintain public pedestrian and traffic safety.	Artificial lighting is required for health and safety reasons given the 24/7 nature of Port operations.
Policy LIGHT-P2 Health and safety	To enable the use of artificial lighting where it is required for health and safety reasons, traffic, cyclist and pedestrian safety or navigational purposes.	
Objective LIGHT-O2 Adverse effects	Artificial lighting maintains, and where appropriate enhances, the amenity and character of the surrounding environment while avoiding, remedying, and mitigating adverse effects associated with light spill and glare.	The effects of artificial lighting on the amenity and character of the surrounding environment have been assessed in the BNZL report. The report concludes that the effects of artificial lighting can be managed through conditions of consent and are otherwise appropriate given the context of the surrounding environment. The BNZL report confirms that the amenity and character of the zone and surrounding environment can be maintained through appropriate conditions of consent.
Policy LIGHT-P1 Amenity and character	To maintain, and where appropriate enhance, the amenity and character of each zone by controlling the intensity, location and direction of artificial lighting.	
SI Signs		
Objective SIGN-O1 – Provision for Signs	Signage is provided for across a range of zones where: 1. It maintains, or where appropriate enhances, the character and amenity of the surrounding zone. 2. It does not adversely impact heritage values, the transport network, pedestrian and cyclist safety, or impede the efficient use of infrastructure. 3. It is provided in a manner which is efficient, legible and functional.	No specific additional signage is proposed beyond essential signage for health and safety, and navigation purposes.

Policy SIGN-P1 – Scale and Intensity	<p>To provide for signage across a range of zones at a scale and intensity which ensures that the signage maintains the character and amenity of these zones and traffic safety within these zones by:</p> <p>1. Requiring signage to relate to the goods or services available on site.</p> <p>2. Limiting the size, location, and design of signage.</p> <p>3. Requiring the consideration of cumulative effects of signage, taking into account whether the signage in conjunction with existing signs will create visual clutter or other adverse cumulative effects on amenity values or traffic safety.</p>	
Policy SIGN-P3 – Health and Safety Signs	<p>To provide for signage required to protect the health and safety of the community and enable navigation.</p>	
Chapter 11 Riparian and Coastal Margins		
Objective 11.3.1	<p>Preservation of the natural character of riparian margins and the coastal environment.</p>	<p>The proposed eastern expansion is not located within a mapped natural character or landscape area in the RPS, PRP, or the WDP.</p> <p>Although the character and values of Marsden Point Beach would be appreciably changed by the proposed expansion, this will not alter the natural character values of the wider Marsden Point coastline to a commensurate degree.</p> <p>The proposal is located in an area where natural character values are compromised by existing activities in the immediate and surrounding environment.</p> <p>The landscape and natural character assessment (Appendix 14) concludes that the proposal is acceptable in natural character terms.</p>

Objective 11.3.2	Protection of Significant Ecological Areas, Built Heritage, Sites of Significance to Maori, riparian habitats and Outstanding Landscapes and natural features, within the coastal environment and alongside rivers and streams.	The proposed expansion is not located in a significant ecological area, outstanding landscape area, or natural feature area, nor does it affect built heritage. However, it does involve the removal of some riparian habitat and natural features in the coastal environment. The related effects on indigenous biodiversity have been carefully considered and mitigated to ensure they are minor or less.
Objective 11.3.3	Maintain and enhance public access, where appropriate, to and along the coast and rivers.	Public access to the eastern side of the reclamation and residual eastern beach area has been incorporated in the overall design. A public park/reserve area and associated amenities will be developed at the eastern end of the expanded port to enhance the use of this space.
Objective 11.3.4	Recognise and protect riparian margins and the coastal environment as natural hazard buffers.	N/A
Objective 11.3.5	The relationship of tangata whenua with their sites and other taonga is enhanced.	The relationship of tangata whenua continues to be understood through ongoing consultation. Any necessary mitigation will be determined in conjunction with tangata whenua.
Policy 11.4.1 Riparian Management	To avoid the adverse effects of land use activities on the natural character and functioning of riparian margins of water bodies and the coast.	Although there will be some changes in the characteristics of the coastal environment in the vicinity of the proposed expansion, those changes do not manifest themselves as adverse effects that are more than minor.
Policy 11.4.2 Separation Distances	To ensure that land use activities avoid, remedy, or mitigate adverse effects on water quality, by means which may include separating land use activities from water bodies and coastal waters and by encouraging the retention and enhancement of riparian vegetation as buffer areas.	The proposal involves a range of measures to avoid and/or mitigate adverse effects on water quality. These include measures to prevent or minimise sediment deposition during construction activities, and measures to treat stormwater from port operations areas.

Policy 11.4.7 Public Health and Safety	To avoid the creation of esplanade reserves on sites where the provision of an area for public access would impair public health and safety.	N/A
Policy 11.4.9 Cultural Protection	To set aside esplanade reserves and to create esplanade strips to protect areas of significance to Maori.	N/A
Policy 11.4.10 Hierarchy of Values	To give priority to conservation values, cultural importance, hazard mitigation and public health and safety over recreation and public access values where there is a conflict between values.	N/A
Policy 11.4.16 Riparian and Coastal Margins	To maintain and, where appropriate, enhance riparian vegetation.	The proposal involves the removal of riparian (dune) vegetation, but specific mitigation is proposed by way of a landscape designed 'pocket park' area.
WB Waterbodies		
Objective WB-O1 Preservation and Protection	The preservation of the natural character of water bodies and their margins, and the protection of them from the adverse effects of inappropriate subdivision, use and development.	<p>The proposed eastern expansion is not located within a mapped natural character or landscape area in the RPS, PRP, or the WDP.</p> <p>Although the character and values of Marsden Point Beach would be appreciably changed by the proposed expansion, this will not alter the natural character values of the wider Marsden Point coastline to a commensurate degree.</p> <p>The proposal is located in an area where natural character values are compromised by existing activities in the immediate and surrounding environment. The proposed expansion is not inappropriate in this context.</p>

Objective WB-O2 Effects of Activities	Activities on the surface of water bodies do not result in adverse environmental effects.	This is a very high-level objective that is placed into context by the associated policy WB-P1.
Policy WB-P1 Adverse Effects	To ensure that the adverse effects of subdivision, use and development adjoining water bodies or the coastal marine area, or activities on the surface of water bodies or the coastal marine area, on water quality and quantity (including ground water), natural character, and cultural and ecological values of water bodies and the coastal marine area, are avoided, remedied, or mitigated.	<p>The proposal involves structures and activities on the surface of the harbour. While there are some adverse environmental effects associated with these activities, the effects are not dissimilar to those associated with the existing port operation, and other maritime operations in this location, and are overall minor or less in this context.</p> <p>Policy WB-P1 specifies that the full suite of “avoid, remedy or mitigate” options is available, without prescribing any preference. Because certain effects cannot be avoided or remedied, mitigation (as proposed) is an approach contemplated by the policy.</p> <p>Effects on natural character, cultural and ecological values will be mitigated to the greatest extent practicable. Mitigation measures are identified in the relevant sections of this AEE and will otherwise be further developed in conjunction with mana whenua.</p> <p>Potential effects on water quality will be mitigated through best practice stormwater treatment and disposal.</p>
Chapter 17 Indigenous Vegetation and Habitat		
Objective 17.3.1	Maintenance and enhancement of the life-supporting capacity of ecosystems, and the biodiversity of the District.	This is a high level objective that needs to be applied at the appropriate, case-specific scale. While the life supporting capacity of ecosystems and biodiversity in the eastern beach area will not be maintained, the loss of biodiversity (particularly for variable oystercatcher) will be mitigated through the environmental enhancement package.

		As detailed in the AEE, the proposal has been carefully located, scoped and designed to ensure that the life-supporting capacity of ecosystems and biodiversity is maintained at the OHEZ and harbour scales.
Objective 17.3.2	Protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna from inappropriate subdivision, use and development.	<p>None of the dune vegetation within the proposed port footprint has been identified as significant, or habitat for indigenous fauna. The proposal does not affect any mapped areas of indigenous vegetation identified using the Schedule 17A criteria.</p> <p>Potential adverse effects associated with the loss of habitat for avifauna will be mitigated in the manner described in the AEE.</p> <p>Potential effects on tangata whenua and associated mitigation will be determined through ongoing consultation.</p> <p>The proposed development is not inappropriate in this location and aligns with Objective 17.3.2 and the supporting policies.</p>
Policy 17.4.1 Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna	To recognise as significant, and provide protection for, indigenous vegetation and habitats of indigenous fauna, including indigenous wetlands, which are of Moderate, Moderate-High, High and Outstanding value using the criteria set out in Schedule 17A.	
Policy 17.4.2 Significant Ecological Areas	To maintain the ecological values of significant indigenous vegetation and the significant habitats of indigenous fauna in the Living 3 and Open Space Environments.	
Policy 17.4.4 Effects	To avoid, remedy or mitigate the adverse effects of land use activities on areas of indigenous vegetation and significant habitats of indigenous fauna, including areas of value to tangata whenua, as determined by Schedule 17A , so as to maintain its ecological values.	
Policy 17.4.3 Enhancement	To promote the enhancement of areas of significant indigenous vegetation and significant habitats of indigenous fauna that have been, or may be, degraded by inappropriate subdivision, use and development.	The proposal incorporates a proposed roosting area on the western side of the existing port for the benefit of VOC and NZ Dotterel, consistent with this policy.

Chapter 19 Natural Hazards		
Objective 19.3.1	The adverse effects of natural hazards on people, property and the environment are avoided, as far as practicable, or otherwise remedied or mitigated.	Adverse effects related to natural hazards will be avoided as far as practicable, and otherwise mitigated through the implementation of a wide range of design related measures and proposed conditions.
Policy 19.4.1 Natural Hazard Effects	To ensure that subdivision, use and development do not increase the risk from, occurrence of, or the adverse effects of natural hazards.	
Policy 19.4.2 Location of Activities	To avoid subdivision, use and development in identified natural hazard areas where the natural hazard is likely to impact adversely upon human health and safety, property, and infrastructure.	
Policy 19.4.4 Sea Level Rise	To ensure that all buildings or structures in the coastal environment should be located so as to avoid the effects of a forecast 50 centimetre rise in global sea level this century.	The reclamation will be designed to take into account sea level rise.
Policy 19.4.5 Coastal Hazards	To avoid the need to implement hazard protection works when locating new subdivision, use and development in the coastal environment.	No hazard protection works are necessary beyond the expanded reclamation.
Policy 19.4.6 Mitigation measures	To ensure that mitigation measures in response to natural hazards do not, themselves, produce adverse effects on the environment and are designed and located to achieve their purpose.	
Chapter 27 Local Authority Cross Boundary Issues		
Objective 27.3.1	<p>The integrated management of natural and physical resources across local authority boundaries.</p> <p>Explanation and Reasons: Resource management addresses numerous issues, which do not always fall within the legally defined territorial authority boundaries. An</p>	It is recognised that the potential effects of the proposal fall within the jurisdiction of both the NRC and the WDC. Where appropriate, the effects have been considered and addressed in a holistic manner notwithstanding

	<i>integrated approach on and across these boundaries, is the key to achieving the sustainable management of the natural and physical resources of each District.</i>	the different jurisdiction, and an integrated approach to mitigation has been employed in accordance with this objective.
Policy 27.4.1 Regional and District Councils	<p>To develop appropriate processes and protocols with which adjacent authorities and the Northland Regional Council may deal with cross boundary issues, with particular regard to the clarification of roles between Regional and District Councils. Such processes include:</p> <ul style="list-style-type: none"> • Combined approaches to resource consent processing through joint hearing procedures; • Notification to other local authorities on applications with effects that may cross media and/or jurisdictional boundaries. • Regular liaison at Council officer level with other local authorities on resource management issues. <p><i>Explanation and Reasons:</i> <i>The Resource Management Act 1991 requires the Plan to state the processes used to deal with issues or effects which cross the jurisdictional boundaries of the Council. Many resource management issues do not fall solely within the boundaries of one District Council. Therefore it is important that processes continue to develop between District and Regional Councils so that cross boundary issues can be dealt with efficiently.</i></p>	The NRC and WDC consents are being processed jointly in alignment with this policy.
Policy 27.4.2 Local Authority Boundaries	To develop processes for dealing with effects from subdivision, use or development that cross local authority boundaries, to achieve integrated resource management.	

Policy 27.4.3 Tangata Whenua	To consult with tangata whenua concerning cross boundary issues, and to provide for the consideration of iwi/hapu issues where these cross local authority boundaries.	Consultation with tangata whenua is ongoing with a view to providing for iwi/hapu issues regardless of the jurisdiction in which they fall.
CA.1 Coastal Area		
Objective CA.1.2(1)	Identify and protect the qualities and characteristics that contribute to the natural character of the Coastal Area from inappropriate subdivision, use and development.	<p>While there will be some adverse effects on natural character, particularly at a local level, the character of the coastal area in this location is largely influenced by the existence of the Port and CINZL facility, and other surrounding heavy industrial and commercial operations. There are no natural character features within the expansion footprint identified in either the district or regional plans.</p> <p>The proposed development is not inappropriate in this location and aligns with Objective CA.1.2(1) and the supporting policies.</p>
Objective CA.1.2(2)	Avoid adverse effects on the characteristics and qualities of identified Outstanding Natural Character Areas.	The proposal is not located in an identified Natural Character Areas. The closest Natural Character Area is Blacksmiths Creek, 950m to the west.
Objective CA.1.2(3)	Avoid significant adverse effects and avoid remedy or mitigate other adverse effects on the natural character, natural features and natural landscapes of the Coastal Area including identified High Natural Character Areas.	The BNZL assessment (Appendix 14) concludes that there are no significant adverse effects on natural character, natural features, and natural landscapes.
Objective CA.1.2(4)	Manage the cumulative effects of subdivision, use and development on the amenity, landscape, and ecological values of the Coastal Area.	The cumulative effects of the proposed expansion on amenity, landscape and ecological values have been specifically considered in the various technical reports. A range of mitigation measures are proposed to manage the effects on these matters, as outlined in Section 5 of the AEE.

Objective CA.1.2(5)	Direct development to established coastal villages and areas with existing development while retaining the values of undeveloped parts of the coast.	The proposed development is appropriate in this location given the existence of the existing Port and CINZL facility.
Objective CA.1.2(6)	Maintain and enhance public access to and along the coast where appropriate.	The proposal maintains access to and along the coast to the greatest extent practicable, whilst providing for the safe and efficient operation of the port.
Objective CA.1.2(7)	Avoid increasing the risk of social, environmental, and economic harm from coastal hazards.	The proposal has carefully considered effects of coastal hazards, including tsunamis, and is designed to avoid any increased risk of harm.
Objective CA.1.2(9)	Encourage the enhancement and rehabilitation of the Coastal Area.	It is acknowledged that the reclamation necessary for the future operation of the port, being Regionally Significant Infrastructure, will remove an area from the CMA. Beyond this, however, the proposal includes enhancement and rehabilitation measures to mitigate potential adverse effects as encouraged by this policy.
Objective CA.1.2(10)	Recognise and provide for: a. existing development; b. activities located within the Portland SRIE; and c. regionally significant infrastructure and regionally significant mineral resources; which have a functional or operational need to be located in the Coastal Area.	Northport is Regionally Significant Infrastructure that has a clear functional and operational need to be located in the Coastal Area. This is a directive policy that integrates with related RSI policies in the RPS and PRP.
Objective CA.1.2(11)	To recognise that the Coastal Area contains undeveloped Māori Land and provide for the special relationship of Māori to this ancestral land.	N/A – the proposal does not involve Maori Land.
Objective CA.1.2(12)	Identify and protect the values and attributes of indigenous biodiversity within the Coastal Area in accordance with Policy 4.4.1(1) of the Northland Regional Policy Statement 2016 (“Significant Natural Areas”).	The proposal incorporates measures that are specifically designed to protect the values and attributes of indigenous biodiversity in the vicinity of the port.

Objective CA.1.2(13)	Avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of subdivision use and development on indigenous biodiversity in the Coastal Area that is not a Significant Natural Area.	None of the effects have been identified as significant. Other adverse effects will be avoided or mitigated so that they are minor or less.
Policy CA.1.3(1)	<p>To protect natural character, natural features and natural landscapes in the Coastal Area:</p> <p>a. Avoid adverse effects on the qualities and characteristics of areas identified as Outstanding Natural Character Areas;</p> <p>b. Avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects on the qualities and characteristics of natural character, natural features and natural landscapes outside Outstanding Natural Character Areas; by controlling subdivision and restricting earthworks, mineral extraction activities and farm quarries, the extent of indigenous vegetation clearance, and the location and design of buildings and structures including in relation to ridgelines, skylines and prominent headlands.</p>	<p>The proposed eastern expansion is not located in or near an Outstanding Natural Character Area. As confirmed by BNZL, the effects on the qualities and characteristics of natural character, natural features, and natural landscapes (outside ONCAs) are not significant and are consistent with the policy framework.</p> <p>Buildings and structures will be controlled in a manner consistent with the adjoining 'Port Zone' applicable to the existing port.</p>
Policy CA.1.3(2)	To design development to avoid, remedy or mitigate adverse effects on the natural character, natural features and natural landscapes of the Coastal Area outside Outstanding Natural Character Areas, by controlling subdivision, managing the visual effects of buildings and structures, and minimising indigenous vegetation clearance and earthworks.	
Policy CA.1.3(3)	<p>To assess the scale and significance of effects of subdivision, use and development on the characteristics and qualities of natural character, natural features and natural landscapes in the Coastal Area by having particular regard to:</p> <p>a. The extent of the natural character, natural feature or natural landscape affected:</p>	All the matters in this policy have been assessed in the BNZL report (Appendix 14). The report concludes that the effects will not be significant, particularly in the context of the environment in this location.

	<p>b. The sensitivity of the natural character, natural feature or natural landscape to change, recognising the effects of existing land use:</p> <p>c. The degree of modification, damage, loss or destruction that will result from the activity;</p> <p>d. The duration and frequency of adverse effects;</p> <p>e. Whether adverse effects are reversible or irreversible;</p> <p>f. Whether adverse effects are minor or transitory;</p> <p>g. The potential for spatial or temporal cumulative adverse effects of the proposed activity on its own or in combination with other authorised activities, including permitted activities; and</p> <p>h. Any restoration, rehabilitation or enhancement of the specific characteristics and qualities of the particular natural character, natural feature or natural landscape affected by the activity.</p>	
Policy CA.1.3(4)	<p>Avoid adverse effects of subdivision use and development on:</p> <p>a. Indigenous taxa that are listed as threatened or at risk in the NZ Threat classification system lists;</p> <p>b. the ecological values and attributes of areas of indigenous vegetation and habitats of indigenous fauna that are significant using the assessment criteria in Appendix 5 of the Northland Regional Policy Statement 2016;</p> <p>c. the ecological values and attributes of areas set aside for full or partial protection of indigenous biodiversity under other legislation; by controlling subdivision (including weed and pest management) and restricting indigenous vegetation clearance.</p>	<p>The proposed effects on the matters this policy have been considered in detail in the BML (avifauna), C+C (marine ecology) and CI (Marine mammals) reports. The reports concludes that the effects on these specified areas, habitats and values will be minor or less, subject to the implementation of recommended mitigation measures.</p>

<p>Policy CA.1.3(5)</p>	<p>Avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of subdivision use and development on:</p> <ul style="list-style-type: none"> a. Areas of predominantly indigenous vegetation; b. Habitats of indigenous species that are important for recreational, commercial, traditional, or cultural purposes; and c. Indigenous ecosystems and habitats that are particularly vulnerable to modification; <p>by controlling subdivision (including weed and pest management) and restricting indigenous vegetation clearance.</p>	<p>The effects on indigenous biodiversity have been assessed as not being significant.</p>
<p>Policy CA.1.3(6)</p>	<p>To assess the scale and significance of effects of subdivision, use and development on the values and attributes of Significant Natural Areas and other indigenous biodiversity in the Coastal Area by having particular regard to:</p> <ul style="list-style-type: none"> a. The extent of the ecological site affected; b. The sensitivity of the ecological site to change, recognising the effects of existing land uses; c. The degree of modification, damage, loss or destruction that will result from the activity; d. The duration and frequency of adverse effects; e. Whether adverse effects are reversible or irreversible; f. Whether adverse effects are minor or transitory; g. The potential for spatial or temporal cumulative adverse effects of the proposed activity on its own or in combination with other authorised activities, including permitted activities; 	<p>The scale and significance of the effects of the proposed Port expansion on indigenous biodiversity has been assessed having regard to all the listed matters in (a)-(g).</p> <p>The ecological effects have been considered at a scale consistent with the direction in Policy D.2.16(5)(a) of the PRP and will be minor or less.</p>

Policy CA.1.3(8)	To manage the visual impacts of buildings in the Coastal Area outside coastal villages by limiting building height and ensuring exterior colour schemes are of low reflectivity value.	The height of buildings and other structures will be limited to the height limits applicable to the adjoining Port Zone.
Policy CA.1.3(15)	To promote enhancement and rehabilitation in natural character by encouraging landscape planting that follows landform patterns and softens or screens the appearance of built development.	Landscape planting is proposed in the vicinity of the pocket park, the purpose of which is to enhance natural character, and to assist with softening the appearance of built development.
Policy CA.1.3(17)	To protect coastal and freshwater quality by using best practice methods to reduce the sedimentation effects of earthworks and by re-vegetating exposed scarps.	The proposal has been designed to protect coastal water quality, using best practice measures. Furthermore, erosion and sediment control plan required as part of the CEMP requires adherence to best practice erosion and sediment control measures during earthworks and deposition activities associated with construction.
Policy CA.1.3(19)	To protect indigenous vegetation which contributes to either the character and visual quality of the Coastal Area or protects against natural hazards.	The proposal involves the removal of some dune vegetation from the adjoining esplanade reserve. Although it contributes to the character and visual quality of the coastal area in this location, this vegetation is not specifically identified for protection in the District Plan.
Policy CA.1.3(21)	To utilise low impact stormwater design to protect coastal water quality and marine ecosystems.	The proposed stormwater treatment and disposal system for the eastern expansion outlined in the Hawthorn Geddes report is the best practicable option given the nature of the site and the proposed activities. Adherence to the design parameters in the report will protect coastal water quality and marine ecosystems.
Policy CA.1.3(25)	To recognise that there can be a functional need to locate, operate and maintain and upgrade infrastructure, commercial and industrial activities in certain locations in	There is a clear functional need for the expansion adjacent to the existing port. This is an important directive policy recognition for the proposed upgrading of the port.

	the Coastal Area proximate to existing infrastructure, commercial and industrial activities.	
LAN.1 Landscapes and Features		
Objective LAN.1.2(2)	Protect the characteristics and qualities of identified Outstanding Natural Features and Outstanding Natural Landscapes from inappropriate subdivision, use and development.	The proposal does not directly affect an ONF or ONLA mapped within the Operative District Plan, and BNZL confirms that ONFs and ONLAs in the vicinity will not be adversely affected by the proposed expansion.
Objective LAN.1.2(4)	Promote the conservation, enhancement and rehabilitation of Outstanding Natural Features and Outstanding Natural Landscapes	
Objective LAN.1.2(5)	Recognise existing land use and development, including regionally significant infrastructure, form part of the characteristics and qualities of the environment where they are located in or on Outstanding Natural Features and Outstanding Natural Landscapes.	N/A - The proposed expansion is not located in or on an ONF or ONL.
Policy LAN.1.3(2)	To protect Outstanding Natural Features and Outstanding Natural Landscapes from inappropriate subdivision, use and development, with particular regard to their individual characteristics and qualities.	The proposal does not directly affect a mapped ONF or ONLA within the Operative District Plan. While there are mapped features in the general vicinity, BNZL concludes that the characteristics and qualities of these features are not adversely affected by the proposed expansion.
Policy LAN.1.3(3)	Within the Coastal Area, to avoid adverse effects of subdivision, use and development on the characteristics and qualities of Outstanding Natural Features and Outstanding Natural Landscapes by controlling subdivision and restricting earthworks, mineral extraction, the extent of vegetation clearance, and rural production activities, and the location and design of buildings and structures including in relation to ridgelines, skylines and prominent headlands.	

<p>Policy LAN.1.3(6)</p>	<p>To assess the scale and significance of effects of subdivision, use and development on the characteristics and qualities of Outstanding Natural Features and Outstanding Natural Landscapes by having particular regard to:</p> <ul style="list-style-type: none"> a. The extent of the resource area affected; b. The sensitivity of resource to change, recognising the effects of existing land use; c. The degree of modification, damage, loss or destruction that will result from the activity; d. The duration and frequency of adverse effects; e. Whether adverse effects are reversible or irreversible; f. Whether adverse effects are minor or transitory; g. The potential for spatial or temporal cumulative adverse effects of the proposed activity on its own or in combination with other authorised activities, including permitted activities; and h. Any restoration, rehabilitation or enhancement of the specific characteristics and qualities of the particular Outstanding Natural Feature or Outstanding Natural Landscape affected by the activity. 	
<p>Policy LAN.1.3(11)</p>	<p>To provide for adverse effects arising from the establishment and operation of regionally significant infrastructure and community facilities, excluding National Grid Electricity Infrastructure, in or on Outstanding Natural Features or Outstanding Natural Landscapes where:</p> <ul style="list-style-type: none"> a. It is demonstrated that there is no practical alternative location; b. Regard has been had to Policies LAN.1.3.3 - 5, and taking into account the policies in Section 23 Network Utilities Operations. 	

	<p>c. Measures are in place to avoid adverse effects, and adverse effects that cannot be avoided are remedied or mitigated to the extent that they are no more than minor.</p> <p>For the purposes of this policy: Regionally significant infrastructure means those structures and facilities listed within Appendix 3 Regional Significant Infrastructure of the RPS for Northland; and community facilities include district parks, reserves and network infrastructure including roading.</p>	
Policy LAN.1.3(8)	With respect to coastal hazard management within the Coastal Area, avoid the use of hard protection structures such as seawalls and rock armouring along with other visible artificial elements where these would adversely affect the characteristics and qualities of the Outstanding Natural Features and Outstanding Natural Landscapes, except where such structures are the only practical means to protect significant existing development or infrastructure.	N/A - The proposed expansion is not located in or on an ONF or ONL.
Policy LAN.1.3(18)	To encourage the remediation of the adverse effects from past or existing inappropriate land use activities on Outstanding Natural Landscapes.	N/A
Policy LAN.1.3(19)	To recognise the positive effects of development proposals that provide for the enhancement and rehabilitation of previously compromised localised areas within Outstanding Natural Landscapes.	N/A
Chapter 7 Tangata Whenua		
Objective 7.3.1	Within the respective domains of the exercise of rangatiratanga and kawanatanga, ensure that priority is afforded to the act of protection of taonga of tangata whenua, and to the relationship of tangata whenua and their culture and traditions with their ancestral lands, water, sites, waahi tapu and other taonga.	The impacts of the proposal on tangata whenua continue to be interpreted and understood through ongoing consultation and engagement.

Objective 7.3.2	To enable tangata whenua to exercise rangatiratanga and kaitiakitanga over their ancestral lands, waters, sites, waahi tapu and other taonga in the District.	<p>It is expected that there will be conditions of consent related to mitigation of cultural effects, with these developed in consultation with mana whenua.</p> <p>In regard to Objective 7.3.3 specifically, it is acknowledged that there are registered (extant) Treaty claims. The Northport application is not associated with those in any way, and no action in relation to the current application will knowingly exacerbate any such claims.</p>
Objective 7.3.3	In the implementation of this Plan no action will be taken which will knowingly exacerbate registered treaty claims.	
Policy 7.4.1 Interests of Tangata Whenua	To ensure that in the use, development and protection of natural and physical resources, the views and interests of the tangata whenua are fully represented at every stage of the process, including the preparation and implementation of the District Plan.	
Policy 7.4.2 Site of Significance to Maori	To ensure that land use, subdivision and development does not adversely affect Sites of Significance to Maori, or other taonga identified in the District Plan or Hapu Environmental Management Plans.	
Policy 7.4.3 Waterbodies	To ensure that indigenous wetlands, estuaries, coastal areas and waterbodies, of significance to tangata whenua, are maintained and enhanced, and that access for tangata whenua to those water bodies is provided.	
Policy 7.4.4 Consultation	<p>To ensure effective consultation with, and participation of tangata whenua in resource management processes by:</p> <ul style="list-style-type: none"> • Fostering partnerships and relationships with the tangata whenua of the area; • Avoiding unnecessary conflict on resource management issues; • Recognising and respecting iwi authority and affiliations; • Acknowledging and providing for historical circumstances and their impacts on resource needs; 	

	<ul style="list-style-type: none"> • Respecting tikanga Maori; • Acknowledging the rights of hapu and whanau to speak and act on matters that affect them; • Allowing tangata whenua time for informed assessments of proposals and to determine their responses, consistent with the time constraints in the Resource Management Act 1991; • Encouraging applicants to consult tangata whenua, where appropriate. 	
NAV Noise and Vibration		
Objective NAV.3(1)	To enable a mix of activities to occur across a range of Environments, while ensuring that noise and vibration is managed within appropriate levels for the health and wellbeing of people and communities, and for the amenity and character of the local environment.	<p>Port noise will be managed in accordance with conditions developed under the NZS 6809:1999, which is considered best practice for the management of port noise.</p> <p>The proposed conditions relating to port noise are designed to enable the port to operate in accordance with limits recommended under NZS 6809:1999. The limits are considered best practice and appropriate for managing port noise in the vicinity of sensitive activities. In that regard it aligns with Objective NA.3(1) and the supporting policies.</p>
Policy NAV.4(1)	To establish reasonable noise and vibration limits and controls that enable appropriate activities to operate while maintaining the characteristic amenity values of each Zone.	
Policy NAV.4(3)	<p>To ensure that high noise generating activities located in noise sensitive areas maintain the characteristic amenity values of each Zone by:</p> <p>a. Establishing noise limits that are consistent with anticipated noise and vibration levels in each Environment.</p>	

	b. Requiring high noise generating activities to provide suitable mitigation measures to maintain appropriate noise levels for the health and wellbeing of people and communities, and for the amenity and character of the local environment.	
Objective NAV.3(2)	To ensure that activities that seek a high level of acoustic and vibration amenity do not unduly compromise the ability of other lawful activities to operate.	This objective pertains to noise sensitive activities in the surrounding environment potentially constraining Northport operations (reverse sensitivity). It is beyond the scope of the application to control the actions of third parties, and in that regard the objective is more appropriately achieved via a plan change. Notwithstanding this, the proposal includes conditions of consent that require Northport to offer acoustic mitigation for dwellings exposed to unreasonable night-time noise.
Policy NAV.4(2)	<p>To avoid reverse sensitivity effects by:</p> <ul style="list-style-type: none"> a. Requiring suitable acoustic design standards for noise sensitive activities located in or adjacent to areas anticipating high noise levels. b. Restricting noise sensitive activities in Environments where they could unduly compromise the continuing operation of appropriate business activities. c. Considering the use of other mechanisms, such as noise control boundaries, buffer areas or building setbacks, as appropriate tools to protect existing or future activities. 	
Policy NAV.4(5)	To ensure that noise associated with activities in open spaces and on public recreational areas is appropriate to the amenity values anticipated in the surrounding environment.	The proportion of port related activities located in the open space zone will have a negligible impact on overall noise associated with the proposed Port activity.