

Marsden Point Refinery: **A Resource Consent Application to Renew 20 Resource Consents from the Northland Regional Council**



Prepared for: **ChanceryGreen on behalf of The New Zealand Refining Company Limited, trading as 'Refining NZ'**

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Volume 4: Annexures 4-15

Annexure Four: Key Resource Consents granted by Whangārei District Council and Northland Regional Council for the operation of the Refinery

Those resource consents that are shaded in that table that follows, are being replaced by the Proposal:

| Consent Number | Summary | Expiration Date |
|------------------|--|------------------|
| AUT.008319.01.03 | Coastal discharge: To discharge treated process wastewater from the refining of petroleum hydrocarbons; stormwater; groundwater and ballast water from the Refinery, to Whangārei Harbour, via an outfall sited close to the harbour bed at the No. 2 (western) Oil Jetty. | 31st of May 2022 |
| AUT.008319.02.02 | Air discharge: To discharge contaminants into the air from all site activities at the Refinery. | 31st of May 2022 |
| AUT.008319.03.01 | Coastal discharge: To discharge uncontaminated seawater from the Refinery fire-fighting water supply system to Whangārei Harbour. | 31st of May 2022 |
| AUT.008319.04.01 | Land discharge: To discharge contaminants to ground as a result of activities associated with the normal operation of the Refinery. | 31st of May 2022 |
| AUT.008319.05.01 | Water take: To take groundwater from bores, in the catchments of Whangārei Harbour and Bream Bay, for water table depression purposes and supply of refining processes on that property. | 31st of May 2022 |
| AUT.008319.06.01 | Coastal permit: To occupy and use the coastal marine area with the Refinery wharf and associated structures, including toilets and sewerage holding tanks, fire pump diesel tanks, slops tanks, dolphins and breasting and a wastewater diffuser outfall structure. | 31st of May 2022 |
| AUT.008319.07.01 | Coastal permit: To occupy and use the coastal marine area with the Tug berth jetty and associated gangway and protective piles at Marsden Point | 31st of May 2022 |
| AUT.008319.08.01 | Coastal air discharge: To discharge contaminants into air in the coastal marine area associated with the abrasive blasting of steel dolphins. | 31st of May 2022 |
| AUT.008319.09.01 | Coastal discharge: To discharge contaminants into water in the coastal marine area associated with the abrasive blasting and painting of steel dolphins | 31st of May 2022 |
| AUT.008319.11.01 | Air discharge: To discharge contaminants into the air from dry abrasive blasting and spray-painting operations conducted at Marsden Point (excluding the coastal marine area). | 31st of May 2022 |
| AUT.008319.12.02 | Coastal Permit: Fuel barge extension to "Product Jetty" at Marsden Point, Whangārei | 31st of May 2022 |
| AUT.008319.13.01 | Coastal Discharge: To discharge stormwater within the coastal marine area (Stormwater Basin Diffuser Bypass) | 31st of May 2022 |
| AUT.008319.14.01 | Coastal Permit: To place, use, and occupy space in the coastal marine area with a stormwater outlet pipe (Stormwater Basin Diffuser Bypass) | 31st of May 2022 |
| AUT.008319.15.01 | Land use consent. Jetty and boat ramp sand removal. | 31st of May 2022 |
| AUT.008319.16.01 | Coastal Permit: To discharge stormwater, groundwater, ballast water and process wastewater into Whangārei Harbour via an overflow spillway, from the stormwater basin. | 31st of May 2022 |
| AUT.008319.17.01 | Coastal Permit: To use and occupy the coastal marine area with part of a stormwater basin overflow spillway structure | 31st of May 2022 |
| AUT.008319.18.01 | Coastal Permit: To disturb the foreshore and CMA during maintenance and repair of a stormwater basin overflow spillway structure. | 31st of May 2022 |

| Consent Number | Summary | Expiration Date |
|---------------------|---|-----------------------|
| AUT.025021.01.01 | Water take: Groundwater take from new recovery well for the purposes of hydraulic containment | 31st of May 2022 |
| AUT.038275.01.01 | Capital dredging around jetty dolphins A6 and A7. | 31st of May 2022 |
| AUT.038275.02.01 | Maintenance dredging around jetty dolphins A6 and A7. | 31st of May 2022 |
| AUT.038275.03.01 | To place, use, and occupy space in the coastal marine area with temporary structures associated with suction cutter dredging (slurry pipe). | 31st of May 2022 |
| AUT.038275.04.01 | Disturb the foreshore to install and remove temporary structures associated with dredging activities. | 31st of May 2022 |
| AUT.038275.05.01 | To discharge barge, decant water and incidental contaminants from dredged material into the Whangārei Harbour. | 31st of May 2022 |
| AUT.038275.06.01 | To carry out earthworks associated with deposition of dredged material to land. | 31st of May 2022 |
| AUT.038275.07.01 | To discharge saline water and incidental contaminants from dredged material to land. | 31st of May 2022 |
| AUT.041250.01-03.01 | Earthworks and activities associated with construction of solar farm at Mair Road. | 31st of March 2025 |
| AUT.040642.01.01 | Earthworks and activities associated with the stockpiling of sand from dredging. | 31st of January 2029 |
| AUT.040642.02.01 | Discharge Stormwater to land at Mair Road, Ruakaka. | 31st of January 2029 |
| AUT.040642.03.01 | Divert Stormwater at Mair Road, Ruakaka. | 31st of January 2029 |
| AUT.040642.04.01 | Divert Stormwater at Mair Road, Ruakaka. | 31st of January 2029 |
| AUT.038412.01.02 | Discharge to air and coastal waters (in CMA) for refurbishment of jetty gantry, pipes and structures at Marsden Point. | 30th of June 2040 |
| AUT.038412.02.02 | Discharge associated with blasting two jetty gantries, pipes and structures at Marsden Point. | 30th of June 2040 |
| AUT.007308.03.02 | Coastal Permit: Boat ramp. | 30th of November 2043 |
| AUT.036495.01.01 | Land use consent: Undertake earthworks within the Foredune Management Area - Coastal Erosion backwall. | 31st of December 2048 |
| AUT.036495.02.01 | Discharge permit: To discharge stormwater to land from land disturbance activities - Coastal Erosion backwall. | 31st of December 2048 |
| AUT.036495.03.01 | Water permit: To divert stormwater associated with land disturbance activities - Coastal Erosion backwall. | 31st of December 2048 |
| AUT.036495.04.01 | Land use consent: To clear vegetation within the Foredune Management Area - Coastal Erosion backwall. | 31st of December 2048 |
| AUT.036495.05.01 | Water take: Take groundwater for dewatering. | 31st of December 2048 |
| AUT.036495.06.01 | Land Use Consent: Install well pointing spears for dewatering. | 31st of December 2048 |
| AUT.037370.01.01 | Land Discharge: Landfilling of concrete and earthworks at Mair Road. | 31st of January 2050 |
| AUT.037370.02.01 | Land Use Consent: Land disturbance activities to move soil & concrete and place material into a landfill (Mair Road). | 31st of January 2050 |
| AUT.037370.03.01 | Water Permit: Divert stormwater from land disturbance activities (Mair Road). | 31st of January 2050 |
| AUT.037370.04.01 | Land Discharge: Discharge stormwater to land from land disturbance activities (Mair Road). | 31st of January 2050 |
| AUT.037197.01.01 | Capital dredging of the Whangārei Harbour entrance and approaches between the refinery jetty, at or about | 17th of July 2053 |

| Consent Number | Summary | Expiration Date |
|------------------|--|-------------------|
| | location coordinates 1735387E 6033137N, and a point within Bream Bay, at or about location co-ordinates 1735683E 6027182N. | |
| AUT.037197.02.01 | Discharge decant water from a dredge hopper or barge into coastal waters as a result of capital dredging operations. | 17th of July 2053 |
| AUT.037197.03.01 | Deposition of capital dredging spoil at two defined marine disposal sites within Bream Bay, at or about approximate location coordinates 1736739E 6027636N and 1743686E 6024450N. | 17th of July 2053 |
| AUT.037197.04.01 | Discharge of sediment and water associated with capital dredging spoil disposal at two defined marine disposal sites within Bream Bay, at or about approximate location co-ordinates 1736739E 6027636N and 1743686E 6024450N. | 17th of July 2053 |
| AUT.037197.05.01 | Removal of sand, shell and other capital dredging material from the coastal marine area for land-based disposal. | 17th of July 2053 |
| AUT.037197.06.01 | Erection, placement, alteration, and maintenance and repair of navigation aids. | 14th of July 2043 |
| AUT.037197.07.01 | Maintenance dredging of the Whangārei Harbour entrance and approaches between the refinery jetty, at or about location coordinates 1735387E 6033137N, and a point within Bream Bay, at or about location co-ordinates 1735683E 6027182N. | 17th of July 2053 |
| AUT.037197.08.01 | Discharge decant water from a dredge hopper or barge into coastal waters as a result of maintenance dredging operations. | 17th of July 2053 |
| AUT.037197.09.01 | Deposition of maintenance dredging spoil at two defined marine disposal sites within Bream Bay, at or about approximate location coordinates 1736739E 6027636N and 1743686E 6024450N. | 17th of July 2053 |
| AUT.037197.10.01 | Discharge of sediment and water associated with maintenance dredging spoil disposal at two defined marine disposal sites within Bream Bay, at or about approximate location co-ordinates 1736739E 6027636N and 1743686E 6024450N. | 17th of July 2053 |
| AUT.037197.11.01 | Removal of sand, shell and other maintenance dredging material from the coastal marine area for land-based disposal. | 17th of July 2053 |
| AUT.037197.12.01 | Discharge water and contaminants (comprising predominantly seabed materials and construction materials) into water when installing the new aids to navigation and relocating the existing aids to navigation. | 17th of July 2053 |
| AUT.037197.13.01 | Take coastal water when undertaking dredging. | 17th of July 2053 |

Annexure Five: Patuharakeke Trust Board Cultural Effects Assessment

CULTURAL EFFECTS ASSESSMENT REPORT: REFINING NZ RECONSENTING



This Cultural Values Assessment Report ("the Report") has been commissioned by Refining NZ and undertaken by Patuharakeke Te Iwi Trust Board ("PTB") part of the Mana Whenua Engagement Process in relation to the Reconsenting of Refining NZ's Operations at Marsden Point. The Report has been prepared in contemplation of Refining NZ making an application for resource consents necessary to enable its proposal, and is able to be relied upon for that purpose.

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***Ko Manaia te Maunga
Ko Whangarei Terenga Paraoa te
Moana
Ko Takahiwai te Marae
Ko Rangiora te Whare Hui
Ko Patuharakeke te Hapu
Tihei mauri ora!***

Part of the jawbone of Tahuhu Potiki – the sperm whale that beached on Mair Bank in 2017 (photo - Taryn Shirkey)

Whangarei Terenga Parāoa

There are a number of traditions relating to the meaning of the harbour's name that are shared and valued amongst harbour tribes including Patuharakeke. A Ngapuhi interpretation is that the harbour was a gathering place for chiefs where they would strategise before heading off to do battle with the southern tribes. Ngati Wai named the harbour Whangarei-terenga-parāoa (the gathering place of whales) because whales gathered there to feed during summer.

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1. Purpose of this Paper

- a) To present a '**Patuharakeke Cultural Effects Assessment**' (CEA) to PTB Board for their approval prior to presentation to Refining NZ.
- b) To provide a set of recommendations from the hapū to Refining NZ and Northland Regional Council (NRC) arising from the PTB Effects Assessment and the review of the supporting documentation supplied.

2. Introduction

New Zealand's only oil refinery is situated at Marsden Point at the entrance to the Whangarei Harbour. Patuharakeke are tangata whenua of the area Refining NZ operates in and hold mana whenua status over Poupouwhenua/Marsden Point. The Patuharakeke Te Iwi Trust Board ("PTB") represents their interests in matters including *inter alia* environmental and resource management issues. PTB has a long standing relationship with Refining NZ that was formalised through a Memorandum of Understanding 2 decades ago. PTB and Refining NZ are currently working through a collaborative process of refreshing the MOU to create a Whakahononga Relationship Agreement to assist an effective, stronger working relationship between the two parties. PTB have a history of providing cultural and environmental advice and support to Refining NZ and both parties strive to engage with one another in the spirit of good faith and transparency. There is also a great deal of experience and capability within Patuharakeke and the wider hapu and iwi of Whangarei Terenga Paraoa with resource management and environmental matters, particularly consent applications and developments in and around the harbour. This contemporary management perspective is in addition to the role tangata whenua have carried out for centuries when discharging their duties as kaitiaki.

Refining NZ seek multiple resource consents from the Northland Regional Council (NRC) for the continued existence of their structures located within the Coastal Marine Area (CMA), and the maintenance and operation (in terms of discharges) of the Refinery. Resource consents are also sought for some of the ongoing maintenance activities. Refining NZ initiated specific consultation with PTB in 2019 with a Terms of Reference covering the engagement signed off last October. It is understood that separate engagement is underway with Te Parawhau through Te Pouwhenua o Tiakiriri Kukupa Trust and the Hauauru Trust. Refining NZ have also consulted with Te Huinga (Ngā Hapū o Whangarei Roopu that engages with Whangarei District Council through the Te Karearea Frum) and initial discussions have been held with Ngatiwai Trust Board. Ngatiwai Trust Board have since deferred to Patuharakeke as hau kainga at this stage in the process but will expect to be updated throughout the process (Jim Smillie pers. comm February 2020).

2.1 CEA Process

The diagram below depicts the general process for CEA agreed between the applicant and PTB. PTB's Taiao/Resource Management Unit (RMU) are very familiar with the Refining NZ site and operations and have reviewed the Assessment of Environmental Effects and technical documentation to inform the development of this report. Two zoom hui have been held during May with members of the Taiao Unit and the wider hapu. The first was held on 9th May and attended by Refining NZ staff and consultants to discuss the findings of the technical reports. A second hui was held 23rd May to consider the cultural relationships associated with the Refinery site and surrounds, identify potential effects and possible measures to avoid, remedy or mitigate any potential adverse effects.

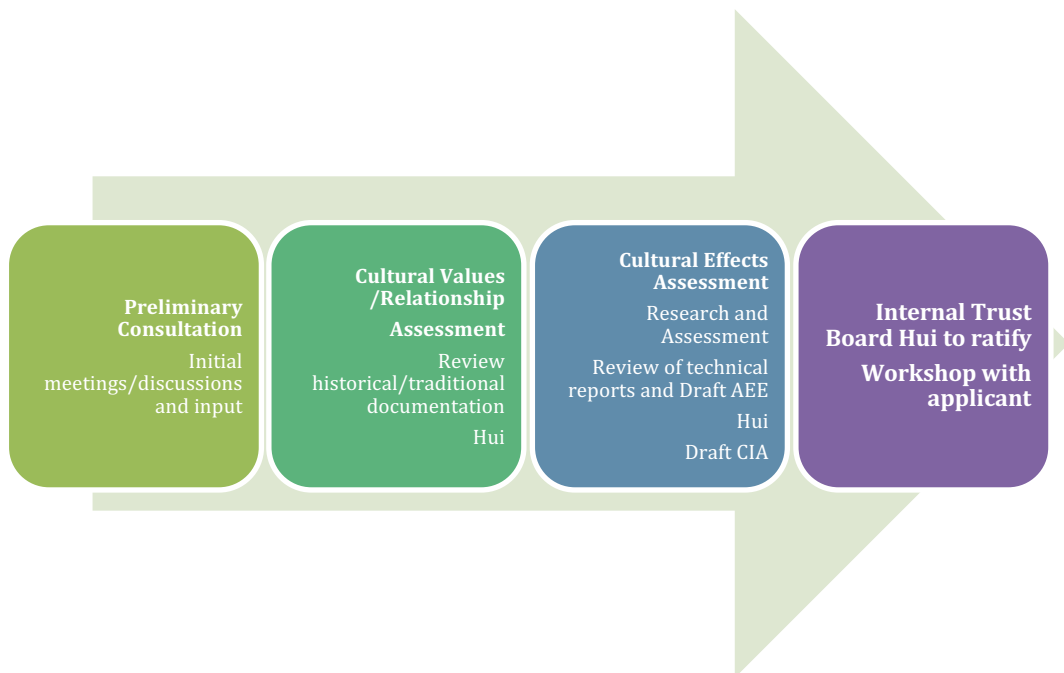


Figure 1: CEA Process

Cultural effects or values are often narrowly pigeon-holed as matters relating to waahi tapu or heritage, however for Patuharakeke these are only a subset of values or effects associated with a place or activity. In light of the definition of sustainable development in the RMA covering people and communities' social, economic and cultural wellbeing as well as environmental bottom lines, PTB consider the implications of a proposal across all of these wellbeings for Patuharakeke hapu. A matrix methodology is used (see Appendix A) to flesh out matters such as historical, traditional and contemporary relationships, values and uses associated with the Refinery site and surrounds. The matrix is based on the key provisions in Part II of the RMA as follows:

- Recognition and provision for: the relationships between Maori, their culture AND their traditions AND ancestral land, water, sites, waahi tapu and other taonga that might be affected by the proposal (as per s6(e) RMA);

- Recognition and provision for: the protection of protected customary rights (as per s6(g) RMA);
- Having particular regard to: the implications for the knowledge and practice of Kaitiakitanga by tangata whenua over their taonga of the proposal (as per s7(a) RMA);
- Taking into account: whether the principles of the Treaty of Waitangi are affected by the proposal (as per s8 RMA)¹.

This piece of work along with a review of the technical information provided by Refining NZ's consultants, then goes on to inform the assessment of effects on Patuharakeke cultural values. Potential effects of Refining NZ's proposal have been assessed within the framework of:

- The four-well-beings – environmental, economic, social and cultural values; and
- The Patuharakeke Hapu Environmental Management Plan 2014; and
- Effects² on the environment; and
- The Patuharakeke Hapu Environmental Management Plan 2014; and
- Patuharakeke Strategic Plan focus areas and goals

The assessment framework also includes categorization of whether effects are positive or adverse, the level of significance of any effects and whether it is possible to avoid, remedy or mitigate, or alternatively, if offsetting or compensation is required. This framework (Matrix 4) is also attached in Appendix A.

2.1.1 Information Sources

Review of the technical reports assisted in a broader understanding of potential constraints and impacts on cultural values identified. The reports reviewed are listed in the table below.

| Investigation | Organisation | Lead Author |
|---------------|-----------------------|-----------------|
| Air Quality | Tonkin & Taylor (T&T) | Richard Chilton |

¹ definitions of the principles of the Treaty given in "Taking into Account the Principles of the Treaty of Waitangi: Ideas for Implementation of Section 8 of the RMA 1991" (MfE)

² The meaning of effect includes

- (a) any positive or adverse effect; and
- (b) any temporary or permanent effect; and
- (c) any past, present, or future effect; and
- (d) any cumulative effect which arises over time or in combination with other effects— regardless of the scale, intensity, duration, or frequency of the effect, and also includes—
- (e) any potential effect of high probability; and
- (f) any potential effect of low probability which has a high potential impact.

| Investigation | Organisation | Lead Author |
|--|-----------------------------------|-------------------------------|
| Hydraulic Modelling of the Coastal Waters | MetOcean Services Limited | Brett Beamsley |
| Coastal Water Quality | Streamlined Environmental Limited | Mike Stewart |
| Hydrogeological Conceptual Site Model | T&T | Sarah Schiess & Chris Simpson |
| Groundwater Quality & Land Contamination | T&T | Sarah Schiess |
| Marine Ecology (excluding avifauna & marine mammals) | Boffa Miskell Limited | Sharon De Luca |
| Avifauna Ecology | Bioresearches Limited | Graham Don |
| Marine Mammals | Cawthron Institute Limited | Deanna Clement |
| Terrestrial Ecology (excluding avifauna) | Wildlands Limited | Tim Martin |
| Human Health | Environmental Medicine Limited | Francesca Kelly |
| Natural Character, Landscape & Visual Amenity | Brown NZ Limited | Stephen Brown |
| Economics | NZIER Limited | Peter Clough |
| Assessment of Alternatives | Refining NZ | Jane Thomson |
| Assessment of Effects (AEE) | Enspire | Gavin Kemble |

Figure 2: Table of Investigations (adapted from AEE)

Between 2014-2017 extensive work was undertaken by PTB and in collaboration with a range of whanaunga hapu and iwi of Whangarei Terenga Paraoa to provide cultural advice to Refining NZ and the relevant consent authorities in response to Refining NZ's proposal to deepen the shipping channel at the entrance to the Whangarei Harbour. A CVA was undertaken in the course of that process that involved a series of hui-a-hapu where the matrix methodology as described above was used. The cultural values identified in the Refining NZ Dredging CVA overlap with the current application, and form the foundation of this assessment. Further refining and expansion was enabled through the two zoom hui held during May. Along with the hui, this CVA process was further informed by a review of the consultant reports listed above and a review of additional documents including:

- Refining NZ Crude Freight Proposal – Tangata Whenua o Whangārei Terenga Paraoa Cultural Effects Assessment and other various CEA's produced by PTB
- Northland Port Corp Hearing Evidence from 1997 from various mana whenua submitters

- Patuharakeke Briefs of Evidence to the Waitangi Tribunal: Te Paparahi o te Raki District Inquiry. (October 2013 and February 2016)
- PTB MACA evidence in preparation
- PTB Customary Fisheries documentation
- Interviews with Kaumatua and other whanau members
- Unpublished Historical Reports prepared by Harry Midwood of Patuharakeke

The korero compiled from these sources has then been used to populate the attributes of the Matrix 1 in Appendix A - forming the basis for the ensuing sections of this report.

3. Description of the Reconsenting Proposal

The main activities and structures to be reconsented include:

- a) The continued existence of three jetty structures (and several associated mooring dolphins and breasting's) located within the CMA;
- b) A range of discharges to the air from the continued operation of the Refinery;
- c) A range of discharges to land, in a manner where contaminants may enter groundwater;
- d) A range of discharges to coastal waters, both directly from the Refinery and indirectly via groundwater entry into Bream Bay and the Whangarei Harbour; and
- e) Water takes from the groundwater reservoir that sits below the Refinery.

Overall, the resource consent applications lodged by RNZ are to be assessed as a discretionary activity, pursuant to both the operative and proposed regional plans. Refining NZ seeks a 35-year term of consent, considering this term to be reasonable and in accordance with Part 2 of the RMA, noting the significant level of investment made, the ongoing level of investment security it would provide and because there is good information available about the existing environment and actual and potential effects.

Figure 3 below shows the current layout of the site and surrounding land uses.



Figure 3: Surrounding Land Uses (from Tonkin and Taylor Air Quality Assessment Report)

3.1 The Existing Environment

The AEE outlines the approach taken to consider the “existing environment” in Refining NZ’s assessment of the nature and magnitude of any effects. Defining the ‘existing environment’ has been the subject of much caselaw, and its recent application in ‘re-consenting’ proposals is to disregard the activities and structures authorised by the resource consents which are the subject of the application. Refining NZ’s legal advisors have therefore recommended the following approach be applied by their technical experts in consideration of the effects of the Proposal.

- a) The assessment of the effects of the proposed takes and discharges (to air and land/water) to be carried out as if the currently authorised takes/discharges have been discontinued and the Proposal is an application for a new activity, and
- b) The assessment of the jetty and dolphins against an environment in which the structures do not exist ie. the existing environment is the present environment with the structures removed.

PTB have applied this approach in our assessment.

4. Tangata Whenua Relationships

There is a strong interrelatedness amongst the hapu and iwi of Whangarei Terenga Paraoa. Patuharakeke, as hau kainga and ahi kaa in the direct vicinity of the Refinery site acknowledge the mana of our whanaunga whanau, hapu and iwi that

link both by whakapapa and physically and spiritually to the harbour. The list below of hapu and iwi that have interests in and around the proposal location was developed through a series of hui-a-hapū held as part of the development of the CEA for Refining NZ's Dredging proposal. These relationships vary, for example: all are Māori, some are tangata whenua; some are mana whenua; some hold ahi kaa; some are hau kainga and kaitiaki; some have seasonal rights or rights of access/travel easement; some are ancient tribes that were there historically but no longer reside there today, or have been subsumed into modern tribes; and some are third generation manuhiri that moved into the area during the "Think Big" era (eg. construction of the Marsden Power Station); and finally some have relationships as customary fishers or hold title (or tupuna formerly held title) to the adjacent land. This ancestral ownership extends into the marine and coastal area and any proposal located in the takutai moana requires adequate recognition of the longstanding rights and interests of mana whenua in relation to the foreshore and seabed. Several hapu and iwi on the list are claimants under the MACA/Takutai Moana Act 2011 to the CMA adjacent to the Refinery site, claiming their rights to the area that have never been relinquished. The list is as follows:

- Patuharakeke
- Te Parawhau
- Te Parawhau/Toetoe
- Ngati Kahu o Torongare me Te Parawhau
- Te Waiariki
- Ngati Korora
- Ngati Tu
- Te Uriroroi
- Te Kumutu

- Ngatiwai
- Ngapuhi
- Ngati Whatua

- Ngai Tahu
- Ngati Manaia

- Manuhiri/ Hapori whānui (eg. non mana whenua Maori families at Marsden Village – including some who are third generation)

The various tangata whenua of Whangarei Terenga Paraoa all have relationships with the proposal location. This assessment focuses primarily on the relationships of Patuharakeke categorised against the Part II RMA provisions previously outlined; that is to say the relationship of Patuharakeke and their culture and traditions with Whangarei Terenga Paraoa, sites and waahi tapu and other taonga in the vicinity of the Refinery site; protection of customary rights; Patuharakeke status as kaitiaki and practitioners of kaitiakitanga in regard to those resources; and the implications in relation to principles of the Treaty of Waitangi.

4.1 RMA S6(e) Relationships

Patuharakeke are tangata whenua of the Poupouwhenua/Marsden Point area. This is demonstrated through: ahi ka roa, nohoanga, customary practices, korero purakau/tales/stories, tuku whenua, marriage, ancestry, raupatu, customary tohu or signs (e.g. landmarks, tuahu and kohatu mauri on the land). The naming of water systems and land features is but one way that tangata whenua demonstrate the depth and closeness of their long traditional relationship with the proposal site and surrounding area. The harbour, and ranges and peaks that surround it are named in pepeha and tribal whakatauki and waiata provide further rich descriptors of the relationship of the people with this place and their historical ties to all resources within the area. Patuharakeke's traditional rohe is depicted in the abridged map below (marked accordingly for contemporary management purposes), illustrating that the site is located within Patuharakeke traditional rohe.

4.1.1 Ancestral Lands

Poupouwhenua

Poupouwhenua Block is depicted in Figure 5 below. This location was a extremely particularly important tauranga waka and was utilised often by various war parties stopping there to prepare for battles further south. Preparations included training, and discussions of tactical warfare. The number of war parties varied between small groups of 20 to 50 to some numbering in the thousands (Clarke, 2001:2). Up until industrial development in the 1960's it was utilised by Patuharakeke and whanaunga tribes as a seasonal nohoanga where a rich harvest of kaimoana could be gathered and processed. In earlier times would have likely to have involved entire tribes particularly in times of peace. Patuharakeke have several claims before the Waitangi Tribunal, including key claims Wai 745 and Wai 1308. These claims were presented to the Waitangi Tribunal in October 2013 and February 2016. A key cause of action to which our Statement of Claim relates includes the undermining of the Tino Rangatiratanga of Patuharakeke through nineteenth century land alienation and confiscation.

"The 5000 acre Poupouwhenua block was confiscated by the Crown in late 1844. This was in compensation for a settler's house being burnt down in Matakana earlier that year by a group that included a chief from Patuharakeke owing to a dispute about the imperfect acquisition of the land by the settler. The Auckland Provincial Governor was later quoted in the Southern Cross Newspaper that following an investigation he was satisfied that the events in Matakana had been exaggerated - but the land was still taken. The underlying purpose of the 'confiscation' was to provide land for settlers" (Gudex, 2013).

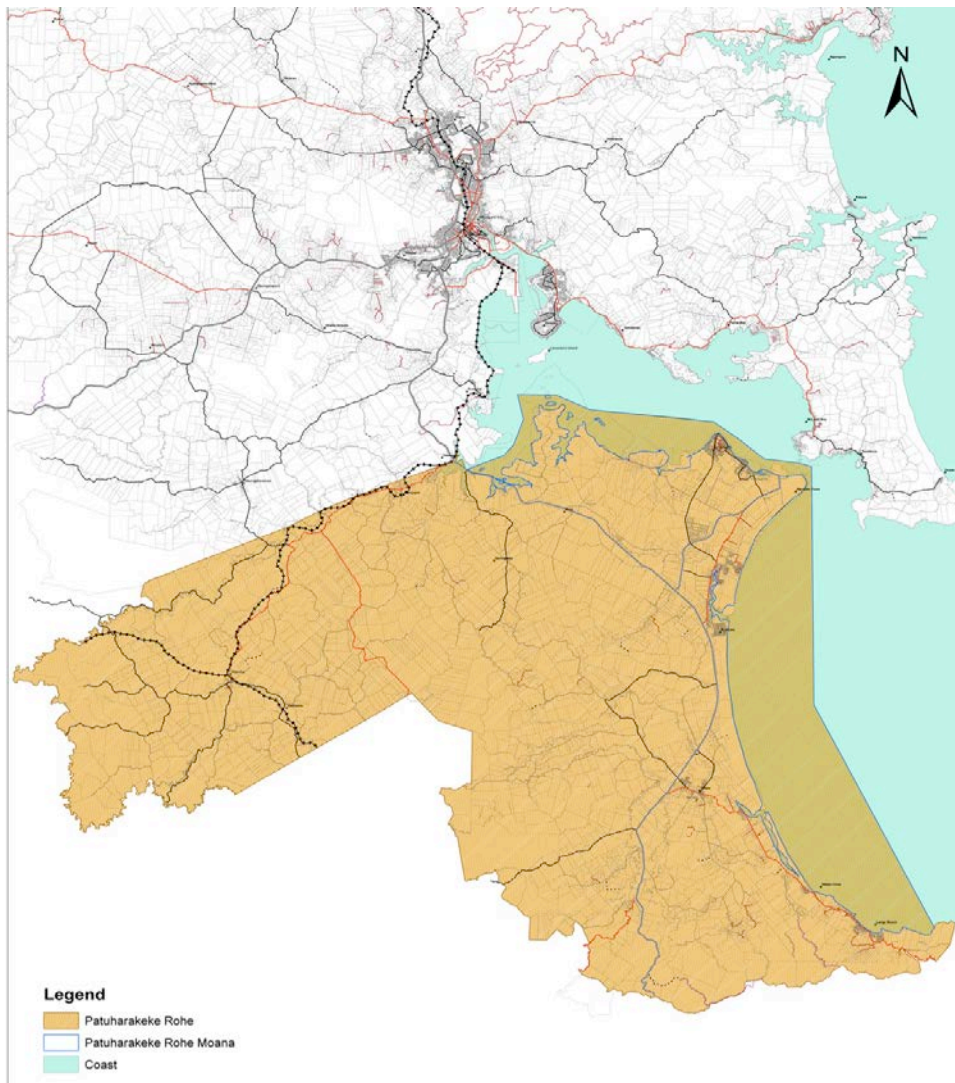


Figure 4: Te Rohe O Patuharakeke (abridged version for contemporary management purposes).

Patuharakeke continue to wait for a finding from the Waitangi Tribunal, but essentially the hapu view is that the subject land is ancestral Māori land that was obtained illegally from the original owners and will eventually need to be addressed by the Crown.

On a positive note, Refining NZ and PTB have developed a positive working relationship based on an MOU which is currently being updated. To date the relationship has mostly focused on operational matters, however it is our intention to strengthen the relationship across all levels of the Refinery organisation including at a governance level. In our view, the governance structure of Refining NZ should ultimately reflect our status as mana whenua in this location.

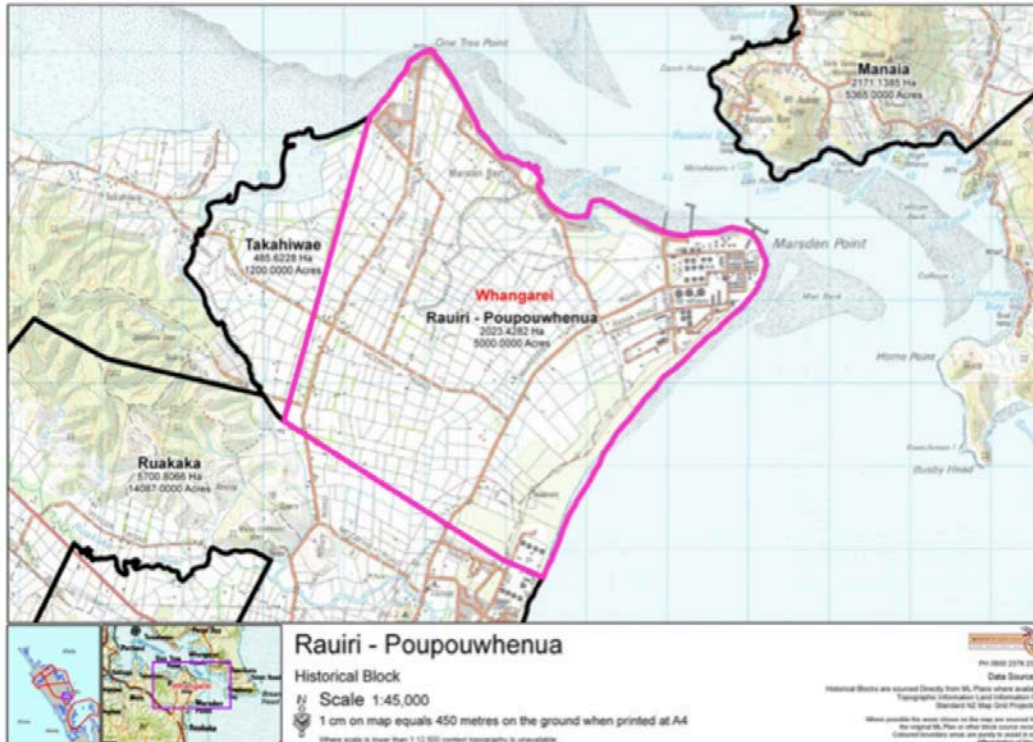


Figure 5: Poupuwhenua Block

4.1.2 Cultural Landscapes, Seascapes and Waahi Tapu

Several important markers in the area that form the cultural landscape and seascape include maunga such as Manaia, Matariki (Mt Lion), Te Whara (Bream Head) and other islands, reefs and rocks such as Motu Karoro, Taurikura Motu Tapu (Calliope Island), Motu Panamaia - all have beliefs associated with them that are integral to our histories. Traditional korero related to these sites was described in detail in the Refinery Crude Freight Proposal CVA³. Other important sites in the vicinity of Refining NZ include;

- Ngaungara (High Island in McGregors Bay) – traditional korero relates that Ngati Manu fishers were stranded here on the rising tide after Ngāti Kahu o Torongare took their waka and they were rescued by Patuharakeke people;
- Otarakaihae (Mt Aubrey) – there is an assumption that this name which refers to jealousy is likely associated with the korero around Manaia and his wife's lover Paeko;
- Horomanga – the large pa of the Ngai Tahu paramount chief Hikurangi – which sits above Urquharts wharf).

Besides the strong associations with the tupuna Manaia, these sites bear important linkages through whakapapa and land ownership to the ancestor Torongare and the

³ refer to Refinery Dredging CVA for more detail <https://deeperstory.co.nz/wp-content/uploads/2016/09/Cultural-Effects-Assessment.pdf>

19th century chiefs Pohe and Tirarau. As such these sites are of high cultural significance to Ngatiwai, Ngati Kahu o Torongare, Te Waiariki and Parawhau along with Patuharakeke and others. On the southern side of the harbour the Takahiwai and Pukekauri, Kukunui and Piroa (Brynderwyn) ranges circle the landscape and the seascape is dominated by the tahuna or sand banks that are known not only for their significance as markers, but as mahinga mātaimai/kaimoana gathering places. These include Poupouwhenua/Mair and Marsden Bank, Patarangahi/ Snake Bank, Calliope Bank, McDonald Bank, and Tahuna Patupo (a historical Kuaka gathering spot). Other historical korero handed down from kaumatua and kuia, tells of battles and seasonal migrations of descendants from in and around Whangarei Terenga Paraoa and Takahiwai.



Figure 6: Kohatu Mauri (and inset of detail) from Ruakaka River site (Harry Midwood)

Patuharakeke also held kohatu mauri (mauri stones) that were imbued with meaning and signify our ancient lineage to tupuna, whenua and moana. The only remaining kohatu mauri was found on the banks of Ruakaka Estuary in an alcove and is thought to have provided guidance in the traditional management of our rohe moana.

According to kaumatua there are also unrecorded waahi tapu such as Waiana koiwi - underwater burial caves and ledges, the locations of which cannot be disclosed. Earlier Northland Port Corporation Hearing evidence⁴ speaks of places where:

- *bathing and healing rituals were enacted;*
- *bodies were washed and bones prepared for final internment;*
- *warriors gathered to strategise;*
- *a powerful tohunga recited karakia to avenge his wife;*

⁴ Northland Port Corp Hearing Evidence of Jan Dobson 1997

- *an aging chief bathed and prophesized the future;*
- *battles occurred;*
- *war canoes gathered; and*
- *an ancestor called to a favoured sea mammal*

Taniwha and Tupua

Patuharakeke, in common with all other hapu, have purakau or tales or understandings of taniwha and tupua (some of which may be whales or other creatures of the sea). Features of the landscape are imbued with names and associated stories of what these names represent and it is these purakau that help link the hapu back into the very beginnings of the ancient occupation of our rohe. Significant taniwha for this area include Te Rakepatupaiarehe and Pokapuwaiorehua. These names often serve as a cautionary reminder that there may be forces beyond our common understanding, or that there are areas or actions that may be off limits. Some areas hold presence that continues throughout the generations to remind us to be cautious in our intentions in the locale. Some such 'presences' are understood as taniwha or tupua and as such can be seen as beneficial. For example, "there is korero of a taniwha in that area [Marsden Point]. It is there to protect us." (Living Memories Hui, Takahiwai 1998). It was also related at that same hui that a tupuna (circa 1950) had had a prophecy about the future construction of Marsden wharf. The exact wording of the prophecy is not generally known or recorded now, however its meaning related to the knowledge that the taniwha in that location was of a cautionary nature. Also, the location of the wharf had to be shifted because the piles kept disappearing or sinking. It is also recalled that three people lost their lives in the construction of the wharf.

Another thing that may be said of taniwha is that they may also be viewed or understood as being emblematic of the mana and authority of our people. In May 1823 the St Michael founded on a shallow sandbank, possibly the Calliope Bank on an ebb tide, when almost all came to grief. Tangata whenua witnessed this occurrence and clamoured loudly as they took canoes out to rescue the crew "he taniwha – he taniwha", or in other words, the monster had gotten hold of the ship and was taking it down. Taniwha can be understood also as portents of disaster, requiring interpretation and action by the tribe. In former days, visits and visits and strandings of whales were also considered to be tohu or signs that needed to be heeded.

Tapu and Noa, Waimate and Waiora

Tapu is the sacred, the untouchable, the law, the boundaries and limitations controlling behaviors and determines tikanga. Many aspects of the narrative above such as sacred places, people or practices are imbued with tapu. Noa is the purification, the blessed, the normalization, and oranga. Items that can purify and sanction noa are; women, karanga, waiata, karakia, kai and wai. This is manifested in tikanga such as the practice of washing our hands after being in a cemetery to purify ourselves from tapu, or why we eat after powhiri to noa our bodies.

Waimate and Waiora are Māori classifications of water. Waimate is tapu and translates to “deathwater.”, Toxic waste for example, is waimate. Waiora is noa and translates to “lifewater.” Waterways that give us sustenance and life are waiora. To mix these concepts is to violate our tikanga. Our tikanga determines our worldview of what is right. “Tika is right and “nga” is many – meaning “many rights”. This makes up our values, beliefs and cultural identity. Our tikanga is severely compromised when the mixing of these waters occurs. When there is a violation of tikanga there is much more than environmental damage, we lose identity, we lose trust, respect and self determination. If our tikanga is violated and we allow it, we lose integrity, we fail to protect our taonga physically and spiritually (eg. erosion of mana and other values etc). We are not determining what is right anymore. These impacts are transformed into negative and deficit consequences for our people. Examples of how this can manifest in impacts on our whanau are provided in section 5.3 of this report.

4.1.3 Sites - Mahinga Mataitai

The preceding descriptions identify a rich tapestry of signifiers of traditional relationships with the Northport area. This includes the relationship of Whangarei Terenga Paraoa as a bountiful and rich food basket or ‘kapata kai’ that hosted seasonal migrations of descendants from in and around the harbour and related inland hapu to harvest kaimoana. According to Patuharakeke elders, prior to the construction of the Refinery, a substantial mussel bed covered the takutai adjacent to the site, ranging from the edge of the channel in to shallow water and running from Mair Bank along to the Port Jetty.

“When an easterly gale blew you could just roll carpets of mussels into your sack.” (Living Memories Hui, Rangiora, Takahiwai 1998).

This was widely utilised for customary and recreational harvesting and was considered a “jewel in the crown” of a harbour abundant with resources. Much of the area along the foreshore and dunes between the Marsden Point Wharf and Refinery Jetty was used as a nohoanga regularly by Patuharakeke and other whanaunga from the Whangarei area up until the development of the site began to restrict this practice in the 1960’s. From our perspective, Mair and Marsden Banks are a continuation of the Poupouwhenua landform into the moana and as such is referred to as the Poupouwhenua Mahinga Mātaaitai. PTB took key coastal sites of significance through the Regional Plan review process and this Mātaaitai has now been mapped and scheduled as a Site of Significance to Tangata Whenua (SSTW) in the proposed Regional Plan (pRP) for Northland.⁵ As there are no submissions/appeals on this particular map overlay it is beyond challenge and therefore treated as operative.

Another significant traditional site near Marsden Point was known as Patupo, a tahuna Kuaka (sandbank where Godwits fed and rested on their migratory journey).

⁵ <https://www.nrc.govt.nz/media/13655/patuharakeke-patute-poupouwhenua-mahinga-mataitai.pdf>

Kuaka or Godwits are considered to be a kaitiaki and an indicator of cultural health in this area. They also feature prominently in Ngai Tahu mythology and tradition and are considered to have guided the path of the ancestral migration to Aotearoa from Hawaiki. The hapu listed previously shared seasonal rights over these resources as well as Parera (Ducks), Manu Oi (Shearwaters/Mutton Birds) and Kopua Mango or Shark Fishing Grounds that were located at the entrance to the harbour. Besides providing physical sustenance, Whangarei Terenga Paraoa and its tributaries supported the spiritual and cultural practices of the hapū. Specific parts of creeks or rivers were set aside for baptisms (eg. Rauiri/Blacksmiths Creek), while others were used for teaching children to swim. Lakes and wetlands in the dune systems were harvest sites for tuna (eel) and waterfowl. Harakeke and muka and other plants used for weaving and rongoa were also sourced there. Often sites such as these were used as a repository for taonga as well. The foredune in the area was formerly a significant source of pingao, traditionally used to weave nets targeting small kaimoana ika such as Piper.

Rauiri or Blacksmiths Creek was the site of the seasonal eel weir and pa harakeke cultivated and farmed by Patuharakeke and another large pipi bank –where Northport is today. A number of other important Mahinga Mataitai were located at Marsden Bay, McDonald Bank, Mair Bank, Marsden Bank, Calliope Bank and Urquharts Bay, along the coastline from Reotahi to Taurikura as well as Smugglers Bay, Peach Cove and Bream Bay. Species harvested at these various locations and habitats included pipi, kokota, tio, koura, kina, paua, tuatua and kutai. Tauranga ika were also common at these locations, mullet and flounder were generally sought further up the harbour but snapper, tarakihi, gurnard, trevally, kahawai and kingfish were all common in these areas. Some of these locations, such as Mair Bank, also have an important role to play in providing structural stability for the harbour entrance and therefore provide significant ecosystem services.

4.1.4 Other Taonga – taonga species

Tohora, Paraoa

The importance of the presence of whale species in the harbour is significant to Patuharakeke. Whales are a very obvious indicator of ecological health and therefore the cultural health and wellbeing of the environment and tangata whenua. It is a significant indicator that we have met our ongoing duties as Kaitiaki being able to manage human activity and to protect and nurture the environment. Its significance is reflected in the naming of the harbour and marks historical associations and practices associated with whales. Whales as omens have been canvassed earlier in this document.

The stranding of the young male sperm whale Tāhuhu Potiki on Mair Bank in 2017 at the time when a CEA for the Refinery Crude Oil dredging application was being finalized by PTB was seen as a tohu (sign) to take heed and a cautious approach as kaitiaki in our obligations to care for our rohe moana. Earlier this year, a female Gray's beaked whale (named Tupehau by our kaumatua after the area behind the fore dune along Bream Bay where she came ashore) beached and died at Bream Bay. This was also an event seen as being portentous in light of all the development

proposed for the area. During the flensing process our Taiao/Resource Management Unit team (RMU) observed a mark on the whale and significant bruising but were unable to determine whether she was a victim of ship strike. A second beaching occurred within a week of Tupehau's stranding, involving a pod of 4 Pygmy Sperm Whales near Waipu Cove. The Department of Conservation made the decision to euthanize them (Taryn Shirkey pers. comm 10/3/20).

Patuharakeke and other whanaunga hapu have ongoing concerns about the impacts of human modification of the "riu" or passageways of whales and other marine mammals in our harbour, including the semi resident pods of Orca, Dolphins and Leopard Seals. These concerns have been raised in numerous engagement hui, most recently during the November 2019 Northport hui and the earlier Refinery NZ hui on their dredging application. By virtue of the location of the Refinery Jetty and Northport there is continued risk of whales being affected by ship strike. We also hold concerns about their exposure to contaminants through bioaccumulation.

Manu – shore birds, wading birds

The sandbanks and beaches surrounding the Refinery were traditionally important bird harvesting sites. Species such as Kuaka and manu oi or Pakaha (types of shearwater) were seasonally harvested. During the early part of the breeding season the areas to which birds migrated became strictly tapu and a rahui was placed on the area so that no one would be allowed to approach the breeding grounds. When the birds came into good condition the rahui was lifted. Other species were also highly sought after by our hapu who relished the delicacies and resources the species offered e.g. feathers and bones. Birds had other important cultural and environmental functions such as being seasonal markers associated with maramataka or the seasonal calendar and providing tohu or indicators for when particular activities were to be undertaken. In contemporary times, these species are mostly in decline due to habitat loss, predation and other factors. The Refining NZ footprint and adjacent coastal marine area is highly utilised for feeding, resting, roosting and nesting by a range of species that are nationally ranked under the New Zealand threat classification system (eg. Dotterel, Variable Oystercatcher, Red Billed gulls).

4.2 Contemporary Cultural Relationships

Patuharakeke also retain a contemporary cultural relationship with the site and its surrounds. Notions of mana whenua, mana moana and mana tangata are based on historical connection and whakapapa - an enduring, permanent relationship. The modern descendants of those ancestors therefore see this inter-relationship as a dynamic, living and contemporary relationship and not just as a traditional or historic memory or story.

The marae at Takahiwai continues to hold its dominant position in the landscape and is a living and dynamic institution in continual use as a cultural centre for the surrounding district. Ahi kaa is maintained through the continued and unbroken residence of families of direct descendants domiciled on ancestral land.

Whanau/families maintain practices such as maintenance of the ancestral house as a living and vibrant institution and 'entity', gathering and harvesting of traditional foods, the maintenance of the urupa and guardianship of tikanga associated with both place and people. Tangata whenua still rely on the use of a wide range of species from both land and water as part of their customary relationship – including kai and rongoa/healing practices. Whanau take their tamariki and mokopuna to swim, walk, play, dive and fish (as does the wider community) throughout the harbour and on the beach adjacent to the Refinery.

Other hapu and whanau residing outside the immediate area of Patuharakeke also participate in these practices demonstrating the continued cultural, social and physical linkages to their traditional rohe and area of origin. These linkages are maintained not only by story telling, whakapapa, wananga, waiata and whaikorero and participating in all types of hui/gatherings but also through the interaction with the physical environment at Poupouwhenua.

4.3 Relationship through Kaitiakitanga

As Kaitiaki, Patuharakeke are responsible for both the knowledge (matauranga) and the practice (tikanga) of kaitiakitanga in relation to resources. This relationship is a responsibility rather than a right – a duty kaitiaki are bound to by both culture, whakapapa and tradition to maintain. This relationship and obligation has been in place since time immemorial and the continuous connection to the whenua and moana enabled development of a sophisticated resource management paradigm. Patuharakeke are highly cognisant of the cost of the historical period of colonisation on both aspects of kaitiakitanga. There has been a large historical loss of knowledge of kaitiakitanga – both the "whys" and "hows" – as a result of colonisation.

Prior to the Treaty, kaitiakitanga was the resource management system for controlling the effects of people on the environment. However, rather than an indigenous resource management system, kaitiakitanga was often seen by the early missionaries and many of their followers as akin to practicing witchcraft or devil worship. The Tohunga Suppression Act 1907 also had a detrimental impact on the practice and transference of kaitiakitanga to subsequent generations.

The capacity to practice kaitiakitanga has been further eroded over subsequent decades by the loss of title to large tracts of ancestral land such as Poupouwhenua and the progressive introduction of increasing layers of government control over resources and their management. Land ownership laws, western science, fisheries control regulations, harbour boards enactments, reserve and wildlife legislation and more recently district and regional councils, departments of conservation and heritage agencies all have largely competing priorities to tangata whenua and have impacted on the ability to effectively practice kaitiakitanga in its pure form. This is the right to action management practices which would ensure the ongoing viability of species management and preservation.

Conversely, it has been the tight-knit character and isolation of the small

communities of these areas that have seen kaitiakitanga maintained in the face of these external pressures. Further, it has been the sheer volume of industry on our 'doorstep' that has further mobilised hapu to assert their rights and responsibilities regarding kaitiakitanga. Patuharakeke are committed to ensuring that today's Kaitiaki will play a significant role in the monitoring and protection of the health of the harbour catchment and the effects of industry on the health of its ecosystems. This includes forming collaborative partnerships with all relevant agencies, scientific bodies, industries, developers and the wider community to develop and implement a variety of catchment management and other ecological plans to restore the health of the waterways and coast.

4.3.1 Contemporary Kaitiakitanga in Whangarei Te Rerenga Paraoa

Figure 7 below depicts the gazetted rohe moana of Patuharakeke. Our Mana Moana committee (including kaitiaki from several other hapu around the harbour) has sought to develop collaborative partnerships with all relevant agencies, scientific bodies, developers and the wider community to develop and implement a rohe moana management plan to restore the health of our rohe moana. A primary focus for PTB for the last decade, has been research, monitoring and restoration of our various mahinga mātaitai. We are also very concerned about the potential impacts of marine pests on our taonga species and habitats. Our multi-pronged approach to kaitiakitanga of Mair/Marsden Banks has involved instigating fisheries closures under Fisheries legislation⁶, leading a community pipi monitoring project (including a Cultural Health Indicator Framework) and applying traditional customary tools such as rāhui to all shellfish within the Poupouwhenua mātaitai. This approach to kaitiakitanga involved a tireless exercise of fostering relationships, education, and advocacy. The overall community support and collaboration has been an outcome in itself, as has the considerable increase in hapū capacity and the revitalisation of Mātauranga Māori. Along with regular surveying of the mātaitai this work has allowed PTB to assess pipi populations and patterns of shellfish recruitment and to develop long term management strategies.

Over the last 12 months we have extended our research and monitoring activities and are now looking at other key mataitai sites such as Patangarahi/Snake Bank, Takahiwai and Pariwaka/Waipu Cove in partnership with NIWA. Patuharakeke are involved in the Sustainable Coastlines Litter Monitoring Project with a nominated site at Marsden Bay. Further, we are participating in the Cawthron Institute-led "Marine Biosecurity Toolbox" 5 year research programme funded by Ministry of Business Innovation and Employment's Endeavour fund and working closely with NRC in the area of marine biosecurity due to our concerns regarding the potential impacts of marine pests on our taonga species and habitats. We are working with MPI/Biosecurity NZ on a longitudinal shellfish sampling study looking at the influence of bacteria (disease) on shellfish health. Our engagement and input into

⁶ for the latest gazette notice proposed by PTB and approved by Minister of fisheries see https://gazette.govt.nz/assets/pdf-cache/2020/2020-go2341.pdf?2020-06-04_17%3A07%3A53=

planning processes, such as resource consent applications is also another contemporary exercise of kaitiakitanga for Patuharakeke. PTB have provided feedback and advice on a number of Refinery consent matters in recent times. Refining NZ have also supported our kaupapa, such as the rahui at Poupouwhenua, Mair/Marsden Banks. Our relationship with Refining NZ will be fundamental in supporting us to continue the exercise our kaitiakitanga in the face of the anticipated growth of the area.

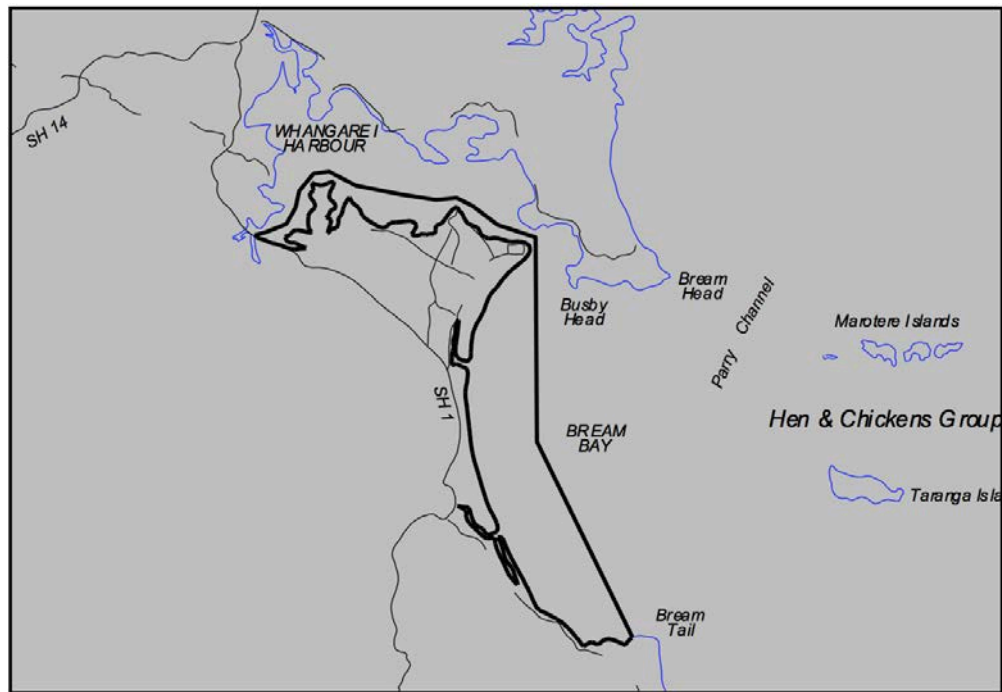


Figure 7: Patuharakeke Rohe Moana Gazetted Boundaries

Mechanisms for supporting kaitiakitanga

The history and limitations of the Whangarei Harbour Kaitiaki Roopu - a condition of the Northland Port Corporation's Resource consent to construct the present Port terminal in 1997 (RC 11) has been covered extensively in Patuharakeke Briefs of Evidence to the Waitangi Tribunal in the Northland Inquiry/Paparahi o Te Raki 1040 hearings and in CEA's such as for Refining NZ's Crude Freight Proposal.

Condition 11 states:

"The consent holder shall pay to the Northland Regional Council \$50,000 per annum for 10 years. The first such payment shall be made 12 months after the date on which the port construction works commence. The funds shall be administered by the Northland Regional Council and allocated after consultation with a kaitiaki group established by the Northland Regional Council for that purpose. The purposes for the fund are to enable improvements to the health of the Whangarei Harbour, and the study and/or mitigation of the effects of the port development on waahi tapu,

taonga, and other features of special interest to tangata whenua, and may include:

- *Re-seeding shellfish beds*
- *Study of New Zealand Dotterel nesting/roosting/feeding areas*
- *Creating new feeding habitat for new Zealand Dotterel*
- *concerns of tangata whenua.”*

It provided a mechanism to set up a kaitiaki roopu made up of representatives from various hapu around the harbour called the Whangarei Harbour Health Improvement Fund (“WHHIF”). At the time, there was a genuine belief held by tangata whenua that the environmental mitigation fund would assist in building capacity as kaitiaki and promoting the participation of tangata whenua in the management of the harbour. The general view of mana whenua following close to 2 decades of working with the consent holder and NRC to attempt to allocate this fund is that the mitigation offered by the fund hasn’t come close to compensating for the loss and degradation inflicted upon the harbour and upon mana whenua, mana moana. While small steps have been made to lift hapu capacity and capability through use of the fund, issues including the administration of the fund, perceived influence of the funder and dynamics within the make up of the kaitiaki roopu have caused challenges. Ultimately, the vast majority of funding went to Crown Research Agencies, limiting the ability for tangata whenua to build capacity or greater understanding of the harbour ecology, the methods necessary to mitigate this impact and develop and locate appropriate and important knowledge in our rohe.

The recent Refining NZ Crude Freight Proposal Decision has imposed a more comprehensive set of consent conditions requiring the establishment of a Kaitiaki Group and a Poupouwhenua fund. While the AEE for the Reconsenting application suggests that implementation of the dredging consents is likely, it is hard to imagine in the current climate that the project would be economically viable. The results of the strategic review currently underway by Refining NZ may provide a firmer indication of how likely the works are to progress. Regardless of whether the dredging consents are implemented, PTB believe that the Refinery as a responsible corporate citizen, neighbour to Poupouwhenua Mahinga Mātaaitai and relationship partner to Patuharakeke, has a significant role to play in supporting the development of a long term kaitiaki led strategy for monitoring, research, enhancement and restoration of the Poupouwhenua Mahinga Mātaaitai. Addressing these matters through consent conditions is often preferred by tangata whenua as it gives a degree of certainty. Ideally, robust relationship agreements provide a more positive and effective mechanism for consent holders to support kaitiakitanga. PTB would like to explore this mechanism further through our current Whakahononga Relationship Agreement review with Refining NZ.

4.4 Takutai Moana Protected Customary Rights and Te Tiriti

S6(g) of the RMA requires RMA decision-makers to recognise and provide for the protection of protected customary rights and s.8 requires RMA decision-makers to take into account the principles of the Treaty of Waitangi.

PTB has two MACA applications under the Marine and Coastal Area (Takutai Moana) Act 2011 (MACA), currently before the High Court:

- CIV-2017-485-281 – An application for Customary Marine Title (CMT) - we refer to as the "Takahiwai application"; and
- CIV-2017-485-286 – An application for Protected Customary Rights (PCR) - we refer to as the "Bream Bay application".

For this CMT, the statutory criteria in section 58 of the MACA requires proof that Patuharakeke holds the specified area in accordance with tikanga and has exclusively used and occupied it from 1840 to the present day without substantial interruption (i.e. whether Patuharakeke owns abutting land from 1840 to the present day is an important consideration). PTB have previously submitted to the Courts and the Crown on these points, considering the tests to prove non-territorial or territorial interest are too onerous as in most instances our "exclusive use and occupancy" has been disturbed due to breaches of Te Tiriti o Waitangi. CMT tests are therefore likely to be met at Takahiwai but not in other areas of our rohe moana, hence our Bream Bay application for PCR rather than CMT which includes One Tree Point coastline to the mouth of the harbour and Bream Bay beyond (Figure 8).

With regard to the PCR, section 51 of the MACA sets out the criteria for protected customary rights: requiring the rights to have been exercised since 1840; and that they continue to be exercised in a particular part of the common marine and coastal area in accordance with tikanga by the applicant group; whether it continues to be exercised in exactly the same or a similar way; or evolves over time. For PCR an applicant group does not need to have an interest in land in or abutting the application area in order to establish protected customary rights.

From our perspective, unfortunately, the MACA still provides inadequate recognition of the longstanding rights and interests of Patuharakeke in relation to our foreshore and seabed. In our opinion this area sits within our dominion and mana, contemporarily this means we remain the owners and custodians of the foreshore and seabed within our rohe as we were prior to and on the 6th of February 1840 and we have never relinquished this traditional 'title'. While recognition of PCR would be an improvement on the current situation, unfortunately, developments that have major effects on the takutai moana (i.e. the existing Refinery Structures, Northport and the Marina and canal development) have already occurred and will continue to occur as a grant of PCR is probably some years away due to the lengthy, expensive and onerous court proceedings we are now involved in.



Figure 8: Patuharakeke Protected Customary Rights Application Area

The RMA still provides us with a pathway to engage in this particular issue in a meaningful way through Sections 6(g) and 8 RMA as outlined previously and through our Patuharakeke Hapu Environmental Management Plan (HEMP). Our HEMP further assists others to meet obligations under Part 2 by providing a general understanding of mana whenua values and interests and understanding potential effects of a proposed activity through addressing cultural values when making an application for resource consent. An analysis of this proposal using our HEMP is included in Matrix 4 and section 5 below. Outside of the RMA process we can also influence through building effective relationships with parties such as Refining NZ.

With regard to wider Treaty issues, the hapū view is that the subject land (ie. the entire Refinery footprint both above and below MHWS is ancestral Māori land. As mentioned previously, Poupouwhenua was obtained illegally from the original owners, and is a focus of the Patuharakeke claim to the Waitangi Tribunal. It will therefore be incumbent on the relevant agencies and Refining NZ to consider the implications of its application in the context of Section 8 of the RMA, "taking into account the Treaty of Waitangi/Te Tiriti O Waitangi in relation to managing the use, development and protection of natural and physical resources."

Part of this CEA exercise is to consider how Patuharakeke's role is reflected in planning and decision-making related to Refining NZ's strategy and operations. Past experience with developments in Patuharakeke's rohe has provided little confidence that the interests of the hapū are being actively protected. There is a growing understanding of how the Treaty principles are applicable through case law, however there remain differences in opinion and inconsistent commitment as to who is required to apply

them in decision-making. However, PTB seek that relationships they enter into (particularly when engaging under the RMA) are guided by Treaty Principles such as reasonable co-operation, rangātiratanga, equality, partnership and the principle of mutual benefit.

Refining NZ can address these Treaty principles through the mechanism of our Whakahononga Relationship Agreement by engaging appropriately with PTB, recognising the need for our fully informed input and allowing adequate time and other resources for us to conduct the analysis and assessment work required and engage meaningfully with our hapu and whanau hapu. This engagement and recognition that Patuharakeke need to address cultural issues also recognises our rangatiratanga over traditional lands and waters.

Ongoing dialogue through the Whakahononga Relationship Agreement currently being refreshed and supporting development of a Patuharakeke Strategic Plan will need to provide for engagement that involves regular kanohi ki te kanohi (face to face) discussions across all organisational levels as well as joint identification of opportunities where collaboration and partnership can occur. This will be essential going forward if principles of the Treaty are genuinely to be taken into account in this process and implemented appropriately.

5. Effects on Patuharakeke culture and values

The set of effects identified below is not set out in any order of priority or importance. As previously mentioned they are structured under headings of the four wellbeings as identified in the RMA - Environmental, Cultural, Economic and Social. Largely these issues are interconnected and overlap as certain environmental effects could just as easily be discussed under the categories of 'cultural, social or economic' wellbeing. Past effects of development at Poupouwhenua have impacted on the culture and values of Patuharakeke. This collective experience and memory informs the view of the hapu in relation to any proposed activity. The two hui (record attached in Appendix B) held in May have also informed the effects assessment. Further analysis against the framework of the HEMP and our Hapu Strategic Plan in preparation is included. The Hapu Strategic Plan categorises the four wellbeings into further subsets, and identifies strategic pou or pillars that will underpin the plan. These are:

- Pou Hauora – Whānau health
- Pou Taiao – Environmental
- Pou Whaioranga – Economic
- Pou Ahurea - Culture
- Pou Mātauranga - Educational
- Pou Tai Tamariki-tanga – Succession

Matrix 4 (Appendix A) was employed for the effects assessment exercise and also identifies appropriate HEMP methods and strategic pou goals that can address

effects where mitigation is considered necessary. These matters are discussed further in section 6.

5.1 Environmental Effects

5.1.1 Discharges to Water

The Streamlined Environmental Report utilized hydrodynamic modelling undertaken by MetOcean to assess the effects of stormwater and groundwater discharges to the Whangarei Harbour. The finding was that there is a less than minor effect on water quality in the marine receiving environment outside the current mixing zone. The Report was peer reviewed by Dr Rob Bell of NIWA who concluded that overall the general conclusions of the Met Ocean and Streamlined Environmental reports are “probably sound, where only a few contaminants exceed water quality thresholds during adverse discharge events.” He had other queries in relation the reliability of the dilutions utilized in the model and the context of what is reasonable mixing. Patuharakeke have also queried how the mixing zone is determined, as it appears to be an arbitrary location from previous consents based more on the Marsden Point Port Zone (MPPZ) area than environmental parameters. While the various experts did respond to the queries raised by peer reviewers, we are unsure as to whether the reviewers then had further involvement or were satisfied with Refining NZ’s technical experts’ responses. What stands out in the comment above from Dr Bell for us is the word “probably”. This is common in many of the technical reports, where ambiguous language such as “the majority of the time”, “generally good” etc are utilised. We understand that there are levels of uncertainty in scientific study. However it is these grey areas where cumulative effects (in combination with past effects and temporary effects) can flow on to the mauri of the harbour, mātaimai and taonga species.

As discussed previously, the mixing of waimate and waiora is contrary to tikanga and has effects that go beyond environmental wellbeing. These are described later in this report.

Marine Ecology Effects

The Boffa Miskell Marine Ecology Assessment relies on the water quality findings to determine the type and magnitude of any effects on marine ecology. With regard to effects on Poupouwhenua Mātaimai we have similar comments in regard to the peer review queries raised by Dr Lohrer, ie whether they were completely resolved. The potential for cumulative effects still exists in our view, due to the potential for some effects beyond the mixing zone in shallow areas under certain conditions and remaining unknowns around effects on juvenile dispersal. Our annual cultural health monitoring involves a taste test and some pipi at these sites have a peculiar “hydrocarbon taste.” We are also concerned that Body Burden analysis over time has not been carried out consistently by NRC. Histology work undertaken as part of the MPI/Biosecurity NZ led longitudinal shellfish sampling study mentioned previously has found abnormalities in the gills of pipi at Mair and Marsden Bank

thought to be caused by an as yet unidentified irritant (see Appendix C). Their study is limited to looking at the influence of bacteria (disease) on shellfish health so does not provide further analysis as to possible causes. Patuharakeke consider further investigation is warranted as well as research to provide a better understanding of larval dispersal, and survivability of pipi on these banks, to inform plans for restoration potentially including reseeded.

With regard to effects on terrestrial ecology, as well taonga species such as coastal birds and marine mammals, we have reviewed the Wildlands, Bioresarches and Cawthron Assessments respective to these habitats and species. We generally accept the findings of these reports. Our only comment is that these reports are based on the findings of the air and water quality assessments, where as outlined previously we still have imperfect knowledge. We continue to have concerns that there is potential for cumulative impacts through the food chain. Some hapu members have also commented on the number of dead red billed gulls observed around the Stormwater Basin and would like clarification on this matter.

Coastal Structures

Coastal structures can also influence the environmental health of the Poupouwhenua mātaītai. If we employ the approach for assessing the existing environment where the coastal structures did not exist and re consenting allows them to exist, we consider there are positive and negative impacts for marine ecology. For example, the presence of the Jetty increases oil spill risk over and above other contributors eg, Northport. The structures' location there creates the requirement for maintenance dredging of the turning basin. The structures provide habitat for native species which appear to be healthy in that location. However the shipping activity and structures also provide a mechanism (transport on hulls, ballast etc) and the preferred habitat (manmade structures) for biosecurity risks such as marine pest species to establish ie. Mediterranean Fanworm – in close proximity to our mātaītai. To that end, it would be valuable for Refining NZ to collaborate with PTB (and NRC) who are partners in the Cawthron led Marine Biosecurity Toolbox Project.

Conclusions

Overall, we consider that potential cumulative effects on water quality and on Poupouwhenua Mahinga mātaītai (marine ecology) are more than minor. We have analysed potential effects in the context of our HEMP provisions and as detailed in Matrix 4 and there are some inconsistencies with key provisions of the HEMP such as protection and enhancement of the mauri of Whangarei Terenga Paraoa, taonga species and mātaītai. We have made recommendations on how these effects can be mitigated, through relevant HEMP methods and Patuharakeke Strategic Plan Taiao pou goals encapsulated in a schedule to our Whakohononga Relationship Agreement with Refining NZ. These recommendations are detailed in Section 6 of this report.

5.1.2 Discharges to Air

The T&T Air Quality report assessed stack, flare, fugitive, odour, blasting dust and fire training emissions based on modeling and field measurements. The conclusion was that the effects on air quality are less than minor. We note the air quality findings are based on dispersal modelling data from 2013-2018 that suggests flaring and exceedances are anomalies whereas in our experience these are now regular and serious occurrences. We discuss this matter further in the following sections. There remains the more fundamental issue of the effects of discharges on the mauri of air, which is difficult to resolve. Therefore, our more conservative view would be that air quality effects of this proposal for Patuharakeke are minor.

Climate Change

PTB identify climate change as a major threat to the cultural, economic, social, and environmental wellbeing of Patuharakeke. In our view the RMA falls well short of providing clear direction and impetus to support climate change resilience either by encouraging renewable energy projects or disincentivising energy intensive projects. The RMA reforms will hopefully go some way towards addressing these matters as soon as possible.

Within this policy void, Refining NZ committed to an energy improvement programme as part of a Negotiated Greenhouse Agreement (NGA) with the Crown and invested in projects such as Te Mahi Hou to improve energy efficiency across the Refinery and reduce CO₂ emissions by up to 20%. The Refinery will be included in the Emissions Trading Scheme from 2022. Patuharakeke will continue to encourage the Refinery to seek positive and pragmatic solutions and responses to climate change going forward.

Conclusions

Overall, we consider that potential cumulative effects on air quality are minor. A HEMP analysis and recommendations are included in Matrix 4 and recommendations in section 6 where it is considered mitigation is required to protect the mauri of air.

5.2 Cultural Effects

5.2.1 Cultural Landscapes and Seascapes and Sites of Significance to Tangata Whenua

The reconsenting will not impact on any individual archaeological sites or waahi tapu. However, Poupouwhenua is a significant ancestral site that together with

Whangarei Terenga Paraoa and the mosaic of sites identified earlier, forms our cultural landscape and seascape. Poupouwhenua Mātaitai is also identified as a SSTW in the pRP maps.

The Landscape Assessment by Stephen Brown covers effects associated with air emissions, stormwater discharges and coastal structures. Overall, Mr Brown considers that the proposed air emissions, stormwater discharges and jetty would have a very low level of effect on the landscape, natural character and amenity values of Whangarei Harbour, Whangarei Heads and Bream Bay.

Mr Brown considers the proposal would adhere to the maxim of concentrating new development and related effects within parts of the CMA and Coastal Environment that are already significantly modified, and the peer review provided by Melean Absolum Ltd takes a corresponding view.

With regard to the effects of the air emissions and stormwater discharges on our cultural landscapes we generally agree that these effects are of a low magnitude. We do note however, that the photograph below taken in March 2016 and presented as an anomaly, is in our experience a regular occurrence. Over the last 18 - 24 months in particular, this type of visual flaring often happens for a few days at a time and at least at monthly, if not fortnightly frequencies.⁷ Night-time flaring is described in the report as having the potential to be disturbing although overall is considered an amenity effect of a low order. In the experience of whanau and the community in the rohe, night-time flaring arises much more often than daytime emissions. From a cultural perspective, it is not so much the landscape or visual aspect of flares or plumes that is of concern to tangata whenua, but the perception of what the discharge may be doing to our environment or people's health that is disturbing. A recent flaring event at night in May 2020 was so significant it lit up the night sky and could easily be seen from parts of Whangarei that do not even have views down to Marsden Point.

⁷ notifications of flaring are usually updated on Refining NZ's Facebook page <https://www.facebook.com/refiningnz/>



Figure 9: NZ Herald image 30th March 2016 (taken from Landscape Assessment Report)

Where we do diverge from the conclusions of the landscape assessment is in regard to the effects of the coastal structures on the Poupouwhenua cultural landscape. PTB consider the effects on the cultural landscape in this location could be moderate to high, regardless of the industrial activity already present in the surrounding zone. We agree that from many viewpoints the coastal structures are absorbed into the landward Refinery plant behind them and the adjacent Northport facility. However, the Landscape Report's attachments 19 and 21 – 22 (reproduced below), usefully illustrate the stretch of beach to Poupouwhenua Mātaitai (Mair /Marsden Banks) from the perspective mana whenua most regularly experience it. That is as whanau recreating – swimming, fishing, walking, kaitiaki undertaking monitoring and so forth. PTB consider the "before and after" shots with and without structures constitute a marked change from a cultural landscape perspective.

This becomes even more prominent as one walks southeast along the beach to the mātaitai area. At this point the Jetty visually bisects the stretch of beach impacting its integrity as a cultural landscape. Moreover, for Patuharakeke, rather than seeing the landscape and visual aspects of the coastal structures as being "absorbed" into the existing industrial vista in this location, we perceive it as additional to, and not part of the scene.

5.2.2 Takutai Moana Access

Along with the visual barrier the Jetty creates, it also creates a physical one. When walking to Poupouwhenua Mātaitai one has to stoop to go under the structure on most tides. This raises issues in the context of customary access in particular, as well as public access. For Patuharakeke these matters link into Treaty and Takutai Moana issues around loss of foreshore and seabed ownership and access because

of Marsden Point Port Zone (MPPZ). Presumably the MPPZ wouldn't extend that far beyond Northport footprint if the Refinery was "turned off" tomorrow.

Conclusions

In our opinion the consider that potential effects of the reconsenting of Refining NZ's coastal structures are moderate to high on cultural landscapes, seascapes and customary access to the Takutai Moana. A HEMP analysis and recommendations are included in Matrix 4 and recommendations in section 6 where compensation through development of a Pou Ahurea (cultural) schedule as part of the Whakahononga Relationship Agreement is considered.

5.3 Social Effects

5.3.1 Hauora/Health

Hauora/Health is one of the Strategic Pou/pillars of the Patuharakeke Strategic Plan currently in development. A number of potential social effects, including on the health of our people, were identified at our hui, some of which have been alluded to above as they cross over with environmental and cultural effects. For example, the health of Whangarei Terenga Paraoa and Te Akau/Bream Bay and the health of our people are considered to be interconnected and inseparable. The cumulative effects of development on these resources impact the spiritual and physical health of tangata whenua.

As recognised by Dr Kelly, the Northland DHB have not published detailed localised information about the health characteristics of the population. PTB have been trying to locate specific data for our rohe for a number of years to try and make sense of our lower life expectancy and poor health statistics as well as anecdotal observations of health issues in the community that are often linked to the location and density of industrial operations at Marsden Point. When we approached DHB in 2012 they confirmed that no health impact assessments associated with industry at Marsden Point have ever been undertaken.⁸ Unfortunately it appears very difficult to extract localised data and also to isolate any health impacts that are directly related to the Refinery discharges, however, we acknowledge the findings of Dr Kelly's assessments in relation to inhalation, shellfish consumption, drinking water and coastal recreation that predict effects on human health to be less than minor.

We note that her findings in relation to contaminants in shellfish are based on the assumption that trace elements would be of very low public health significance when consumed in variable amounts in a mixed diet. She also refers to the the current closure of Mair and Marsden Bank to shellfish harvest. The paradox is that in the past and up until relatively recently, tangata whenua intake of shellfish from this location (along wth other inner harbour locations) probably would mirror some of

⁸ Medical Officer of Health, Dr Jonathan Jarman, pers. comm. 12/12/2012.

the upper limits of consumption that could result in elevated levels of contaminants. The averages applied from the NZ Total Diet Study in Dr Kelly's assessment would be unlikely to apply to Māori coastal communities relying on kaimoana as a staple part of their diet as traditionally was the case - a state we aspire to return to.

We are not aware that the DHB have reviewed this application or Dr Kelly's report, although we understand it was circulated to them. The Covid-19 situation will likely have presented challenges for them to respond. The lack of response or independent review of the public/human health aspects of this proposal is potentially a gap that NRC should be cognisant of. Public or limited notification should be considered in order to provide further opportunity for Northland DHB to respond.

Cultural Health of our people

Previously we discussed Tapu, Noa, Waimate and Waiora. These cultural norms link with other health related concepts such as Maurimate and Mauriora. An example was provided during our hapu hui by one of the whanau about how violation of tikanga through the mixing of waters manifests itself in the health of the people.

Taranga and her Children⁹

Taranga being Maui's mother sits with her tamariki - also known as the Hen and Chickens. Maui exemplifies the world-renowned ancestor of the Pacific who is responsible for slowing the sun and fishing up Aotearoa. We are the caretakers of Maui, his mother and brothers who are immortalised as residents of Terenga Paraoa and Te Akau/Bream Bay.

By exposing Taranga to waimate we are in violation of tikanga. By allowing this to happen we are sending mixed messages to our people. We are saying its ok to abuse wahine, or that mothers and children and their wellbeing are not prioritized, selfishness and financial gain are of higher importance than cultural identity.

Maori mothers and children are over represented in negative statistics such as methamphetamine use and the placement of more than seven thousand Maori tamariki in state care.

Mauri Mate and Mauri Ora

Tangata whenua continue to voice concerns regarding the Mauri of the Moana, its deity Tangaroa, kaitiaki and ancestors such as Manaia, Taranga, Maui and the many sacred and significant sites. Mauri Ora is a life force - the breath of life, Mauri Mate relates to death and illness. Mauri mate represents the impact experienced by our people through the pollution of waimate to our collective and individual Mauri ora. Mauri mate is referenced in mental

⁹ Korero from Lisa Simperingham May 2020

health as having impacts of serious problems and disorders relating to the loss of identity and is the contributing factor to current Maori deficit statistics.

Cumulative environmental effects referred to previously contribute to an overall effect on the mauri and cultural health flow onto other cultural concepts such as Mana. As kaitiaki of all natural resources within the rohe, tāngata whenua have a cultural and spiritual responsibility to ensure the mauri of these resources/taonga tuku iho is maintained, protected and enhanced. Due to our inability to manage our own taonga the mauri has been diminished. This has flow on impacts to our mana. For example, our mana as tangata whenua, is affected by our inability to practise manaakitanga to gather kaimoana for the table both for our families and manuhiri (something the people of Whangārei Te Rerenga Paraoa were formerly renowned for). Mana is inter-generational. Decisions that were made during the time of previous generations of kaumatua (whether they were able to participate in their making or not) have caused long-term adverse effect on the ecosystem of the Whangarei Harbour and inevitably this has led to adverse consequences for the mana of this generation of kaumatua. Constraints to our participation today will effect the next generation and continue to transfer onwards to our future tamariki and mokopuna.

5.3.2 Amenity

Findings on effects relating to odour are addressed in the T&T Air quality report. These effects could be looked at across a number of the wellbeing, but are assessed here under social effects. The issue PTB has with the assessment is that odour effects they are considered less than minor based on a complaints register and the fact that Poupouwhenua (beach and mātaihai) and Whangarei Terenga Paraoa are not considered sensitive locations. A site visit and walk along the beach from the Ralph Trimmer carpark to the Mair Road carpark would give a better indication of the odour emitted from the Refinery than a desktop review. There is a pervasive odour of hydrocarbons associated with the Refinery. There are relatively few members of our hapu that remember life before the Refinery. Most generations are now “densensitized” to the smell. In our view, if the Refinery was “turned off” tomorrow, there would be an easily appreciable change to odour for whanau and community utilizing the beach front at Poupouwhenua for customary or recreational purposes. The Noise emitted from the Refinery has similar impacts in this location but is not within the scope of this particular application. For the hapu, it is a challenge for us to separate out layers of cumulative effect on cultural and social values and uses of Poupouwhenua area.

Another matter that could sit across all wellbeing but is not necessarily within scope of this consent is the matter of solid waste disposal. This is interconnected with taiao/environmental health and hauora and mauriora. A concept that is difficult to reconcile with a tangata whenua world view is sending ‘our’ paru/waste to another rohe where another hapū /iwi has to clean up or hold our paru. This is contrary to tikanga and our values.

Conclusions

For Patuharakeke, the potential effects on our social wellbeing, including physical (hauora) and cultural health (mauri ora) along with values such as amenity, the reconsenting of Refining NZ's operations will have minor to more than minor effects. A HEMP analysis and recommendations are included in Matrix 4 and recommendations in section 6 where it is considered mitigation through development of a Pou Hauora (health) schedule as part of the Whakahononga Relationship Agreement.

5.4 Economic Effects

The NZIER report supporting the application was drafted in December 2019, prior to Covid-19 situation and also the announcement in mid April that Refining NZ would be undertaking a strategic review to determine the optimal business model and capital structure for its assets in order to maximise returns to shareholders, and deliver secure, competitive fuel supply to New Zealand.¹⁰

Mr Clough states that reconsenting defers the date at which the Refinery Site would need to be decommissioned and rehabilitated. He concludes that renewing consents for activities associated with the Refinery would enable the Refinery to continue operating as at present and to maintain its contribution (6.8% of GDP in 2018) to the Northland regional economy. Prolonging its operation should allow the company to secure a better return from its investment by enabling it to repurpose its facilities to assist energy transition/ decarbonisation (eg. Maranga Ra, Hydrogen projects etc).

There are a couple of issues for the hapu with these statements, ie. if it wasn't reconsented does that mean they won't be able to afford to remediate the site? Similarly, does reconsenting determine whether the site can transition into alternative fuels and renewables?. We presume the process and outcomes of the strategic review underway might clarify these matters further.

We have raised concerns before when engaging on the Crude Freight Project that deferring remediation costs to an unspecified date in the future does not sit well with tangata whenua. We are uncomfortable with the idea of passing on the costs and burden of site remediation to future generations of kaitiaki to deal with. The prospect of taxpayers or ratepayers having to foot the bill, as is the present case with the Sustainable Solvents site at Ruakaka is equally unwelcome.

The overall equation NZIER present is that the environmental and societal costs do not outweigh the value of reconsenting. Mr Clough notes that economic valuations

¹⁰ <https://www.nzx.com/announcements/351663>

of environmental protection are rarely explicitly used in RMA settings because of practical difficulties in estimation, but economic principles still apply to the consideration of environmental effects. He relies on the other technical experts evaluations to reach his conclusions in this regard. One comment we do wish to make is on his point about measuring the *"displacement of activities from water space (recreation) and encroachment onto other areas of interest (visual impact, iwi sensibilities) against the "small" area of the harbour occupied by RNZ's coastal structures and opportunities for recreation and visual appreciation elsewhere."* This of course does not take into account the fact that there may be very limited opportunities for kaimoana gathering elsewhere, nor does it recognise the significance of the site itself to mana whenua.

For us this highlights that these economic assessments do not factor in non-market values including ecosystem services and cultural values. Earlier developmental and political "trade-offs" that occurred for reclamation and dredging in Whangarei Terenga Paraoa never included data or estimations of the financial loss to tangata whenua and the community of diminished recreational and customary fisheries, the inability to benefit from sale or lease of land confiscated from mana whenua and numerous other values, let alone spiritual, existential matters. Essentially our position is that an integrated, holistic modelling approach is required to fully assess proposals such as this and a triple bottom line method of financial auditing and reporting with the addition of a cultural component should ideally be utilised.¹¹ There are a number of experts in Aotearoa New Zealand that are now incorporating such methods into assessments of projects, mitigation, and interventions including specific inclusion of cultural data and valuations (Calum Redfem, Proxima Global & Richard Yao, Scion. Pers. comm. March 2020).

As pointed out in the application documentation, the Refinery is a sizeable local employer and some Patuharakeke whanau work there, either permanently employed or contracted for specific projects. PTB have often been critical of our experience as mana whenua over the last half century of industry at Poupouwhenua where we have not shared in the economic benefits gained from past development of the area. However, through our current exercise to refresh and refocus our relationship with RNZ, we envisage there will be opportunities to explore pathways for training, education and employment. The various schedules to be developed also cover the Pou Taiao monitoring programmes which provide contemporary means of exercising kaitiakitanga and assist us in maintaining the viability of our Taiao/RMU including the training of our rangatahi/tai tamariki. As per the discussion on Treaty principles in section 4.4 of this report, this korero should be genuine and address meaningful and mutually beneficial partnership opportunities at multiple levels with Patuharakeke as mana whenua of this area.

Conclusions

We consider that Reconsenting of Refining NZ operations will have a neutral effect on Patuharakeke economic wellbeing. We recognise the benefits to local and

¹¹ ie. <https://www.globalreporting.org/standards/getting-started-with-the-gri-standards/>

regional economy but from a tangata whenua perspective are unsure that they outweigh the historic cost on our culture and values, and we need to understand more about what the future holds for the Refinery. Regardless, we seek a meaningful relationship that enables us to be a positive part of whatever that future holds and therefore have made recommendations in relationship to the development of a Pou Whaioranga (economic) schedule as part of the Whakahononga Relationship Agreement.

6. Conclusion and Recommendations

Refining NZ have engaged with Patuharakeke on this resource consent proposal and supported the preparation of this CEA. Matrix 4 (Appendix A) was utilised to identify the potential effects of the continued existence of structures located within the CMA and all consents to discharge to air and water from the ongoing operation of the Refinery, their magnitude, and assess these against PTB HEMP provisions. While the technical reports do not identify any significant adverse effects, a challenge for us is the fact that our Whangarei Terenga Paraoa is in a degraded state and unable to support a range of cultural and traditional uses. This impacts on Patuharakeke as kaitiaki and mana whenua in multiple ways. We are repeatedly told that isolating and attributing impacts to a particular source is not possible. However, the prevailing view of mana whenua around the harbour is that the Refinery is sitting right there, the immediate neighbour to the Poupouwhenua Mātaitai and it contributes at least in part to the decline of mauri and kaimoana in the vicinity. Patuharakeke see it as vital that Refining NZ as a responsible neighbour and relationship partner play a role in supporting our efforts to sustain, and where possible, enhance the mauri of Whangarei Terenga Paraoa.

A number of the potential effects identified on cultural relationships and values are less than minor. However, we have identified some aspects of the discharges that do not align with HEMP provisions, particularly in relation to the mauri of water and air and thereby the health of Poupouwhenua Mātaitai and hauora/health and mauriora/cultural health. These result in some effects that are minor or more than minor. With regard to effects on cultural landscapes and seascapes and customary access, the effects of the coastal structures are considered to be moderate to high.

Notwithstanding this, we consider these effects will be acceptable, provided the suite of recommendations we propose are implemented by Refining NZ and/or NRC. The recommendations have been framed in Matrix 4 and apply HEMP methods and Strategic Pou goals as mitigation and compensation measures. It is envisioned that the majority of these measures will be addressed collaboratively by PTB and Refining NZ through a Whakahononga Relationship Agreement which includes a variety of schedules as described earlier. There is some urgency to develop this agreement and in particular the schedules which could be a prioritised initial piece of work. Our position is that if these are unable to be progressed prior to the processing of this consent, it would necessitate at least limited notification of the consent application to tangata whenua (and potentially others such as Northland DHB). We also include

recommendations for consideration by NRC and Refining NZ around possible consent conditions and the term of consent.

6.1 Recommended measures to avoid, remedy or mitigate adverse effects

- a) PTB and Refining NZ complete the review and approval of updated Whakahononga Relationship Agreement as a matter of urgency.
- b) The identified more than minor effects on water quality and marine ecology can be mitigated through support for development and implementation of the Pou Taiao Schedule including such matters as:
 - HEMP method 9.6.3 (c) Collaborative development of a research program to investigate and address how dredging, reclamation, sedimentation and discharges in the harbour are affecting mahinga kai. i.e. Ongoing support for existing Patuharakeke led monitoring (including Cultural Health Indicator monitoring) of Poupouwhenua Mātaitai and expansion to include investigation into the cause of abnormalities in the gills of pipi at Mair and Marsden Banks, along with potential studies on topics such as survivability, life stage dispersal, restoration and reseedling; and
 - An education and employment pathway for Patuharakeke Science scholarships; and
 - Annual support for Patuharakeke Kura Taiao Wananga; and
 - Support for the collaborative “Marine Biosecurity Toolbox” project with PTB and Cawthron eg. by providing test sites for tools and technology to be deployed and monitored by PTB Taiao/RMU.
 - Support for a review and update process of the PTB HEMP.
- c) While effects on taonga species do not require specific mitigation RNZ as our relationship partner should consider resourcing the PTB Taiao Unit and other kaitiaki to undergo certified Marine Mammal Observer Training Course. This would enhance our ability to monitor and understand behaviour/ activities of these taonga when visiting Whangarei Terenga Paraoa and would be a useful addition to skill/capacity building for the type of programmes recommended above. Ongoing support for the Patuharakeke Whale Stranding Roopu in further research opportunities and support for operational equipment and tools to undertake whale stranding operations as per the Patuharakeke Whale Stranding Guidelines.
- d) The identified more than minor effects on water quality and marine ecology can be further mitigated through design of appropriate consent conditions to incorporate the following:
 - Testing for body burden concentrations in bivalves needs to be strengthened and made consistent in the resource consent

conditions to improve our understanding of potential cumulative impacts of RNZ discharges. Ideally annually, and with oysters as an alternative sample species if pipi are unable to be used (although PTB RMU can locate pipi for testing). Ideally PTB RMU with NRC support could collect the samples as we currently do for the MPI project. This could be incorporated into the Pou Taiao schedule as above as an alternative to a consent condition.

- That Refining NZ reassess and implement use of alternative process chemicals eg. an alternative to Cortrol and NRC should consider making this a condition of consent; and further
- That Refining NZ provide for PTB review and input into consent conditions,
- That an appropriate review clause is included in the condition set to provide for a degree of uncertainty around cumulative effects and potential future research findings, changes in technology, uncertainty around Refinery's future, MACA High Court proceedings/outcomes etc; and that a shorter term of consent be considered to take into account these matters. We recommend a 15-year term with 3 (or 5) yearly reviews. The reviews will be incorporated into requirements of the Whakahononga Relationship Agreement with review criteria to be developed based on meeting the schedule objectives and consent conditions. This recommendation also flows to the subsequent identified effects.

e) The identified minor effects of discharges to air on mauri can be mitigated through support for development of the Pou Taiao Schedule including such matters as:

- HEMP method 4.1.3(c) To support the use of indigenous plantings and restoration projects as a means to offset and mitigate industrial, agricultural and residential discharges to air; and
- 4.1.4. (b) PTB and Industry work collaboratively to fund research to develop cultural monitoring methodologies.

f) The identified moderate to high adverse effects on Cultural Landscapes and Takutai Moana/Access issues cannot be avoided, remedied or mitigated (ie. the structures are there). Offsetting doesn't apply so compensation needs to be achieved through progressing the Whakahononga Relationship Agreement Schedules with Refining NZ. It is proposed that a specific Pou Ahurea schedule be developed to include such matters as:

- Preparation of a Patuharakeke Historical Report and Cultural Landscape Design Framework
- HEMP method 9.3.4 (e) resourcing of kaitiaki monitors to undertake the following types of activities:
 - i. Monitoring of kaimoana beds and adherence to any fishing restrictions;
 - ii. Coastal cultural health surveys;

- iii. Monitoring of sites of cultural significance;
- iv. Monitoring of wildlife;
- v. Observation of any dog or horse bylaws;
- vi. Influencing vehicle access bylaws;
- vii. Education and advocacy with general public.

g) The identified minor effects of air discharges on Hauora and more than minor effects on mauriora can be mitigated through support for development of Pou Hauora Schedule to include such matters as:

- HEMP method 4.1.3(c) To support the use of indigenous plantings and restoration projects as a means to offset and mitigate industrial, agricultural and residential discharges to air” and;
- HEMP method 4.1.4. (b) PTB and Industry work collaboratively to fund research to develop cultural monitoring methodologies and funding for research on health impacts.
- Support for other Pou Hauora goals eg. Mara Kai establishment and regular kahui kaumatua hui.

h) Minor amenity effects can be mitigated through the above recommendations as set out for Hauora/Health along with consideration of local bio-remediation solutions to be investigated to minimise and reduce sending our paru/waste to other hapū /iwi to be responsible for.

i) While identified economic effects on Patuharakeke do not require specific mitigation, Refining NZ as our relationship partner should consider support for development of the Patuharakeke Pou Whaioranga Schedule and shared engagement and initiatives of Manaakitanga (Mutual benefit) including:

- Supporting capability of PTB Governance responsibilities; and
- development of a joint educational and employment pathway plan.

j) We also recommend that Refining NZ ensure that PTB have adequate opportunity to provide input into the Refinery Strategic Review Process and to better understand some of the questions/issues of concern we have about the future of the site.

Finally, we recommend that;

- k) That the content and recommendations contained in this report be received and actioned by Refining NZ and the Consent Authorities.
- l) That Refining NZ meet with PTB to discuss a timeframe going forward for the implementation of the mitigation and compensation measures outlined above and continue working in collaboration with PTB on all aspects of the application.

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8. Appendices

- A. Matrices 1-4
- B. Hui Record
- C. MPI Pipi Sampling Results February 2020

Patuharakeke Effects Matrix - Refining NZ Reconsenting

| Patuharakeke Wellbeing | Effect | Type of Effect ¹ | Positive/Adverse? and Magnitude ² | Relevant HEMP ³ provisions | Assessment against HEMP Patuharakeke | Strategic Plan Pou alignment | Recommendation: Avoid, Remedy, Mitigate, offset or compensation |
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| Environmental | Discharges to the CMA Decreased water quality = inconsistent with Tikanga (mixing of wai) Diminished mauri of water and potential flow on effects to Poupouwhenua Mahinga Mātaaitai | Past, Present Future, temporary, Cumulative. | <p>The Streamlined Environmental Report concludes effects on coastal water quality are less than minor.</p> <p>However, there are contaminants that are not negligible all of the time, ie sometimes can have minor and transitory effects; some process chemicals can have minor and transitory effects.</p> <p>The Boffa Miskell Report concludes effects on water quality are less than minor. Some effects (ecotoxicity and dilution modelling) were expected beyond the mixing zone in shallow areas under certain conditions.</p> | <p>Section 9 “Tangaroa” Issues</p> <p>9.1.1 a) The cultural health of Whangarei Terenga Paraoa, Bream Bay and our estuaries is adversely affected by:</p> <p>i.. Direct discharges of contaminants, including wastewater and stormwater;</p> <p>v. The cumulative effects of activities.</p> <p>Objectives</p> <p>9.1.2 (a)-(e)</p> <p>Policies</p> <p>9.1.3 (a)-(c), &(h)</p> <p>Methods</p> <p>9.1.4 (a), (c)-(d)</p> | Overall the proposal is not incompatible with the relevant HEMP provisions. Where there is possible conflict is around adverse cumulative effects on mauri (of taiao/ ecosystems) We consider this can be mitigated by implementing relevant methods set out in the HEMP | <p>Pou Taiao (Environmental Pou)</p> <p>Focus Area: Hapu initiated Research Goals: Maintain and grow sustainable Taiao Unit</p> <p>Focus Area: Relationships/ Kaitiakitanga – Goals: Establish and seek partnerships, with industry in our rohe, resources and capability building to enhance hapu</p> | <p>Effects on Te Taiao are able to be mitigated through:</p> <p>1. Complete review and sign off of updated RA as soon as a matter of urgency. Agree support for development of Pou Taiao Schedule (work plan) of the RA, to include such matters as: HEMP Guidance 9.6.3 (c) PTB, NRC, Northport and Refining NZ will work collaboratively to develop a research program to investigate and</p> |

¹ <http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231795.html>

² No effect, minor effect, significant effect, critical effect.

³ <https://patuharakeke.maori.nz/wp-content/uploads/2015/02/Patuharakeke-Hapu-Environmental-Management-Plan-December-2014.pdf>

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| | | | <p>It is difficult to measure the cumulative effects of the ongoing operation of the Refinery on the mauri of the harbour, ecosystems, taonga species and similar values.</p> <p>The peer review by Dr Drew Lohrer raises some questions about the findings of Boffa Miskell Report. PTB believe there is still uncertainty around cumulative stressors on shellfish, including effects on juvenile dispersal. Our annual cultural health monitoring involves a taste test and some pipi at these sites have a peculiar "hydrocarbon taste." Body Burden monitoring appears to be haphazard.</p> <p>With regard to coastal structures – by virtue of being consented create some positive and negative impacts. The Jetty increases oil spill risk over and above other contributors eg, Northport. The structures create a requirement for</p> | <p>Section 9.6 Industrial Activities at Poupouwhenua</p> <p>Issues 9.6.1 (a) and (b) Objectives 9.6.2 (a) and (b) Policies 9.6.3 (a), (b), (c)</p> <p>other relevant sections (9.8)</p> | | <p>development and kaitiakitanga</p> <p>Focus Area: Succession – support wananga for taitamariki, Science and research based scholarship support</p> <p>Focus Area: Legislation and Policy Goals: Exercising kaitiakitanga</p> | <p>address how dredging, reclamation, sedimentation and discharges in the harbour are affecting mahinga kai. i.e. Ongoing support for existing Patuharakeke led monitoring (including Cultural Health Indicator monitoring) of Poupouwhenua Mātaitai and expansion to include investigation into the cause of abnormalities in the gills of pipi at Mair and Marsden Banks and potential studies on topics such as survivability, life stage dispersal, restoration and reseedling;</p> <p>Including: Science Scholarship &</p> |
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| | | | <p>maintenance dredging of the turning basin.</p> <p>The structures provide habitat for native species which appear to be healthy in that location. However the shipping activity and structures also provide mechanism and habitat for biosecurity risk/marine pest species to establish ie. Mediterranean Fanworm – in close proximity to our mātaimai.</p> <p>From our perspective these potential effects on water quality and on Poupouwhenua Mahinga mātaimai are considered potentially more than minor.</p> | | | | <p>Annual support for Patuharakeke Kura Taiao Wananga</p> <p>Monitoring of Body burden concentrations in bivalves needs to be strengthened and made consistent in the resource consent conditions to improve our understanding of potential cumulative impacts of RNZ discharges. Ideally this should occur annually, and look at oysters as an alternative if pipi are unable to be used (although PTB RMU can locate pipi for testing). Ideally PTB RMU with NRC support could collect the samples as we currently do for other projects (eg MPI).</p> |
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| | | | | | | | <p>RNZ to support our collaborative “Marine Biosecurity Toolbox” project with Cawthron eg. by providing test sites for tools and technology to be deployed and monitored by PTB RMU.</p> <p>We urge RNZ to reassess and implement use of alternative process chemicals eg. to Cortrol and NRC should consider making this a condition of consent; and further</p> <p>That Refining NZ provide for PTB review and input into consent conditions, & that an appropriate review clause is included in condition set to</p> |
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| | | | | | | | provide for a degree of uncertainty around cumulative effects and potential future research findings, changes in in technology etc, and; Likewise that a shorter term of consent is considered to take into account these matters. We recommend a 15 year term. |
| | Potential flow on effects to taonga species eg. marine mammals, birds | Past, Present Future, Cumulative. | The Cawthron Report concludes effects on marine mammals are less than minor and no mitigation is required. In general we accept the findings of the Cawthron Report and peer review undertaken in respect of effects on marine mammals. We still consider there is potential for cumulative impacts through the food chain based on our conclusions with respect to water quality above. | Section 9 generally and 9.7 Marine Mammals | Generally consistent with HEMP provisions | <p>Pou Taiao (Environmental Pou)</p> <p>Focus Area: Hapu initiated Research</p> <p>Goals: Maintain and grow sustainable Taiao Unit</p> <p>Focus Area: Relationships/ Kaitiakitanga – Goals:</p> | While effects on taonga species do not require mitigation, RNZ could consider resourcing PTB Taiao Unit to undergo the certified Marine Mammal Observer Training Course. This would enhance our ability to monitor and understand behaviour/ activities of these |

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| | | | <p>Bioresearches Report concludes effects on avifauna are less than minor. Refer to comments on effects on marine mammals above. Further, we note that on some occasions hapu members have visited the site or walked past the SWB there have been a number of dead red-billed gulls observable and would appreciate more information on the cause of multiple bird deaths.</p> <p>The Wildlands Report concludes effects on Terrestrial Ecology are less than minor. We concur with this finding.</p> <p>Overall we consider the potential effects on taonga species to be less than minor</p> | | | <p>Establish and seek partnerships, with industry in our rohe, resources and capability building to enhance hapu development and kaitiakitanga</p> | <p>taonga when present in Whangarei Terenga Paraoa and would be a useful addition to skill/capacity building for the type of programme recommended above.</p> |
| | Discharges to Air | Past, Present Future, Temporary, Cumulative. | <p>The T&T Report concludes effects of discharges to air are less than minor.</p> <p>Public Health implications are discussed under "Social Wellbeing" below.</p> | <p>S. 4 "Ranginui" Section 4.1 Discharges to Air</p> <p>Issue 4.1.1 Objectives</p> | <p>Overall the proposal is not incompatible with the relevant HEMP provisions. Where there is</p> | <p>Pou Taiao (Environmental Pou)</p> <p>Focus Area: Hapu initiated Research</p> | <p>The minor effects of air discharges on mauri can be mitigated through;</p> <p>1. Completion of review and sign off of updated RA as</p> |

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| | | | <p>Climate change and CO2 is an issue for Patuharakeke but are not presently considered under the RMA. RNZ have a specific CO2 policy to reduce CO2. The signalled RMA amendments will potentially enable better consideration of climate change effects in future.</p> <p>From our perspective the Air quality findings are based on modelling that suggests flaring and exceedances are anomalies whereas in our experience these are now regular occurrences. As such our more conservative view would be that air quality effects of this proposal (for Patuharakeke) are minor.</p> | <p>4.1.2 Policies 4.1.3 Methods 4.1.4</p> <p>Section 4.2 Climate Change 4.2.1 (a) Climate Change will impact the cultural, economic, social, and environmental wellbeing of Patuharakeke. 4.2.4 (a) Patuharakeke will work proactively with all agencies and individuals who are seeking positive and pragmatic solutions and responses to climate change.</p> | <p>possible conflict is around adverse cumulative effects on mauri (of taiao/ ecosystems) b) PTB will work with industry to develop cultural monitoring methodologies to complement the existing monitoring regime relating to discharges to air.</p> | <p>Goals: Maintain and grow sustainable Taiao Unit</p> <p>Focus Area: Relationships/ Kaitiakitanga – Goals: Establish and seek partnerships, with industry in our rohe, resources and capability building to enhance hapu development and kaitiakitanga</p> <p>Focus Area: Succession – support wananga for taitamariki, Science and research based scholarship support</p> <p>Focus Area: Legislation and Policy Goals:</p> | <p>soon as a matter of urgency. Agree support for development of Pou Taiao Schedule (work plan) of the RA, to include such matters as: HEMP guidance on potential mitigation in 4.1.3(c) “To support the use of indigenous plantings and restoration projects as a means to offset and mitigate industrial, agricultural and residential discharges to air.” And 4.1.4. (b)) PTB and Industry work collaboratively to fund research to develop cultural monitoring methodologies.</p> <p>That Refining NZ provide for PTB</p> |
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| | | | | | | Exercising kaitiakitanga | review and input into consent conditions, that an appropriate review clause is included in condition set to provide for a degree of uncertainty around the Refinery's future and potential future changes in technology, legislation etc, and; Likewise that a shorter term of consent is considered to take into account these matters. We recommend a 15 year term. |
| Patuharakeke Wellbeing | Effect | Type of Effect ⁴ | Positive/Adverse? and Magnitude ⁵ | Relevant HEMP ⁶ provisions | Assessment against HEMP Patuharakeke | Strategic Plan Pou alignment | Recommendation: Avoid, Remedy, Mitigate, offset or compensation |

⁴ <http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231795.html>

⁵ No effect, minor effect, significant effect, critical effect.

⁶ <https://patuharakeke.maori.nz/wp-content/uploads/2015/02/Patuharakeke-Hapu-Environmental-Management-Plan-December-2014.pdf>

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| Cultural | Effects on waahi tapu | All | No effect as no archaeological sites or waahi tapu are affected. | n/a | n/a | n/a | n/a |
| | Cultural Landscapes/ Seascapes and sites of Significance to Tangata Whenua | <p>Past, Present Future, Temporary, Cumulative.</p> <p>Effects of Coastal Structures on Poupouwhenua/ Whangarei Terenga Paraoa Cultural Landscape/Seascape and Mapped site of significance to Tangata Whenua (Poupouwhenua Mātaitai - deemed operative in pRP maps)</p> | <p>Stephen Brown Report concludes effects on natural character, landscape and amenity are less than minor.</p> <p>PTB consider the effects on the cultural landscape/seascape in this location could be moderate to high, regardless of the industrial activity already present in the surrounding zone. the Jetty visually bisects the stretch of beach impacting its integrity as a cultural landscape.</p> <p>Along with the visual barrier the Jetty creates, it also creates a physical one. When walking to Poupouwhenua Mātaitai you have to stoop to go traverse under the structure at mid - high tide. This raises issues in the context of customary access as well and links into Treaty and Takutai</p> | <p>Section 8 “Waahi Tapu me Waahi Taonga”</p> <p>Issues 8.1 a) Ongoing damage, destruction and mismanagement of waahi tapu and areas or sites of significance that contribute to, or are a part of, our cultural landscape and seascape.</p> <p>Objectives 8.2 (a) and (e)</p> <p>Policies 8.3 (c)-(e) and (j), (m)</p> <p>Methods 8.4 (a) & (g)</p> <p>Section 9.2 Foreshore and Seabed</p> | <p>Aligns in part with HEMP provisions.</p> <p>If we consider the RNZ coastal structures as essentially “new” - There is incompatibility with HEMP provisions for protection and enhancement of areas or sites of customary value and access to sites of cultural significance.</p> | <p>Pou Ahurea – Culture</p> <p>Focus Area Historical/ Traditional Research. The goal is to produce a Patuharakeke Historical Report. The RA also includes Engagement and Initiatives to apply mana whenua cultural design and interpretation to support Refining NZ and express the history of the rohe.</p> | <p>Effects on Cultural Landscapes and Takutai Moana/ Access issues cannot be avoided remedied or mitigated (ie. the structures are already there). Offsetting doesn’t apply so compensation needs to be achieved through progressing our RA Schedules with RNZ ie. a specific schedule to support Strategic Pou “Ahurea – Culture” as identified in adjacent column.</p> <p>Pou Taiao Schedule (work plan) of the RA, supported to include such matters as those</p> |

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| | | | <p>Moana issues ie loss of foreshore and seabed ownership/ access to because of Marsden Point Port Zone. Presumably the MPPZ wouldn't extend that far beyond Northport footprint if the Refinery was "turned off" tomorrow.</p> | <p>Issues 9.2.1 (a)</p> <p>Objectives 9.2.2 (a)</p> <p>Policies 9.2.3 (a) –(b)</p> <p>Section 9.3 Access to the Coastal Environment</p> <p>Issues 9.3.1 (a)</p> <p>Objectives 9.3.2 (b)</p> <p>Policies 9.3.3 (a) and (d)</p> <p>Methods 9.3.4 (d) and (e)</p> | | | <p>outlined above with regard to monitoring activities at Poupouwhenua and incorporating the HEMP guidance in 9.3.4 (e) eg. kaitiaki monitors resourced to undertake the following types of activities:</p> <ul style="list-style-type: none"> i. Monitoring of kaimoana beds and adherence to any fishing restrictions; ii.Coastal cultural health surveys; iii.Monitoring of sites of cultural significance; iv.Monitoring of wildlife; v.Observation of any dog or horse bylaws; vi.Education and advocacy with general public; and |
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| | | | | | | | That Refining NZ provide for PTB review and input into consent conditions, that an appropriate review clause is included in condition set to provide for a degree of uncertainty around the Refinery's future and potential outcomes of MACA High Court cases etc, and; Likewise that a shorter term of consent is considered to take into account these matters. We recommend a 15 year term. |
| Patuharakeke Wellbeing | Effect | Type of Effect ⁷ | Positive/Adverse? and Magnitude ⁸ | Relevant HEMP ⁹ provisions | Assessment against HEMP Patuharakeke | Strategic Plan Pou alignment | Recommendation: Avoid, Remedy, Mitigate, offset or compensation |

⁷ <http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231795.html>

⁸ No effect, minor effect, significant effect, critical effect.

⁹ <https://patuharakeke.maori.nz/wp-content/uploads/2015/02/Patuharakeke-Hapu-Environmental-Management-Plan-December-2014.pdf>

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| Social | Potential effects on health of Patuharakeke from discharges to air and Whangarei Terenga Paraoa | Past, temporary (from intermittent exceedances of standards on occasion), present, future, cumulative. | <p>Environmental Medicine Ltd Report concludes effects on human health are less than minor. PTB's position is that we generally concur with these findings but the data available to analyse may not be complete and parameters applied do not necessarily apply to tangata whenua way of life. Further, as noted elsewhere, air quality findings are based on modelling that suggests flaring and exceedances are anomalies whereas in our experience these are now regular occurrences. As such our more conservative view would be that human health impacts of this proposal (for Patuharakeke) are minor.</p> <p>It is difficult to measure the cumulative effects of the ongoing operation of the Refinery on mauri ora and similar values. From our perspective this is potentially more than minor.</p> | S. 4 "Ranginui" Issue 4.1.1 Objectives 4.1.2 Policies 4.1.3 Methods 4.1.4 | Overall the proposal is not incompatible with the relevant HEMP provisions. Where there is possible conflict is around adverse effects on mauri. b) PTB will work with industry to develop cultural monitoring methodologies to complement the existing monitoring regime relating to discharges to air. c) PTB to work with industry and other relevant stakeholders to consider funding research on the impacts of air discharges at Poupouwhenua | <p>Hauora Pou (Health Pou) Alignment and potential for alignment with the following Focus Areas and Goals-</p> <p>Focus Area: Hua Whenua/Mara Kai Gardens Goals: Funding sought</p> <p>Focus Area: Kaumatua Wellbeing Goals: Resource for regular kahui kaumatua meetings</p> <p>Focus Area: Relationships Goals: Develop Formal Relationships</p> | Effects of air discharges on Hauora can be mitigated through; 1. Complete review and sign off of updated RA as soon as a matter of urgency. Agree support for development of Pou Hauora Schedule (work plan) of the RA, to include such matters as: The HEMP offers guidance on potential mitigation in 4.1.3(c) "To support the use of indigenous plantings and restoration projects as a means to offset and mitigate industrial, agricultural and residential discharges to air." And 4.1.4. (b)) PTB and Industry work |
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| | | | | | <p>to human health.</p> <p>d) PTB will work with industry and other relevant stakeholders, academic institutions and other interested parties, to fund research to assess the health impacts of activities on Patuharakeke whanau.</p> | | <p>collaboratively to fund research to develop cultural monitoring methodologies and (d) funding for research on health impacts.</p> <p>Similarly, the RA Hauora schedule could include the Strategic Pou goals referred to ie support for Mara Kai establishment and regular kahui kaumatua hui; and</p> <p>That Refining NZ provide for PTB review and input into consent conditions, that an appropriate review clause is included in condition set to provide for a degree of uncertainty around the Refinery's future and potential future changes in</p> |
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| | | | | | | | technology etc, and; Likewise; that a shorter term of consent is considered to take into account these matters. We recommend a 15 year term. |
| | Potential Effects on Amenity Values | Past, temporary, present, future, cumulative. | <p>Public Access issues are discussed above. Findings on Odour are based on complaints register and beach and mātaimai/harbour etc not considered sensitive locations. In our view the smell is pervasive and adverse effects are minor.</p> <p>The Noise emitted from the Refinery has similar impacts in this location but is not within the scope of this particular application. From a mana whenua perspective however, we note the challenge for us in separating out these layers of effect which in our experience are cumulative effects on the cultural and</p> | S4. Ranginui As above | As above for Hauora/Health | As above for Hauora/Health | <p>As above for Hauora/Health; and</p> <p>That Refining NZ provide for PTB review and input into consent conditions, that an appropriate review clause is included in condition set to provide for a degree of uncertainty around the Refinery's future and potential future changes in technology etc, and; Likewise that a shorter term of</p> |

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| | | | social values and uses of the Poupouwhenua area. | | | | consent is considered to take into account these matters. We recommend a 15 year term. |
| Patuharakeke Wellbeing | Effect | Type of Effect ¹⁰ | Positive/Adverse? and Magnitude ¹¹ | Relevant HEMP ¹² provisions | Assessment against HEMP Patuharakeke | Strategic Plan Pou alignment | Recommendation: Avoid, Remedy, Mitigate, offset or compensation |
| Economic | Potential Economic Effects | <p>Past, Present Future, Temporary. Noting Refining NZ currently undergoing Strategic Review of future options. Refinery may not be financially viable and loss of jobs could occur. Unclear whether this consent will change the outcomes of the review.</p> <p>At present a small proportion</p> | The NZIER Report concludes Reconsenting of RNZ operations will enable the Refinery to continue operating as at present and to maintain its contribution (6.8% of GDP in 2018) to the Northland regional economy. This was drafted prior to Covid-19 Situation. We note that non market values are not part of the assessment either and a Triple bottom line method of financial auditing and reporting with the addition of a cultural component would be preferred. There are a number of experts in NZ | No specific chapter but provisions throughout such as Section 9.1.3 (c) "Decision-makers will ensure that economic costs do not take precedence over the cultural, environmental and intergenerational costs of degrading coastal water quality" | Proposal does not necessarily align with Section 9.1.3 (c) but is generally consistent with other areas of HEMP as described in preceding sections of this table. | <p>Pou Whaioranga (Economic Pou) Relevant Focus Area: Develop opportunities for supporting Patuharakeke economic initiatives.</p> <p>Relationships -Establish and continue to seek partnerships with developers, business, industry in our rohe</p> <p>-Discussion about partnerships,</p> | <p>Prioritise development and implementation of Whakahononga Relationship Agreement which includes a specific schedule to support Pou Whaioranga – (Economic Pou) and Shared Engagement and Initiatives including Manaakitanga (Mutual benefit) Initiatives such as: development a joint educational</p> |

¹⁰ <http://www.legislation.govt.nz/act/public/1991/0069/latest/DLM231795.html>

¹¹ No effect, minor effect, significant effect, critical effect.

¹² <https://patuharakeke.maori.nz/wp-content/uploads/2015/02/Patuharakeke-Hapu-Environmental-Management-Plan-December-2014.pdf>

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| | | <p>of Refinery employees and contractors are Māori and some are Patuharakeke whanau (although none in Senior Management or Governance)</p> | <p>that are now incorporating such methods into assessments including specific inclusion of cultural data and valuations (Calum Redfem, Proxima Global & Richard Yao, Scion. Pers. comm. March 2020).</p> <p>PTB continue to have concerns about how and when the Refinery will look to remediate the site. Economic reasons are given for deferring this for as long as possible but this does not sit well as could be a future burden for our Tamariki and Mokopuna (the ratepayers are now having to foot the bill for the Sustainable Solvents site clean up at Bream Bay for example).</p> <p>We are also concerned whether RNZ will be able to get the investment required to transition the site eg. to low energy, renewables etc?</p> <p>PTB position: Reconsenting will have a</p> | | | <p>resources and capability building to enhance hapu development</p> | <p>and employment pathway plan.</p> <p><i>Other Recommendations:</i> RNZ ensure that PTB have opportunity to input into the Strategic Review Process to better understand some of the questions/issues of concern.</p> <p>That Refining NZ provide for PTB review and input into consent conditions, that an appropriate review clause is included in condition set to provide for a degree of uncertainty around the Refinery's future and potential future changes in technology etc, and; Likewise that a shorter term of</p> |
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| | | | <p>neutral effect on Patuharakeke economic wellbeing</p> <p>We recognise there are benefits to local and regional economy but from a tangata whenua perspective are unsure that they outweigh the historic cost on our culture and values, and we need to understand more about what the future holds for the Refinery.</p> | | | | <p>consent is considered to take into account these matters. We recommend a 15 year term.</p> |
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Patuharakeke / Refining NZ Reconsenting Zoom Hui Summary

Saturday 9th May at 1pm

In attendance:

Patuharakeke – Juliane Chetham, Dave Milner, Brendon Chetham, Katrina Hammon, Taryn Shirkey, Steve Johnson, Ari Carrington, Renae Niha, Eugene Smith, Lisa Minhinnick, Shilane Shirkey
Independent Experts – Richard Chilton (T&T), Tim Martin (Wildlands), Sarah Schiess (T&T), Mike Stewart (Streamlined), Sharon De Luca (Boffa Miskell), Deanna Clement (Cawthron Inst.), Francesca Kelly (Env Medicine), Antione Coffin (Te Onewa)
RNZ – Jack Stewart, Dave Martin; Riaan Elliot

Refer separate zoom meeting recording details and meeting presentation.

Note that additional post meeting minor clarifications to questions may have been added by the relevant expert (given time constraints during the zoom hui).

Hui Introduction

- Dave Milner began the hui with a Karakia, discussed general housekeeping issues.
- All attendees introduced themselves.
- Riaan Elliot provided an overview of Refining NZ's Reconsenting Project

Air Quality Assessment Presentation

Richard Chilton presented the draft Air Quality assessment findings

Air Quality Questions and Answers

With the air quality testing, does RNZ know when it is being tested? Or is this a spot test? (Katrina Hammon)

- RNZ performs stack testing every nine months as required by existing consent conditions (Riaan Elliot)
- RNZ has three SO₂ continuous monitoring sites at Whangarei Heads (predominant SW wind direction). This data is shared with NRC and Patuharakeke (Riaan Elliot)

So there is an awareness of when this testing occurs. Do we measure extremes (Katrina Hammon)

- Highest measured stack testing data was used for the modelling so ensure it was a conservative assessment. The testing requires quite a lot of setup by contractors doing the testing and takes at least an hour per sample per stack. Testing is done every 9 months. (Richard Chilton)

From a cultural indicator perspective measuring air quality - is there data on the impacts of our Manu - birds? (Dave Milner)

- Best answered by Tim Martin (refer below) (Riaan Elliot)

The air report also covers odour. Is this a consideration for the NRC consent. How is odour assessed eg. Is there a guideline? (Juliane Chetham)

Pātai also for Richard on odour - what data is used here and how can we be involved in this process of reporting odour? Ka pai (Taryn Shirkey)

- A review of complaints data, on site activities and wind exposure was used in the assessment of odour. (Richard Chilton)

Re odour again is it an NRC or WDC consenting issue. What is the boundary/buffer zone. I think if complaints are the only measure the problem is that the community are almost “desensitised” to the odour. You can never walk up the beach to the point without a strong odour and I think it has just become accepted for the last 50+ years but that doesn’t mean it should be acceptable? (Juliane Chetham)

- In response to odour, yes it is a consideration for NRC. (Richard Chilton)
- Refinery keeps a complaint record and responds to all complaints looking to determine source of odour and what we can do reduce the odour (Riaan Elliot)
- The environmental compliance measure typically used by Council is noxious and offensive in the opinion of an enforcement officer. Council does regular quarterly checks for odour. (Riaan Elliot)

How far would air emissions travel from the source or visiting ships in reference to the fauna and flora on Taranga and Marotiri islands? (Steve Johnson)

- These two islands are well beyond the extent of where we modelled. Given the significant distances from the site (approximately 20 km) any air contaminant concentrations negligible at these locations (Richard Chilton)

The NES limits. What “categories” or levels are there? e.g. Industrial, residential, human??? And what are RNZ measured against? (Dave Milner)

I am referring to the contamination levels that comply with industrial, residential, and human health acceptable levels of each contaminant e.g. range of hydrocarbons and other contaminants that are in the soils or ‘receptors’ at RNZ registered HAIL site/s.

Guidelines for Assessing and Managing Petroleum Hydrocarbon Contaminated Sites in New Zealand (Revised 2011) (Ministry for the Environment, 1999).

Was Takahiwai considered in the assessment and if so do we know the results against the NES

- Yes Takahiwai was included in the assessment areas and specific results can be provided (Richard Chilton)

When we get to impact on health, Are we looking at the long-term effects on our whanau that have been breathing the air since the refinery opened. Do we compare health issues people face in this area compared to other similar areas without this industry on their door step? (Katrina Hammon)

- Air quality human health criteria used (eg., the National Environmental Standards and Ambient Air Quality Guidelines) are for the wider population (including very young, old and most vulnerable). These are much lower than workplace standards. (Richard Chilton)
- See also health assessment Q&A below (Thanks Richard. I'd also like the health/medical Dr to address the question from her perspective (Katrina Hammon)

Are employees tested regularly? (Dave Milner)

- Employees are tested regularly but main focus is on workplace exposure. We have an occupational hygienist who is responsible for this. We also do annual medical check on our staff. (Riaan Elliot)

I see there is data in relation to air emissions around CO and SO₂. I am having trouble locating data around Carbon Dioxide (CO₂) emissions particularly from the Hydrogen Manufacturing Unit CO₂ vent. Could you lead me to this, or is this data not considered for this application? (Eugene Smith)

- CO₂ not considered as climate change effects are not considered under RMA. HMU is about 30% of our total discharge. (Riaan Elliot)
- RMA reforms process was underway and were looking at Climate change in RMA but not sure what status of that review is now because of Covid19 (Juliane Chetham)

Terrestrial Ecology Assessment Presentation

Tim Martin presented the draft Terrestrial Ecology assessment findings

Terrestrial Ecology Questions and Answers

Lichens being most sensitive is good to understand. (Katrina Hammon)

- Lichens are the most sensitive of all organisms as they essentially lack a skin - they act like a sponge and have no choice but to soak up anything in the air. So they can be subject to adverse effects if annual SO₂ exceeds 10 ug/m³. That concentration isn't reached anywhere in the receiving environment as an annual average. (Tim Martin)

From a cultural indicator perspective measuring air quality - is there data on the impacts of our Manu - birds? (Dave Milner)

- Yes. Birds have been shown to be adversely affected at a site overseas with 974 ug/m³. The modelling for the discharge shows a maximum much less than would cause an adverse effect for birds (it peaks close to the refinery at only 5 ug/m³). Lichens are used as indicator species as they are the most sensitive – adverse effects occur in other studies where annual SO₂ exceeds 10ug/m³). (Tim Martin).

Where is the control site for lichens etc? (Dave Milner)

- The proposed control site for lichens is to the north east of the discharge limits at Ody Road (at the northern end of the Mount Manaia rock outcrops). It provides a site that is at 0.5ug/m³ SO₂ annual average, and on the same rock type as the monitoring sites where concentrations are higher (eg. 2 ug/m³). (Tim Martin)

Are there any international studies on effects on insects/bees, is that also not expected because emissions are less than the standards? (Juliane Chetham)

- The Wildlands assessment included international data on sensitivity of insects including bees - adverse effects were found for SO₂ levels 66-245 ug/m³, much higher than the modelled discharges for SO₂ (it peaks close to the refinery at only 5 ug/m³). (Tim Martin)

What likely effects on of air discharge on local garden and other local flora and fauna e.g. buttercup leaves gone strange colours (Brendon Chetham)

- International studies show that agricultural crops (which can be regarded as including pasture species such as grasses and buttercup) are protected if sulphur dioxide doesn't exceed 30 ug/m³ as an annual average. Models show that refinery air discharge effects are well below guideline

values for crops (only reaching a peak of 5 ug/m³). Discoloration of leaves can be caused by many factors (e.g. nutrient deficiencies, changes in temperature, herbicides) (Tim Martin)

Contaminated Land and Groundwater Assessment Presentation

Sarah Schiess presented the draft Contaminated Land and Groundwater assessment findings

Contaminated Land and Groundwater Questions and Answers

Is there data from core sampling from the adjacent mahinga mataitai pipi bed? (Dave Milner)

What is the status of historical Fire fighting foam contamination? (Juliane Chetham)

Is there ability to pump more water? Do you need to upgrade pumping? Good to understand saline interaction with hydro-carbons (Katrina Hammon)

Is there a permanent saltwater intake? (Dave Milner)

- Not at the moment. With the very dry weather we are seeing some saline intrusion in the South eastern edge of the Refinery. We have turned off our pump in that area (not that we would like too) and elevated saline concentration are persisting so the current opinion is that it is due to the natural dry conditions. (Riaan Elliot)

Are there greater risks of saline intrusion due to sea level rise (higher water table) given the proposed term of consent of 35 years (Juliane Chetham)

- Provided it can be pumped out it can still be managed effectively (Sarah Schiess)
- Saline intrusion could have positive effect and may be desirable to assist in breakdown of hydrocarbons and assist in the prevention in any escaping from site (Riaan Elliot)

Will saline intrusion be covered within the consent? (Juliane Chetham)

- Yes it is proposed to be included to assist in the effective management of hydrocarbon plumes. Note – RNZ currently has two existing consents, one allowing it and the other not – RNZ would like to standardise new consents to enable saline intrusion (Riaan Elliot)

What volume of seawater and would that have any effect on the adjacent environment?

- Expect Saline intrusion to have minimal effects on the adjacent environment with any volumes constrained by consent conditions (Sarah Schiess)
- May be something to consider for any consent condition review clause (Dave Milner)

How is groundwater remediated (eg historical fire fighting foams)

- Alternative Assessment looked at options to do additional remediation however concluded current approach was appropriate (Sarah Schiess)
- RNZ has five groundwater recovery wells, three hydrocarbon recovery wells. Recovered water goes via our canals to the Retention basin where any residual oil is skimmed off. Any recovered hydrocarbon is sent to our slops system. Discharge of water to the harbour is continuously monitored and is typically less than detects for the contaminants monitored (Riaan Elliot)
- RNZ does not now land farm any contaminated soils/sludges, they are sent to registered landfarms subject to meeting landfill acceptance criteria. (Riaan Elliot)

Water Quality Assessment Presentation

Mike Stewart presented the draft Water Quality assessment findings

Water Quality Questions and Answers

Was there any major event onsite in 2016 that could have contributed to that spike in TPH concentration. Also 2012 -2014 for spike in sediment? (Katrina Hammon)

Or have you considered if you can attribute that to other industry (North Port/ dredging etc) or natural event in the area? Cause unknown is not to helpful? (Katrina Hammon)

- Current assessment is that it is unlikely to Refinery (Riaan Elliot)

Any indication of what may have caused it? We are interested despite who caused it. I guess a more holistic approach

- Without data and given it happened it's hard to say. (Riaan Elliot)
- Regional Council who gathers data further afield may be able to provide further light on the high levels. Mike has access to all our discharge data. (Riaan Elliot)
- The receiving environment sites were around the lower Whangarei Harbour. I can provide a map of sites. (Mike Stewart)

Thanks Riaan. I think that would be good to investigate. In both RNZ and our interests to not just leave this sort of information left (Katrina Hammon)

Is all spill reporting public already? I thought it was (Katrina Hammon)

- We are required to report non-compliant discharges to Council and in such occasions we notify Patuharakeke as well. We are happy that Iwi are involved in such events. (Riaan Elliot)

How is the size of the mixing zone determined and is the discharge linked to the tidal phase? (Juliane Chetham)

- Mixing zone is within the Port Exclusion Zone. Size determination has been historical (Riaan Elliot)
- Size of mixing zone should be as small as possible to maintain the water quality standards (Mike Stewart)
- Diffuser discharges continuously (Riaan Elliot)
- Modelling takes into account tidal changes (Mike Stewart)
- Low dilution areas were pointed out on edge of existing mixing zone (Riaan Elliot)

Will there be a consent condition formalising the change from Cortrol to another alternative chemical? (Juliane Chetham)

- The modelled Cortrol RQ3 value is based upon conservative upon conservative upon conservative assumptions so is likely higher than reality. Refining NZ is investigating to see if it can test for the chemical in its discharge to provide more actual data on levels. It is also looking at potentially using an alternative chemical if it is required (Mike Stewart)
- Refining NZ advised that it would switch to an alternative chemical if it proved feasible and necessary following testing (Jack Stewart)

What about the high RQ results for the spill events (Juliane Chetham)

- Note that RNZ is not consenting for spill events and has numerous spill management processes in place for these events. RNZ has included analysis of these split chemical events to ensure transparency (Riaan Elliot)

Marine Ecology Assessment Presentation

Sharon De Luca presented the draft Marine Ecology assessment findings

Marine Ecology Questions and Answers

What contaminants are we speaking about in the kaimoana/seafood. Are fish tested also? Deceased birds? (Brendon Chetham)

- Fish are not tested being highly mobile that forage over a large area (Sharon De Luca)

Are there comparison studies of ecotoxins in shellfish from Blacksmith Creek/Marsden Bay/Reotahi/Marine Reserve, Snake Bank? (Brendon Chetham)

Can someone explain what is meant by the term dolphins please. (Brendon Chetham)

- Dolphins are the small structures in the harbour that the ships tie on to (Eugene Smith)
- They are the large piles either side of the jetty used to tie up the boats. (Riaan Elliot)

Were any local mana whenua involved in the testing research (Lisa)

Is the only monitoring of contaminants, by RNZ for this application, in the area that you presented? So in close proximity to RNZ and not the whole harbour. (Katrina Hammon)

Do you consider any contaminates will only impact shellfish in close proximity? I would expect water flow would impact pipi, oyster, scallop etc in a large areas should be tested. So should we test as far as the water flows. (Katrina Hammon) Blacksmiths Creek for oysters? Yes can I eat the oysters at my front door. (Brendon Chetham)

- Francesca will be able to answer the question about human health effects of eating oysters (see below) (Sharon De Luca)
- Good question BJ. Blacksmiths Creek is the liver of this system of water. These are important sites of significance. A broad understanding is important and it is very likely issues can't be attributed to any one industry etc and that is ok. We just need to know and mitigate these impacts (Katrina Hammon)

So they <NRC> sent you to the clean sites? Not the areas where there are potential problems Sharon... interesting comments (Katrina Hammon) Very interesting comment re NRC "selected site" or not selected. (Dave Milner)

- The reference sites were meant to be clean sites that provide a good representation of background concentrations. (Sharon De Luca)
- It was more that NRC worked with me collaboratively to determine the most appropriate sites. (Sharon De Luca)
- Sharon: thanks, we would prefer to be a part of those discussion to co-design (Dave Milner)
- The purpose of the selection of sites with NRC was to select appropriate reference sites. As such these are the sites typical of what you might see in the harbour not cleanest or most polluted. (Riaan Elliot)

What is the source of the high metals at Mair Bank samples

- Aluminium is naturally occurring element. Northport potentially one source given treatment. (Sharon De Luca)

- Waikato Regional Council found even higher levels of Aluminium in harbours including pristine waters such as Kawhia (Mike Stewart)
- Arsenic is ubiquitous element found everywhere. (Sharon De Luca)

Is body burden analysis/monitoring routinely performed by RNZ and is it reliable? (Juliane Chetham)

- Routine body burden analysis has been routinely done in the past by NRC (thought that would give more independence) (Riaan Elliot)
- NRC use to do body burden on pipi on Mair Bank but had to stop given population issues (Riaan Elliot)
- NRC use to do oysters every two years as ubiquitous and could be looked at again as an option going forward (Riaan Elliot)
- Appears NRC approach has been haphazard in the past (different species/methods tested etc) and noted that it can be difficult to compare between species (Sharon De Luca)

Is body burden testing every two years sufficient or would one year be better? (Juliane Chetham)

- Given high water and sediment quality two years between sampling intervals would be sufficient (Sharon De Luca)
- Noted that recent Biosecurity NZ/MPI lab has noted potential irritation in the gills of pipi (Juliane Chetham) Juliane to send this paper to Sharon.
- Noted RNZ may be able to assist with investigations on this issue (Juliane Chetham)

Marine Mammals Assessment Presentation

Deanna Clement presented the draft Marine Mammal assessment findings

Marine Mammals Questions and Answers

Patuharakeke are also interesting in Sperm, Pigmy Sperm, Greys Beaked whales from our customary hauhake (harvest) Tohora (Whale) Taonga experience. (Dave Milner)

- Assessment did consider all beaked whales, Sperm and Pigmy Sperm whales. Considered offshore species and spend most of their time in deeper water where they typically do most of their feeding so very limited potential exposure.

Deanna did you consider the leopard seal that has taken up semi-permanent residence at Marsden cove? (Juliane Chetham) The leopard seal also turns up on the rocks on the west side of Northport. (Brendon Chetham)

- Yes have been in discussion with NIWA re the Leopard Seal Owha. She moves between Auckland and Whangarei on a regular basis.

Stingray..also are noticeably increasing here. (Brendon Chetham) Deanna: as BJ mentioned stingray and also Shark (Dave Milner) Deanna: also Pilot Whales (Dave Milner)

I have only found one dolphin that seemed to have died from old age floated into Blacksmith Creek and reported to DOC. (Brendon Chetham)

Huge increase in Stingray now when out diving in the harbour. What is their normal predator? Whales?? (Katrina Hammon)

- Orca (Juliane Chetham)

- Yup orca tend to target stingrays as well as fish. Not many other whales or dolphins will eat stingrays due to risk (Deanna Clement)
- Typical predators of stingray include orca, sharks, seals, sea lions and large carnivorous fish. More stingray may reflect a good benthic invertebrate assemblages that stingray would forage on. (Sharon De Luca)

Environmental Health Assessment Presentation

Francesca Kelly presented the draft Environmental Health assessment findings

Environmental Health Questions and Answers

When we get to impact on health, Are we looking at the long-term effects on our whanau that have been breathing the air since the refinery opened. Do we compare health issues people face in this area compared to other similar areas without this industry on their door step? (Katrina Hammon)

- Yes not based on industrial and workplace standards. Assessment has considered all people (including elderly and babies/children) and considered geographical location extent (wider than just modelled). Air and water exposure routes. (Francesca Kelly)

Blacksmiths Creek for oysters? Yes can I eat the oysters at my front door. (Brendon Chetham)

It would be good to understand the impact of these contaminants (chromium??, Nickel etc) on the shellfish themselves. (Dave Milner)

- marine organisms have different abilities to metabolise various contaminants. Typically shellfish are have pretty good metallothionein processes to be able to depurate. (Sharon De Luca)

What happens when nickel enters the environment? And how long does it take to be removed? How much is too much for human consumption? (Brendon Chetham)

- Nickel frequently is a trace element in soil and possibly higher amounts around RNZ (volcanic origins?) (Francesca Kelly)
- Large amounts of Nickel intake than usual diet would be required to be harmful (Francesca Kelly)

Is there any concern of Nickel for younger children compared to adults? (Brendon Chetham)

- Nickel consumption is more of an issue for younger children as they are generally more vulnerable to contaminants. This has been taken into account in the assessment (Francesca Kelly)

Refining NZ Strategic Review

Jack Stewart provide and update on Refining NZ's Strategic Review.

Riaan Elliot noted that the majority of the consents would still be required even under an import only terminal option.

Refining NZ Strategic Review Questions and Answers

June 2020 coincides with the date the RMA application is due to be filed. Is that correct? Does the document shared called "Alternatives Assessment" detail the import only model? Does Naomi have a background in this industry? Agree that it is very important that she meets and collabs with

Patuharakeke In my experience with large Australian companies - they are not as well versed in partnering with indigenous people as a stakeholder. I look forward to meeting Naomi. Thanks Riaan
Thanks for sharing that content Jack. Very interesting and necessary as I also follow the NZX prices...
(Katrina Hammon)

- Date is purely a coincidence noting Refining NZ originally wanted to lodge its consent application by the end of 2019. (Jack Stewart)
- The alternative assessment considers alternative methods to the current discharges being applied for and so does not look at an import terminal case as this is a matter for the strategic review (Riaan Elliot)

It is critical that Patuharakeke be involved in the Strategic Review (and the consent process) in what it means for them and the wider community, especially considering a terminal only scenario (Dave Milner)

- It is believed that RNZ has made initial contact with Patuharakeke on the Strategic Review and this feedback will be taken back to the Strategic Review team (Jack Stewart)

Have remediation costs been considered for all scenarios? (Juliane Chetham)

- Would be considered but noted that the refinery would be expected to operate for a very long term even if only a terminal operation (Jack Stewart)

Patuharakeke Strategic plan will be a key document to share Patuharakeke's aspirations with local stakeholders including the refinery. (Dave Milner)

General Questions/Notes

What consent timeframe would the Refinery be seeking

- 35 years (Riaan Elliot)
- 35 years is of concern to Patuharakeke as represents three generations (Dave Milner)
- Any long term consent would likely have RMA section 128 conditions of review (Riaan Elliot)
How can a review clause reflect PTB concerns. S128 is restricted to conditions based on measures.

Can we get a comprehensive list of all consents please? (Dave Milner)

- Yes no problems. (Riaan Elliot)

May need more time for more robust discussion on some aspects and on the two areas of the presentation pack not on the agenda today. Follow-up questions may be raised. (Dave Milner)

Closing Comments

Some closing comments from Dave Milner:

- Look to RNZ to be a champion in environmental matters going beyond requirements
- Believe Patuharakeke involvement in environmental management is necessary
- Looking for meaningful engagement through the Relationship Agreement (R/A)
- Site (Refinery/Marae) visits part of RA process
- Patuharakeke would like to be involved in sampling/monitoring to build trust in the process/data

- Consent term spanning 3 generations is a key issue. Needs a mechanism to review.

Post Meeting Actions

- Provide copy of all consents (Riaan Elliot)
- Provide Takahiwai air quality assessment results versus NES (Richard Chilton)
- Provide copy of water quality sites (Mike Stewart) – see below
- Provide Sharon De Luca and RNZ with copy of recent Biosecurity NZ reports (Juliane Chetham)
- Provide feedback to the Strategic Review Team on Patuharakeke's request for involvement in the process (Jack Stewart)
- Provide any additional questions (Juliane Chetham)
- Continue to keep engaging with Patuharakeke on the reconsenting project (Dave Martin/Riaan Elliot)

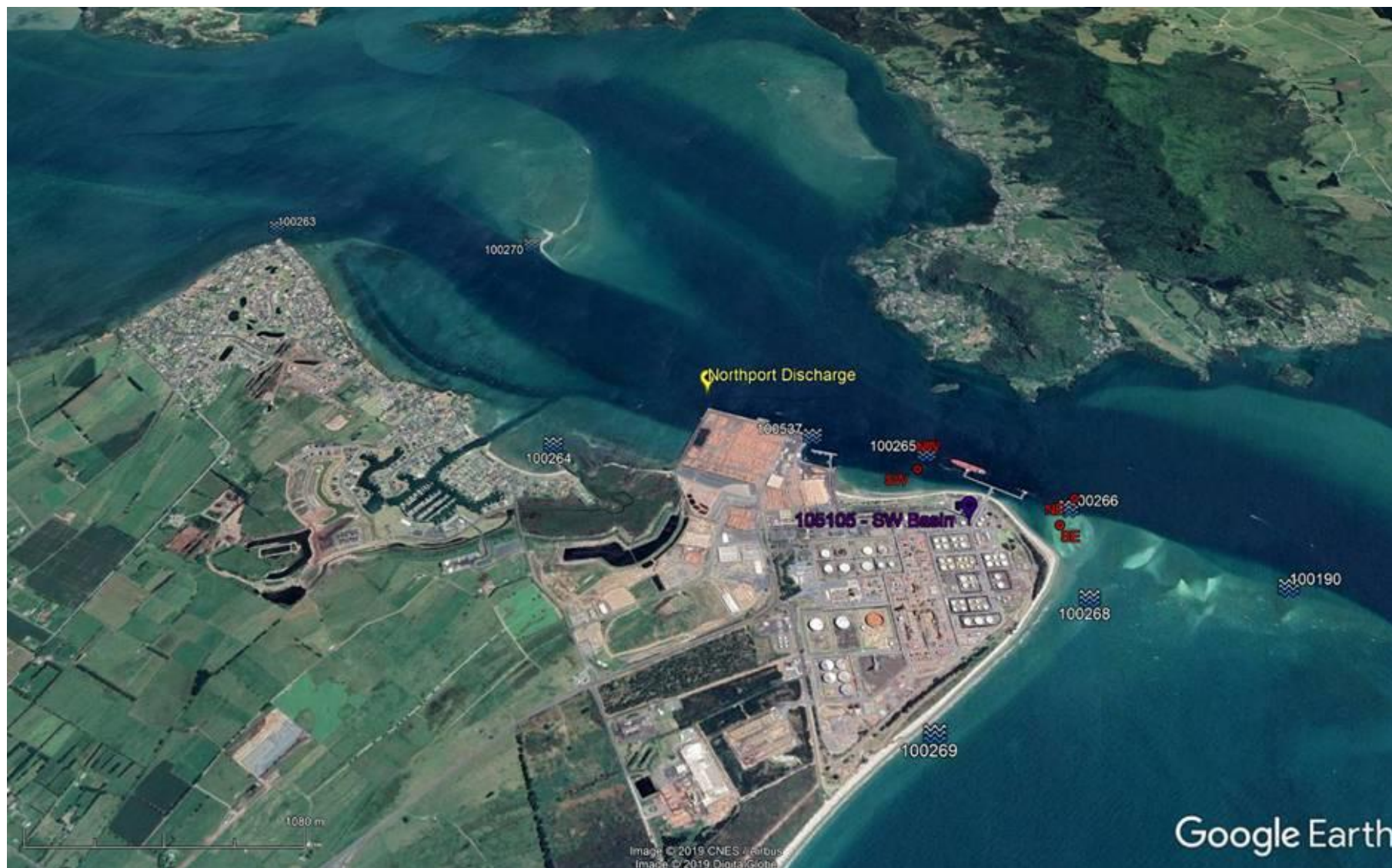


Figure 13. Receiving environment water quality sites monitored by Northland Regional Council (in white), with SWB (purple), Northport discharge site (yellow: see Section 2.4) and four corners of the mixing zone (red markers).



Figure 15. Receiving environment sediment quality sites monitored by Northland Regional Council (in white), with SWB (purple), and four corners of the mixing zone (shown as red markers). Inset is expanded view around mixing zone, including 2019 Refining NZ soft-sediment sites (De Luca, 2019).

LM38430 W20_648 Collection report

Collection information

Date: 11/02/20

Sites: Waipu River, Ruakaka River, Mair Bank, Marsden Bank, One Tree Point, Takahiwai Rd.

Species: Pipi *Paphies australis*, tuatua *Paphies donacina*. A total of 145 animals were collected across all sites.

Water conditions: Fine and still conditions, with little swell. By observation, water quality looked clear, however, no explicit measurements were taken.

Sea surface temperature: ~22°C

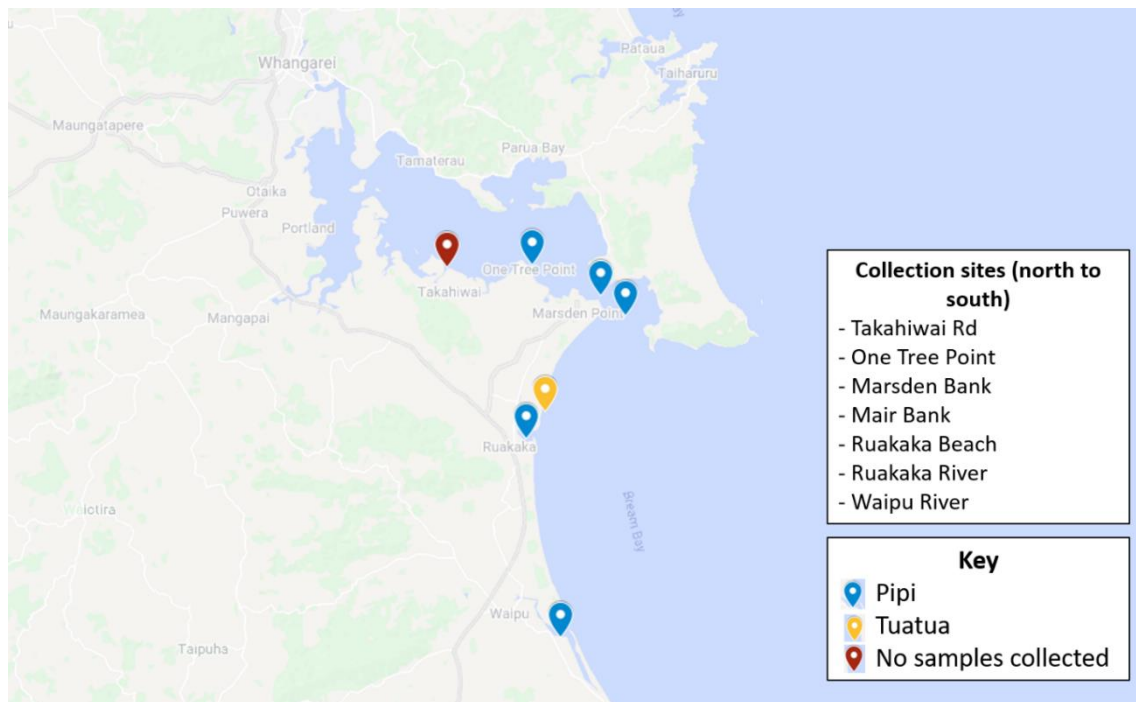


Figure 1 Whangarei Harbour showing locations and names of collection sites and shellfish collected from each site for 11/02/20.

Observations

Waipu River: Lots of live pipi present, spanned over a large area, live shells had lots of biofouling, green/brown & barnacles, some dead shells.

Ruakaka River: Lots of pipi but in patches, not so concentrated, very sandy bed, hardly any dead shells, shells of live pipi very brittle, possibly suggesting a lack of calcium present in water.

Mair Bank: Water currents had changed and created opening channels of sandy areas between all the dead shells. Huge pipi were found in channels, looks very healthy.

Marsden Bank: Same as last time (November 2019). Lots of dead shells not as densely packed as Mair Bank and with more sandy areas than Mair Bank.

One Tree Point: Lots more seagrass present then November 2019 collection, appeared to growing on dead shells. Very small animals inside shells.

Takahiwai: Mangrove site, no pipi available.

Pipi findings

Tests performed: Bacteriology, *Endozoicomonas* PCR (molecular), and histology.

External Observations

All samples showed generally poor health, animals appeared very small inside their shells and very malnourished. Animals also appeared paler in colouration than November 2019 collection. The majority of pipi from each site had released their eggs and sperm into the environment, post-spawning.

Bacteriology

Bacteriology was performed on 10 animals from each site to build an understanding and baseline of the bacterial community present within these animals.

A sample was taken from the adductor muscle of 10 animals from each site and plated onto selective growth media for growth and identification of bacteria.

| Site | Common or dominant bacteria present |
|----------------|---|
| Waipu River | <i>Vibrio splendidus</i> group. |
| Mair Bank | No significant growth. |
| Marsden Bank | <i>Vibrio pomeroyi</i> , <i>Vibrio splendidus</i> group, <i>Vibrio artabrorum</i> , <i>Vibrio rumiensis</i> , <i>Photobacterium damsela</i> . |
| One Tree Point | <i>Kistimonas</i> sp., <i>Vibrio</i> sp. |
| Ruakaka River | <i>Vibrio splendidus</i> group, <i>Vibrio</i> sp. |

***Vibrio* species**

Vibrio bacteria are naturally abundant in the marine environment and have a complicated role in the health of shellfish. For the majority of the time the bacteria pose no threat to the health of shellfish. However, there are a number of *Vibrio* sp. strains that have been reported to cause disease in shellfish. It is important to identify and record the community of *Vibrio* sp. present to understand which ones may play a role in declining health.

Photobacterium damsela

Photobacterium damsela is common in the marine environment. This species has been reported to cause disease in fish and shellfish (in aquaculture). As with *Vibrio* species, it is important to identify its presence to build a baseline of what is “normal” or what may be contributing to the health of the shellfish.

***Kistimonas* species.**

Kistimonas sp. have previously been isolated from shellfish however its significance to shellfish health is unknown.

Bacteriology summary: The bacterial species commonly identified in these shellfish have the potential to be playing a role in the poor health of the shellfish. However, as there was no pure growth (i.e. a single type of bacteria grown from the samples) at any of the sites, it is unlikely that these bacteria are a primary pathogen in the decline of these shellfish. It will be important to continue to monitor the species of bacteria at these sites over time to determine what is “normal” and what may be a cause of concern.

Molecular – *Endozoicomonas* PCR

Approximately 25 mg of gill and digestive gland were used for DNA extraction. The extracted DNA was tested for the presence of *Endozoicomonas* sp. by qPCR. All extracted DNA was shown to be suitable for this test by performing an internal control 18S rDNA gene qPCR (Applied Biosystems). *Endozoicomonas* sp. were detected in every pipi collected from the five sites. As qPCR is a quantitative test it can be used to estimate the number of bacteria present via the number of target gene copies detected. Figure 2 shows a comparison of gene copies (i.e. abundance of *Endozoicomonas* sp.) for all pipi between all sites. There was no significant difference between the five sites. However slightly higher number of gene copies could be seen at Mair and Marsden Bank.

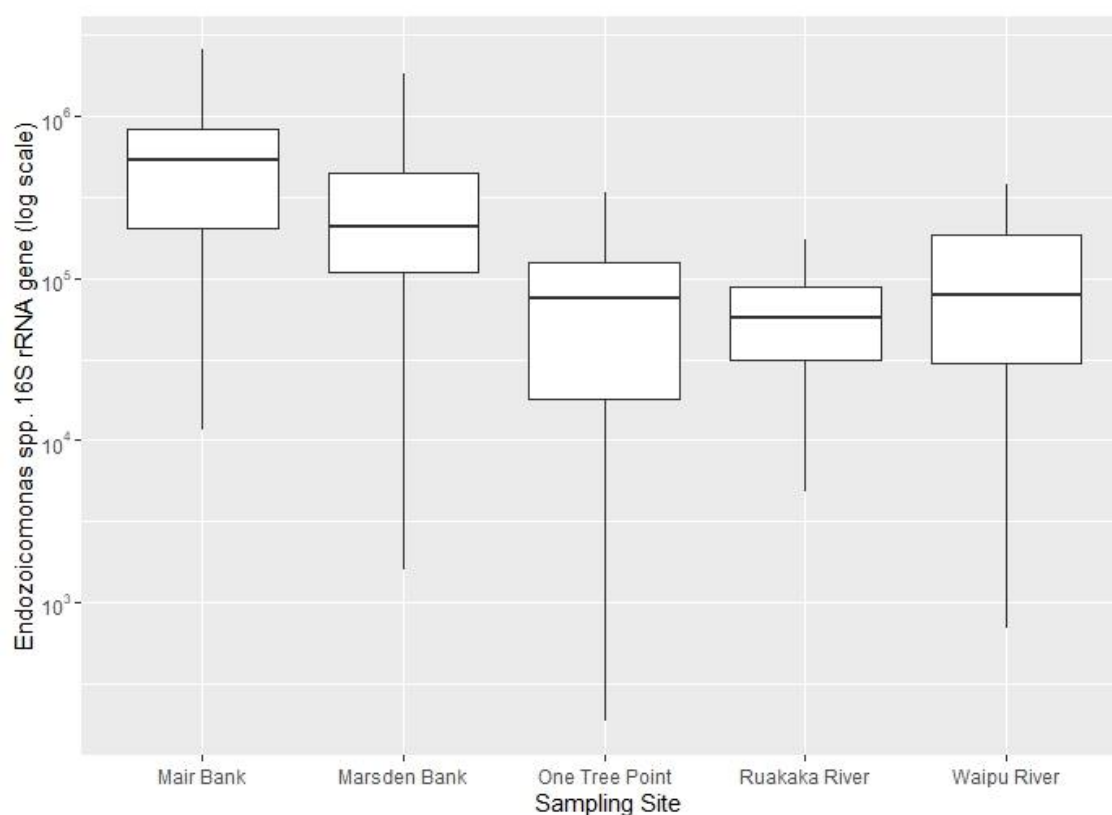


Figure 2 Comparison in log gene copy number of *Endozoicomonas* species between the five sites for pipi. Boxplots showing *Endozoicomonas* spp. 16S rRNA gene copy number comparison between the five sites. Line showing median; box showing interquartile range (IQR); whiskers showing minimum and maximum values.

Endozoicomonas species are an intracellular bacteria that have been identified in shellfish and have previously been associated with shellfish mortalities, however the bacteria has also been identified in healthy shellfish (previously called Rickettsia-like organisms or RLO). There is very little understanding around the effects this bacteria has on the health of shellfish, it will be important to continue to monitor the presence of *Endozoicomonas* species at these sites over time to determine what is “normal” and what may be a cause of concern.

Histology

Histological slides were prepared for each specimen collected. Histology is a useful tool to examine the overall health of an animal. For each animal, tissue sections were cut to capture all major tissues, including gill, digestive system, gonads, and connective tissues. The tissues were examined under a microscope for a general health screen. Described below are notable observations.

Mair Bank

All animals examined from Mair bank had abnormalities in their gills. Referring to figure 3, all animals had a high presence of mucus cells (mucus hyperplasia). The secretion of mucus by shellfish can be a defence mechanism to an irritant in the water. See summary section below. Irritants could include, chemicals, biological, e.g. parasites, or non-biological, e.g. sand. We cannot determine the type of irritant from looking the slides and to determine what the irritants may be would require wider environmental sampling and monitoring.

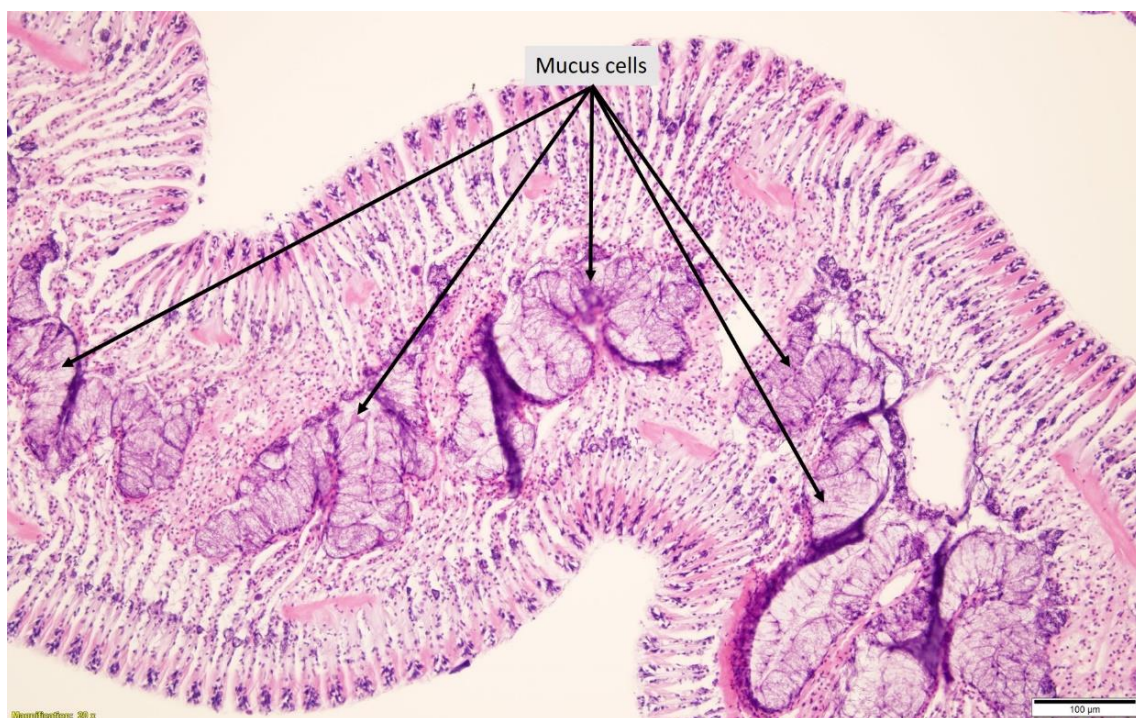


Figure 3 Gill of pipi showig excess secretion of mucus cells (stained purple), high haemocyte response throughout gill.

Intracellular bacteria were observed at a high intensity in the gills and/or digestive system in the majority of the samples (18/20, 90%). These intracellular bacteria are *Endozoicomonas* species. It is

likely the presence of *Endozoicomonas* species can affect feeding, and when present in the gills, respiration may be compromised (Figure 4).

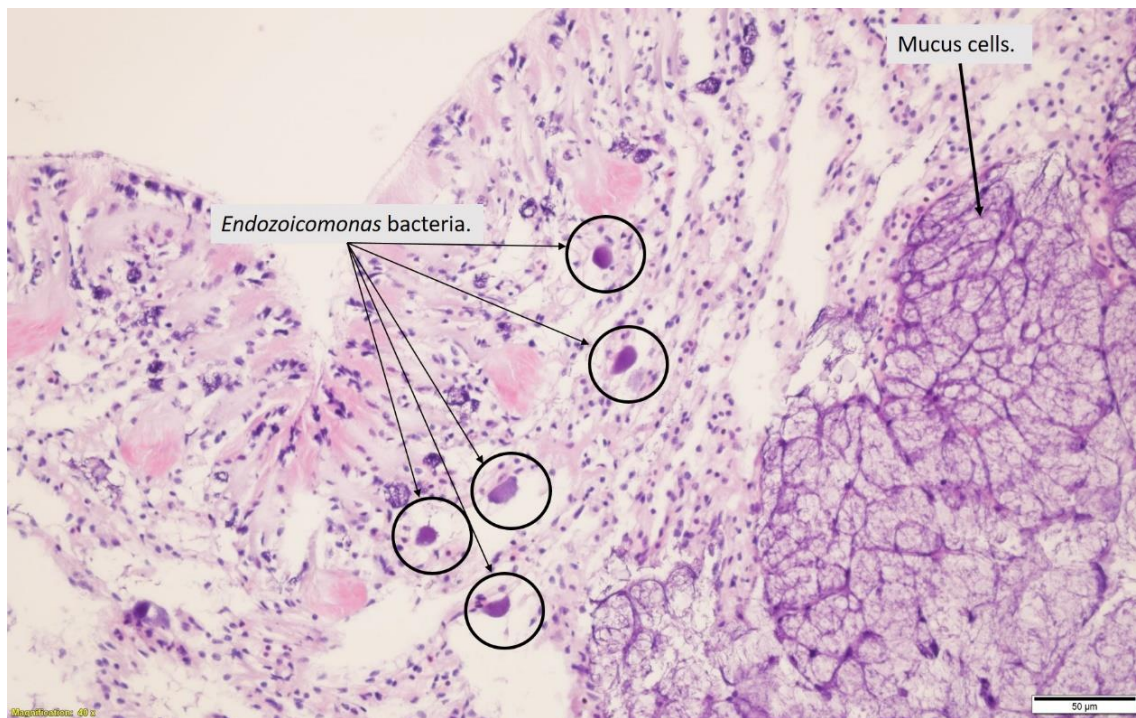


Figure 4 Gill of pipi showing heavy infection of *Endozoicomonas* and excess mucus secretion.

High haemocyte response (immune system response) was observed in the gills and the digestive glands of every animal examined at this site. No parasite or pathogen observed, the cause is unknown. Haemocyte response was associated with dying digestive tubules, see figure 5. This immune response may be in line with post-spawning. When the animal spawns they give all their energy to the production of their young and therefore, could be an immune response to aid the pipis survival.

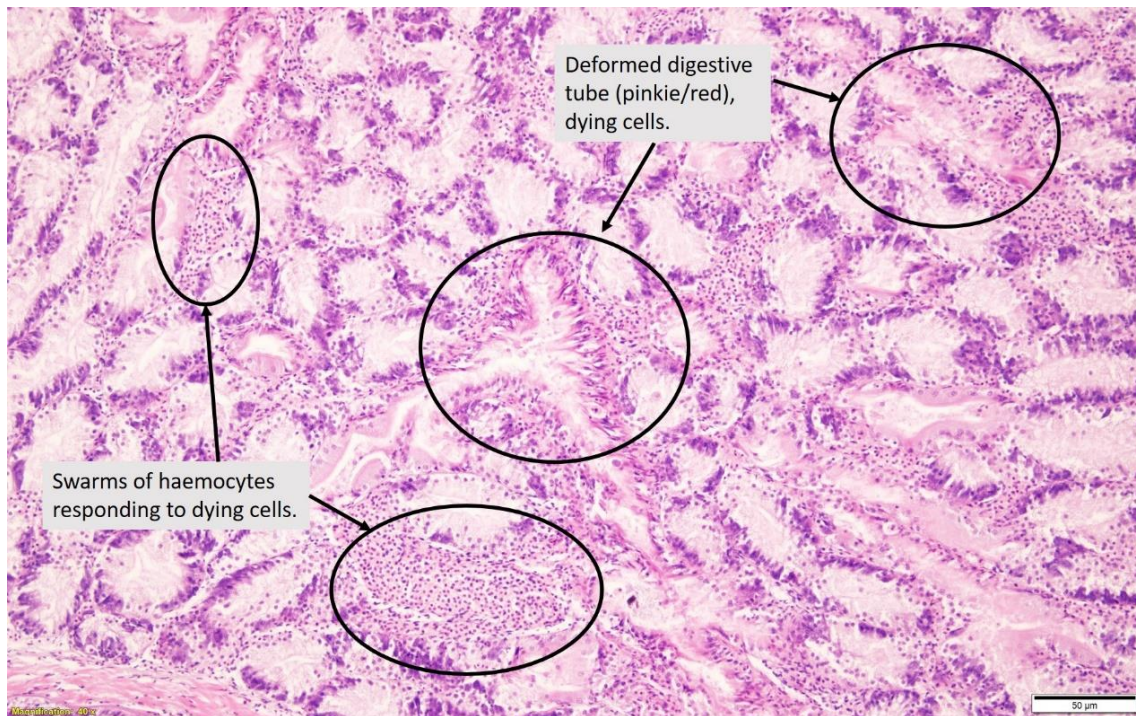


Figure 5 Pipi digestive tubes showing cell degeneration (red shrivelled tubes) and high haemocyte response associated with degenerated cells.

A notable observation of samples collected at this site was the presence of fungal-like and bacterial-like structures invading into the newly formed shells of the pipi (Figure 6). Unfortunately, identification of these structures was unsuccessful.

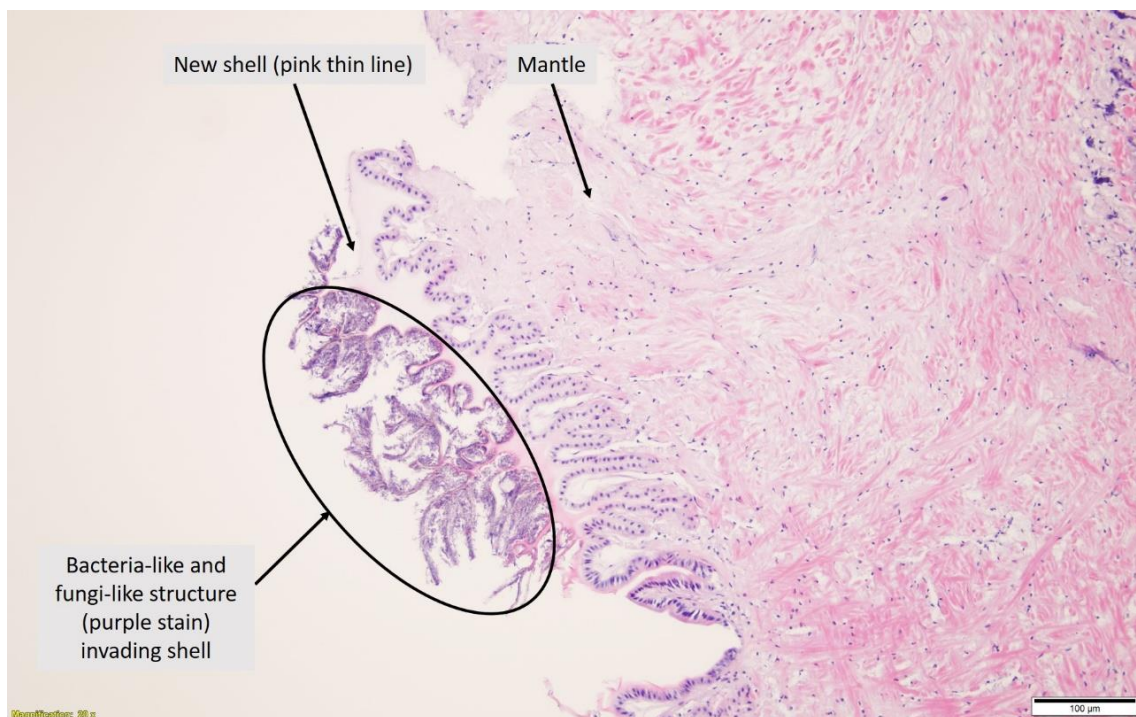


Figure 6 Photomicrograph of mantle showing cells secreting new shell from Mair Bank. Note the invasion at the new shell of bacterial-like and fungi-like structures.

Marsden Bank

All samples from this site showed similar findings to that from Mair Bank. All samples showed an increased presence of mucus cells in the gills and increased haemocyte response in the gills and digestive system. Digestive tubules had lost cell definition, an indication that pipi may not be feeding properly (Figure 7). *Endozoicomonas* species were observed at high intensity in the gills and/or digestive system in the majority of these samples (18/20, 90%). All samples were post-spawning.

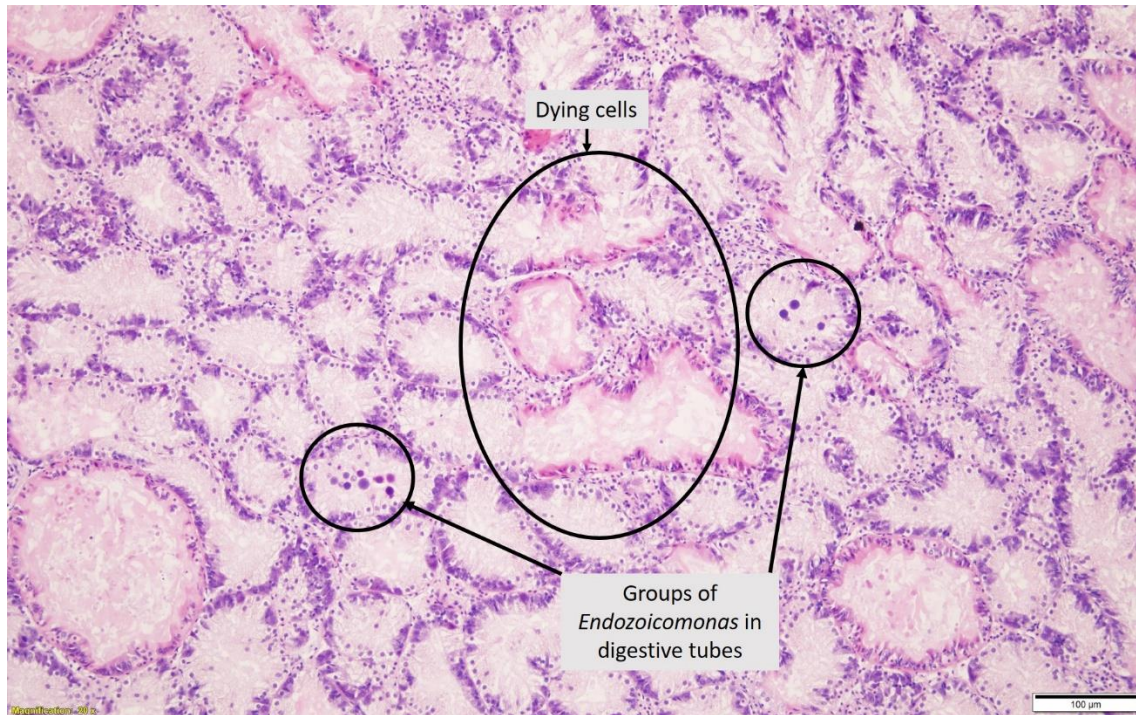


Figure 7 Digestive tubes in pipi showing dying cells (light pink stain) and loss of definition with haemocyte response throughout digestive system, groups of *Endozoicomonas* in tubules.

Parasites were observed in a few of the animals (Figure 8). This is a common finding in shellfish. Each separate body is a developing cecaria (motile free-living stage of the parasite) that will eventually rupture and move to find the second host of its lifecycle (possibly a fish or another invertebrate) where they will encyst, then that second host will then get eaten by a bird or another fish (the definitive host) allowing the parasite to complete its lifecycle.

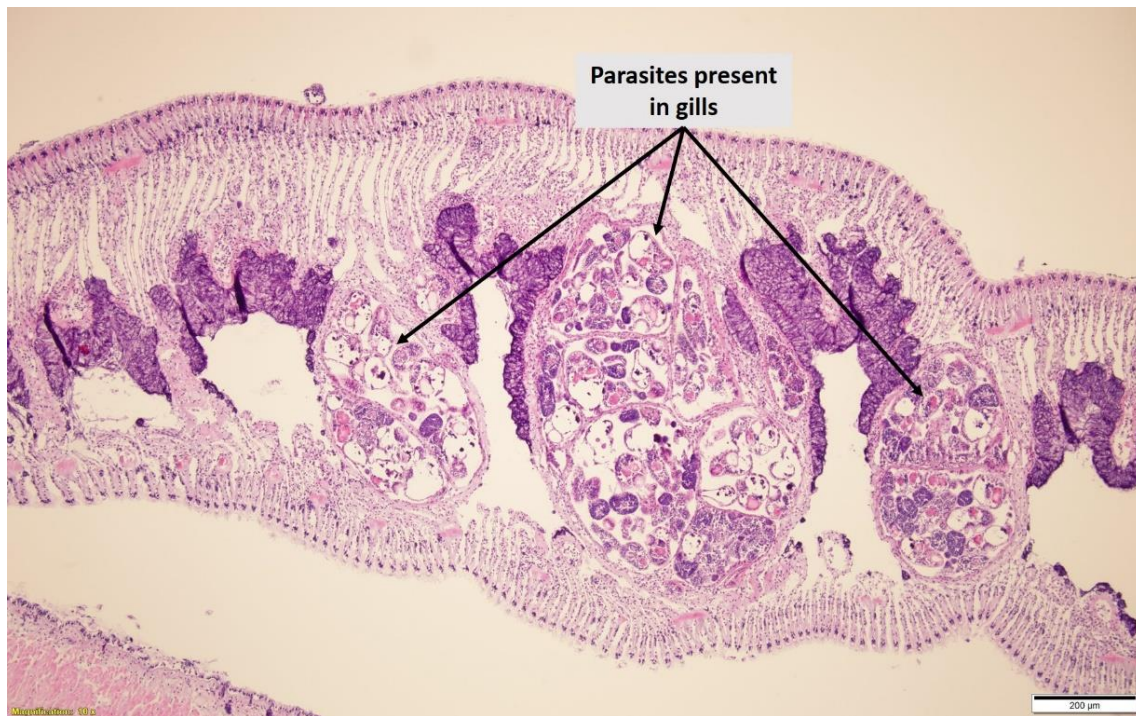


Figure 8 Pipi gills showing excessive parasites encysting within.

Observation of samples collected at this site included the presence of fungal-like and bacterial-like structures invading into the newly formed shells of the pipi (Figure 6).

One Tree Point

All samples showed an increased presence of mucus cells in the gills and increased haemocyte response in the gills and digestive system. Digestive tubules had lost cell definition and indicated that pipi could not be feeding properly (Figure 7). A similar number of animals from Mair and Marsden Banks had *Endozoicomonas* species present (17/20, 85%), however, the number of bacterial colonies present within the animals was much less than Mair and Marsden Bank based on histological observations. Observation of samples collected at this site included the presence of fungal-like and bacterial-like structures invading into the newly formed shells of the pipi (Figure 6).

Ruakaka River

All samples showed a mild to medium presence of mucus cells in the gills and an increased haemocyte response in the gills and digestive system. Parasites were observed in the mantle of a number of animals at this site (8/20, 40%). Ruakaka River showed the lowest number of animals with *Endozoicomonas* species present (14/20, 70%). Observation of samples collected at this site included the presence of fungal-like and bacterial-like structures invading into the newly formed shells of the pipi (Figure 6).

Waipu River

All samples showed a high presence of mucus cells in the gills and an increased presence of haemocyte response in the gills and digestive system. Parasites were observed in the mantle of a

number of animals at this site (6/20, 30%). A number of animals had *Endozoicomonas* species present (16/20, 80%), however, the number of bacterial colonies was similar to that of Mair and Marsden Bank. Observation of samples collected at this site included the presence of fungal-like and bacterial-like structures invading into the newly formed shells of the pipi (Figure 6).

Histology summary: The presence of mucus cells in the gills, haemocyte response in gills and digestive tracts (possibly related to spawning), and the presence of *Endozoicomonas* species were observed at all sites. The number of *Endozoicomonas* colonies were a lot less at One Tree Point and Ruakaka. The mucus response was observed to be much less at the Ruakaka site compared to the others.

Tuatua findings

Tests performed: *Endozoicomonas* PCR (molecular), and histology.

Observations

20 tuatua samples were collected at Ruakaka beach to have a look at their general health.

Molecular – *Endozoicomonas* PCR

Endozoicomonas species were detected in 18/20 tuatua collected from Ruakaka Beach. As qPCR is a quantitative test it can be used to estimate the number of bacteria present via the number of target gene copies detected. qPCR showed that the median number of *Endozoicomonas* species gene copies was 523.30, with a gene copy range between 21.97 and 27520. This data has not been compared against the pipi as it would not be that informative comparing the two different species.

Histology

Histology of these animals showed that they were generally healthier than the pipi. Tuatua did share some similar observations with the pipi but were less extreme. Majority of the samples showed a very low presence of mucus cells in the gills and a low haemocyte response in the gills and digestive system was also observed.

Summary

145 samples were collected from the Whangarei area to help monitor the pipi populations in this region. From the results of this collection it was observed that all five sites were experiencing similar effects at different levels, with the most intense mucus and haemocyte responses and presence of *Endozoicomonas* observed in pipi at the three harbour sites. However, the cause of the changes could not be identified and it is unknown whether it was associated with the post-spawning of the animals with reduced immune systems or whether there was another contributing factor. Parasites have been seen in a number of samples across the sites and as this collection is part of baseline surveillance it would be good to try to identify the parasites that encyst in pipi. This work will be investigated further across the series of collections.

This sample collection is part of a series of collection to build baseline health of animals in this region. It is anticipated with further sampling and improved procedures we can start to understand and interpret some of the changes we have identified. Monitoring this population across the seasons will help to identify whether some of the changes are part of the natural cycles experienced in pipi or related to some other contributing factor.

Background Literature

Mucus hyperplasia

Note: The following literature is based on findings from mainly finfish as there is very little literature available on mucus hyperplasia presence in shellfish.

Mucus hyperplasia is the excessive production of mucus. The secretion of the mucus is a defence mechanism of the animal. Mucus pushes foreign material (including bacteria) away from the surface of the gills and thus reduces their harmful impact and hinders tissue penetration by parasites. In addition, its proteinaceous components neutralise the physicochemical effects of many parasites (Strzyewska et al. 2016). However, this production of excessive mucus in the gills can have a number of negative effects on the animal, these include; damages to the structure of the gills to perform the primary functions, reduces surface area for oxygen exchange (Flores-Lopes and Thomaz 2011), and predisposes the gills to further bacterial colonisation (Girolamo et al. 1977).

The production of excess mucus secretion in an animal has a number of potential stimulants that include:

- Protozoa
- Parasites
- Bacteria
- Environmental toxins: ammonia, nitrite, heavy metals
- Poor water quality
- Pantothenic acid deficiency

Another known cause of damages to gills in aquatic animals is from the presence of harmful algal blooms (HABs). HABs can cause direct physical damage to the gills in fish which results in production of mucus, gills are the main target organ during a HAB (Shumway, Burkholder and Morton 2018). However, in shellfish it is thought that HABs don't directly cause damage to the gills, the production of mucus cells is more likely an indication of physiological stress by the individual animal (Gainey and Shumway 1988).

It is likely that the stimulants mentioned may not be causing direct damage to the health of shellfish but irregularities in the surrounding environment result in physiological stress, causing the animals to secrete excess mucus and predisposing them to secondary infections. If this is the case identifying the main contributing stimulant of the stress becomes very tricky.

From the observations under histology in the pipi from Whangarei the development of the mucus cells does not seem to be associated with anything in particular, there is no bacteria, pathogens or trapped sediment present in the gills and identifying one single stimulant is problematic.

References

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Flores-Lopes F and Thomaz A 2011. Histopathologic alterations observed in fish gills as a tool in environmental monitoring. *Brazilian Journal of Biology*, 71:179-188.

Gainey L and Shumway S 1988. A compendium of the responses of bivalve molluscs to toxic dinoflagellates. *Journal of shellfish Research*.

Shumway S, Burkholder J and Morton, S 2018. Harmful Algal Blooms: A Compendium Desk Reference

Shumway S and Cucci T 1987. The effects of the toxic dinoflagellate *Protogonyaulax tamarens* on the feeding and behaviour of bivalve molluscs. *Aquatic Toxicology*. 10:9-27.

Strzyzewska E, Szarek J and Babinska I 2016. Morphologic evaluation of the gills as a tool in the diagnostics of pathological conditions in fish and pollution in the aquatic environment: a review. *Veterinární Medicína*, 61:123-132.

Annexure Six: Collated written letters of approval

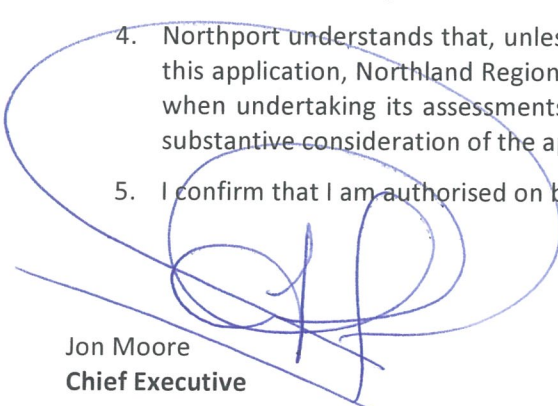
Tuesday 16th June 2020

Northland Regional Council
Private Bag 9021
Whangarei Mail Centre
Whangarei 0148

By email: info@nrc.govt.nz

WRITTEN APPROVAL OF NORTHPORT LIMITED IN RESPECT OF REFINING NZ RECONSENTING PROJECT

1. Northport Limited ("Northport") is the owner and operator of the port facility located at 21 Ralph Trimmer Drive, Ruakaka.
2. For the purposes of sections 95D(e), 95E(3)(a), and 104(1)(3)(a)(ii) of the Resource Management Act 1991 Northport provides its written approval to the resource consent application by the New Zealand Refining Company, trading as Refining NZ, to undertake the following activities at the refinery located at Marsden Point:
 - a. Discharges to air (stack, fugitive, abrasive blasting);
 - b. Discharges to the coastal marine area (waste/stormwater, groundwater);
 - c. Discharges to and within land to groundwater (spills, leaks, blasting, historic);
 - d. Taking of groundwater (groundwater depression wells); and
 - e. Occupation of the coastal marine area by Coastal structures (jetty, dolphins, spillway).
3. Northport confirms that the details of the application, including the resource consents sought, pre-application assessments undertaken by Refining NZ, and the conclusion of expert reports regarding the actual and potential effects of the application have been explained to it by Refining NZ. Northport has had the opportunity to review and consider the draft application documents.
4. Northport understands that, unless this approval is withdrawn before the hearing or determination of this application, Northland Regional Council must not have regard to any adverse effects on Northport when undertaking its assessments as to notification under sections 95D and 95E of the RMA, and its substantive consideration of the application under section 104 of the RMA.
5. I confirm that I am authorised on behalf of Northport to sign this written approval.



Jon Moore
Chief Executive

Copy to: Dave.Martin@refiningnz.com and Riaan.Elliot@refiningnz.com

2nd July 2020

Northland Regional Council

Private Bag 9021
Whangarei Mail Centre
WHANGAREI 0148

BY EMAIL info@nrc.govt.nz

WRITTEN APPROVAL OF BOC LIMITED IN RESPECT OF REFINING NZ RECONSENTING PROJECT

1. BOC Limited ("BOC") is the owner and operator of a Marsden Point CO₂ facility located on Mair Road, Ruakaka.
2. For the purposes of sections 95D(e), 95E(3)(a), and 104(1)(3)(a)(ii) of the Resource Management Act 1991, BOC provides its written approval to the resource consent application by the New Zealand Refining Company, trading as Refining NZ, to undertake the following activities at the refinery located at Marsden Point:
 - a. Discharges to air (stack, fugitive, abrasive blasting);
 - b. Discharges to the coastal marine area (waste/stormwater, groundwater);
 - c. Discharges to and within land to groundwater (spills, leaks, blasting, historic);
 - d. Taking of groundwater (groundwater depression wells); and
 - e. Occupation of the coastal marine area by Coastal structures (jetty, dolphins, spillway).

3. BOC confirms that the details of the application, including the resource consents sought, pre-application assessments undertaken by Refining NZ, and the conclusion of expert reports regarding the actual and potential effects of the application have been explained to it by Refining NZ. BOC has had the opportunity to review and consider the draft application documents.
4. BOC understands that, unless this approval is withdrawn before the hearing or determination of this application, Northland Regional Council must not have regard to any adverse effects on BOC when undertaking its assessments as to notification under sections 95D and 95E of the RMA, and its substantive consideration of the application under section 104 of the RMA.
5. I confirm that I am authorised on behalf of BOC to sign this written approval.



Hugh Jones
General Manager Onsite & Bulk New Zealand
BOC Limited
988 Great South Road, Penrose 1061
Auckland, New Zealand
Email hugh.jones@boc.com

Copy to: Dave Martin and Riaan Elliot of Refining NZ

Dave.Martin@refiningnz.com

Riaan.Elliot@refiningnz.com

AIR LIQUIDE NEW ZEALAND LIMITED
NATIONAL OFFICE
PO BOX 12-846
PENROSE, AUCKLAND 1642
NEW ZEALAND
Telephone 0-9-622-3880
Facsimile 0-9-622-3881

18th June 2020

Northland Regional Council
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WHANGAREI 0148

BY EMAIL info@nrc.govt.nz

**WRITTEN APPROVAL OF AIR LIQUIDE NEW ZEALAND LIMITED IN RESPECT OF REFINING NZ
RECONSENTING PROJECT**

1. Air Liquide New Zealand Limited ("Air Liquide") is the owner and operator of a Marsden Point CO₂ facility located on Mair Road, Ruakaka.
2. For the purposes of sections 95D(e), 95E(3)(a), and 104(1)(3)(a)(ii) of the Resource Management Act 1991, Air Liquide provides its written approval to the resource consent application by the New Zealand Refining Company, trading as Refining NZ, to undertake the following activities at the refinery located at Marsden Point:
 - a. Discharges to air (stack, fugitive, abrasive blasting);
 - b. Discharges to the coastal marine area (waste/stormwater, groundwater);
 - c. Discharges to and within land to groundwater (spills, leaks, blasting, historic);
 - d. Taking of groundwater (groundwater depression wells); and
 - e. Occupation of the coastal marine area by Coastal structures (jetty, dolphins, spillway).
3. Air Liquide confirms that the details of the application, including the resource consents sought, pre-application assessments undertaken by Refining NZ, and the conclusion of expert reports regarding the

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Telephone 0-9-622-3880
Facsimile 0-9-622-3881

actual and potential effects of the application have been explained to it by Refining NZ. Air Liquide has had the opportunity to review and consider the draft application documents.

4. Air Liquide understands that, unless this approval is withdrawn before the hearing or determination of this application, Northland Regional Council must not have regard to any adverse effects on Air Liquide when undertaking its assessments as to notification under sections 95D and 95E of the RMA, and its substantive consideration of the application under section 104 of the RMA.
5. I confirm that I am authorised on behalf of Air Liquide to sign this written approval.



Graham Morris
Operations and Engineering Manager
19 Maurice Road
Penrose
Auckland

Copy to: Dave Martin and Riaan Elliot of Refining NZ
Dave.Martin@refiningnz.com
Riaan.Elliot@refiningnz.com

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6 July 2020

Northland Regional Council
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Whangarei 0148



By email: info@nrc.govt.nz

**WRITTEN APPROVAL OF MARSDEN MARITIME HOLDINGS LIMITED IN RESPECT OF REFINING
NZ RECONSENTING PROJECT**

1. Marsden Maritime Holdings Ltd. ("MMH") is the owner of the following land titles, NA 540990, NA 59862, NA 145640, NA 383077, NA 203042, NA 145639, NA 642/135, NA 665393, NA 306255 and NZ 306256.
2. For the purposes of sections 95D(e), 95E(3)(a), and 104(1)(3)(a)(ii) of the Resource Management Act 1991 MMH provides its written approval to the resource consent application by the New Zealand Refining Company, trading as Refining NZ, to undertake the following activities at the refinery located at Marsden Point:
 - a. Discharges to air (stack, fugitive, abrasive blasting);
 - b. Discharges to the coastal marine area (waste/stormwater, groundwater);
 - c. Discharges to and within land to groundwater (spills, leaks, blasting, historic);
 - d. Taking of groundwater (groundwater depression wells); and
 - e. Occupation of the coastal marine area by Coastal structures (jetty, dolphins, spillway).
3. MMH confirms that the details of the application, including the resource consents sought, pre-application assessments undertaken by Refining NZ, and the conclusion of expert reports regarding the actual and potential effects of the application have been explained to it by Refining NZ. MMH has had the opportunity to review and consider the draft application documents.
4. MMH understands that, unless this approval is withdrawn before the hearing or determination of this application, Northland Regional Council must not have regard to any adverse effects on MMH when undertaking its assessments as to notification under sections 95D and 95E of the RMA, and its substantive consideration of the application under section 104 of the RMA.
5. I confirm that I am authorised on behalf of MMH to sign this written approval.

Yours faithfully,

A handwritten signature in black ink, appearing to read "F. Richter", is written over a faint, light blue circular stamp or watermark.

Felix Richter
CHIEF EXECUTIVE

8 Marsden Bay Drive, Marsden Point 0171
P O Box 196, Ruakaka 0151, New Zealand

Phone: 09 432 5033

Email: info@marsdenmaritime.co.nz

Website: www.marsdenmaritime.co.nz

WITHOUT PREJUDICE

5 May 2020

Dave Martin
Refining New Zealand
Private Bag 9024
Whangarei 0148

Dear Mr Martin

Re: Request for response on Refining New Zealand's pre-application for renewal of consents

Thank you for the opportunity to provide a response to the draft reports for renewal of consents for Refining NZ.

I have assessed the application and based upon the evidence from the reports provided and technical advice received from representatives who attended the briefing in Auckland on Monday 21 October 2019, the Department does not have any further comments on the proposed application at this stage - aside from information regarding emergency plans as detailed below.

The Department concludes that the current reports provided are sufficient to continue with processing of the application with regard to effects on the ecological values of fauna, flora and the adjoining coastal marine area (CMA) > Please note that this does not constitute affected party approval under section 95E of the Resource Management Act 1991.

Furthermore, I wish to inform you that we are still engaging with Iwi regarding this application so you can expect further correspondence from the Department while we navigate through this process.

As mentioned above, I am interested to know what emergency plans Refining NZ has in place should a natural disaster occur such as a tsunami and more specifically what measures have been taken to minimise the amount of oil discharged into the CMA during such an event. Do you have mitigation measures in place should oil reach protected islands and marine reserves or shorebird foraging or nesting areas within the harbour?

If you have any questions regarding this letter, please contact Community Ranger, Jaycee Tipene-Thomas at whangareicommunity@doc.govt.nz.

Yours sincerely

A handwritten signature in black ink, appearing to read "Sue Reed-Thomas". The signature is written in a cursive, flowing style with some capitalization.

Sue Reed-Thomas

Director, Operations
Northern North Island

Pursuant to delegated authority

Annexure 7: List of Parties Consulted, Materials utilised for Consultation and Record of Consultation

| Date | Stakeholder | Purpose | Present | Key Issues Discussed | Comments and outcomes |
|------------|--|--|---|--|--|
| 29/03/2019 | Patuharakeke ('PTB') | To give PBT an overview of the reconsenting project. | PTB: - Gilbert Paki ('GP'), Deborah Harding ('DH'), Dave Milner ('DMiln'), Julianne Chetham ('JC'), Guy Gudex ('GG'), Ani Pitman ('AP'), Jo Harmon ('JH') Refining NZ: Mike Fuge ('MF'), Napo Henare ('NH'), Julian Young ('JY'), Riaan Elliot ('RE'), Greg McNeill ('GMcN'), Jack Stewart ('JS'). | Refinery reconsenting - consents to be renewed | RE gave an outline to the PTB of the 16-20 consents being reapplied for - noting that the Proposal and associated applications are for the reconsenting of the status quo. RE noted that If there is potential for the application to be processed non-notified then the Company would consider the same JC stated that a cultural effects assessment ('CEA') would also be needed. It was noted that a more detailed discussion on the process is to be undertaken between JC and RE. |
| 9/05/2019 | Marsden Point Liaison Committee ('MPLC') | Regular meeting with Community representatives regarding Refinery discharges and other activities on the site. | Marilyn Berry (Urquhart's Bay), Alan Alcock (Ruakaka), Jan Boyes ('JB') (McLeod's Bay), NRC: Rick Stalwerk, Colin Dall, Obi Khanal, Stacey Wiseman Refining NZ: JS, RE | Refinery compliance for last six months. Update on crude dredging, jetty refurbishment, and replacement of consents | RE provided a summary of the Refinery Reconsenting Proposal and the plan to advance reconsenting earlier than required. Further, RE outlined the consents to be replaced and the technical assessments being undertaken. RE stated that Refining NZ is happy to meet with the various groups to go through the issues and technical assessments being undertaken. JB asked Refining NZ to attend a meeting at the Whangarei Heads set down for the 2nd Thursday of August 2019. |

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| 14/05/2019 | Ruakaka Residents and Ratepayers Association ('RRRA') | During AGM, presentation to members present on Refining NZ work towards replacing consents, providing a summary of experts engaged and technical assessments being undertaken. | Various members of Association (up to 50). Refining NZ: JS, JY, GM. | Proposal to renew consents early, summary of technical assessments and experts engaged and timeframes associated with when technical reports are likely to be available. | Refining NZ introduced the reconsenting Proposal, experts commissioned and anticipated timeframes. The RRRA raised questions regarding the term of consent. Refining NZ noted that it would be applying for a consent term of 35 years. Refining NZ stated that notification of applications was a matter for Council to decide. Refining NZ made a commitment to engage with RRRA again when technical reports had been completed. |
| 17/05/2019 | PTB | General and Reconsenting Proposal Update | PTB: GP, DH, DMiln, JC, AP, JH Refining NZ: NH, DM, JY, RE, GMcN, JS. | CSP CEA; Refining NZ project update; and Path moving forward | PTB noted: CSP had a good process to begin with, however PTB raised concern of past issues with CSP CEA, noting that the draft CEA was not included with the CSP application. Refining NZ apologised for not including draft CEA in CSP application. PTB stated they have Manawhenua status; expressed interest in strategy days and noted that they were currently very busy with PG applications, amongst other matters. PTB and Refining NZ agreed that it would be good to hold a future workshop re PTB / Refining NZ relationship. |

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| | | | | | <p>Refining NZ updated PTB on the reconsenting Proposal and other projects that the Company has underway including proposed investor strategy release.</p> <p>Refining NZ agreed that DM/RE/GMcN would catch up with JC to discuss way forward on Reconsenting project.</p> |
| 27/05/2019 | PTB | Reconsenting Project Engagement | <p>PTB: JC</p> <p>Refining NZ: RE, DM</p> | <p>DM/RE gave JC an update on current state of the technical reviews.</p> | <p>JC suggested Refining NZ hold separate hui with impacted parties</p> <p>RE noted that he would draft up a list and run this past JC).</p> <p>JC noted that Refining NZ could approach Janelle Beasley's WDC group as an option to address local hapū</p> <p>JC also suggested Refining NZ could ask Antoine Coffin to facilitate a hui and also advised PTB could prepare a CEA to meet Refining NZ timeframes (pending resources).</p> <p>JC agreed to advise RE of MPI contact for RE to approach re shellfish samples.</p> <p>RE advised may be able to use ARI to collect Fugitive emission badges</p> <p>It was agreed that it is good idea to set-up routine catch-up/progress meetings as was done for CSP.</p> <p>DM gave brief status update on CSP (turbidity monitoring).</p> |

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|------------|------------------------------|--|--|---|---|
| 26/06/2019 | Ngātiwai Trust Board ('NTB') | MOU Catch-up meeting | NTB: Hayden Edmonds Refining NZ: MF, GMcN, JY, JS, RE, DM | Updated NTB on current consenting and solar/wind/H2 projects. Discussed the option for Ngātiwai to produce a Cultural Impacts Assessment ('CIA') for the consenting project. | NTB advised that they considered that Patuharakeke should take the lead on any CIA given their local presence. |
| 1/07/2019 | PTB | Reconsenting project progress update | PTB: JC Refining NZ: GMcN, RE, DM | Refining NZ discussed the proposed consultation strategy associated with the consent project and provided an update on Refining NZ's appeal of proposed regional plan. | Refining NZ agreed to undertake a hui with Patuharakeke. JC confirmed that PTB should have a CEA proposal to Refining NZ by the 5 th of July 2019 and that PTB would have capacity to complete the CEA within Refining NZ timeframes. JC noted she would be able to provide assistance for Dr Francesca Kelly's (FK) (Environmental Health Effects Assessment) site visit and could provide a Marae visit. JC suggested that Refining NZ talk to WDC Te Huinga Maori Advisory Group and that they may be able to assist with setting up a pan Hapū hui. |
| 2/07/2019 | Northport | CSP update | Northport: Jon Moore ('JMoore'), Greg Blomfield ('GBlom'), Jae Staite Refining NZ: DM | During routine CSP update DM provided Northport with an update on the Refinery consenting Proposal. | DM advised Northport that Refining NZ would be back to talk to Northport when there was more analysis/data back from the experts commissioned as part of the consenting project. |
| 1/08/2019 | Te Huinga | Consultation to inform Te Huinga of intention to apply for | Representatives of Te Huinga Refining NZ: JS, GMcN | JS and GMcN summarised Refining NZ's intent to lodge its | JS and GMcN summarised the consenting Proposal and experts that Refining NZ has commissioned to |

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| | | replacement of consents. | | applications to re-consent the Refinery by the end of 2019. | <p>undertake assessments regarding the same.</p> <p>Refining NZ noted that intended to consult with the hapū of the harbour, having already commenced consultation with Patuharakeke and Ngātiwai.</p> <p>Refining NZ outlined its future plans for a solar farm and hydrogen.</p> <p>Further, Refining NZ explained the need to secure long-term consents.</p> <p>Feedback was provided from Te Huinga regarding the need to consider the wider picture when consulting with Iwi and be aware of the interrelationship between the sea and freshwater.</p> <p>Those in attendance at the meeting noted that they would go back to their relevant hapū and come back to Refining NZ on the best way to consult with the wider hapū of Whangarei Harbour. Further, it was noted that it may be possible to centralise a hui with all relevant Hapū. Additional advice was to be provided regarding the same.</p> |
| 7/08/2019 | Whangarei Heads Citizens Association ('WHCA') | Consultation to inform WHCA of intention to apply for replacement consents. | Representatives of WHDC, including: JB Refining NZ: JS, DM | <p>Refining NZ summarised its intent to lodge an application to replace the Refinery consents by the end of 2019.</p> <p>In addition, Refining NZ provided an update on</p> | <p>JB questioned proposed term of consents and noted this was for a long term. In response, Refining NZ noted that it was taking a long-term view on the life of the Refinery noting potential transition to green energy.</p> |

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| | | | | Solar and other company related activities | JB also expressed a little concern over the visual impact of the solar project from Mt Manaia. Refining NZ noted panels were designed to minimise reflection (and loss of solar radiation). |
| 4/09/2019 | Department of Conservation ('DoC') | Consultation to inform them of intention to apply for replacement of consents. | DoC - Sophie Kynman-Cole ('SKC'), Clinton Duffy ('CD') Refining NZ: DM, GM, RE | Refining NZ summarised its intent to lodge an application to replace the Refinery consents by the end of 2019. In addition, Refining NZ provided an update on Solar and other company related activities. | CD (marine) advised he would like early involvement with the technical reports etc (i.e. pre-lodgement). CD suggested Refining NZ considers analysis of eagle ray livers (given Orca food source). Eagle rays more likely to feed on shellfish and be local than other ray species. SKC to provide feedback on which expert areas DOC have interest in and the potential to consult directly with conservation board regarding the reconsenting Proposal. |
| 5/09/2019 | Marsden Maritime Holdings ('MMH') | Consultation to inform MMH of intention to apply for replacement of consents for the Refinery. | MMH: Felix Richter (FR) Refining NZ: JS, GMcN, RE, DM | Refining NZ summarised its intent to lodge an application to replace the Refinery consents by the end of 2019. In addition, Refining NZ provided an update on Solar and other company related activities. | |
| 25/09/2019 | Bream Bay College Board | Consultation to inform Bream Bay College Board of intention to apply for replacement of consents for the Refinery. | Representatives of Bream Bay College Board Refining NZ: RE, DM | Refining NZ summarised its intent to lodge an application to replace the Refinery consents by the end of 2019. | Bream Bay College Board raised some questions as to whether or not the expert studies undertaken had found anything unexpected. In response Refining NZ Indicated that generally the studies undertaken had |

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| | | | | In addition, Refining NZ provided an update on Solar and other company related activities | not found anything unexpected, however, some shellfish results had indicated that there was likely to be localised contamination. Refining NZ noted that further work is being undertaken as a consequence of the same. PFAs and WHO So2 guidelines were also discussed. |
| 17/10/2019 | Bream Heads Conservation Trust ('BHCT') | Project update | BHCT Board Refining NZ: GM, RE, DM | Meeting to explain the consenting project and project status update | |
| 17/10/2019 | PTB | Project update | PTB: JC Refining NZ: DM, RE, GMcN | Project status update and discussion regarding CEA | Refining NZ gave an update on anticipated draft report timelines. JC advised that the CEA may not be available until the of March 2020 given current workload but for Refining NZ to send the draft proposal for review. Refining NZ also provided an update on consultation, including with Tangata Whenua. JC noted that she would contact Hayden at Ngātiwai to reconfirm that NTB is happy for PTB to take the lead on the CEA for both. |
| 21/10/2019 | DoC | Update on Marine Ecology work being undertaken as part of the Proposal. | DoC: Clinton Duffy Refining NZ: DM, RE Boffa Miskell: Sharron De Luca | Refining NZ provided an update on the marine ecology work stream in terms of what investigations and analysis had been completed and what | Clinton Duffy advised of changes to staff at DoC. In terms of the timeframes associated with the Proposal, Refining NZ advised that a consultation draft may be a couple of weeks away. |

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| | | | | had been concluded to date. | |
| 1/11/2019 | Te Parawhau | Project update | <p>Te Parawhau - Mira Norris ('MNo'), Marina Fletcher ('MFletch'), Margaret Kay</p> <p>Refining NZ: RE, DM (by phone)</p> | Refining NZ provided overview of the consenting project. | <p>The provision of a CIA from Te Parawhau was discussed.</p> <p>Te Parawhau noted that they would like to have an independent review of the technical reports undertaken and their preference is to use Auckland Uniservices.</p> <p>Refining NZ offered to meet with Auckland Uniservices together with Te Parawhau as soon as practical to give an overview of the project and explain what studies had been commissioned by the Company.</p> <p>Te Parawhau noted that wider consultation should be considered after the independent reviews of the reports have been completed.</p> <p>Following the meeting with Te Huinga, a request for further contact was received from Ms Nikki Wakefield of the Rewarewa D Maori Incorporation, however she later deferred to MNo as the appropriate key point of contact.</p> |
| 13/11/2019 | Marine Reserve Advisory Committee | Project update | <p>Numerous representatives of the Marine Reserve Advisory Committee (including MNo and Samara Nicholas)</p> <p>Refining NZ: RE, DM</p> | Refining NZ provided a high level presentation on the consent being replaced and the technical reports that have been commissioned as part of the Proposal. | <p>A presentation was given the Marine Reserves Advisory Committee on those consents associated with the Refinery expiring in 2022 that the Company is planning to replace.</p> <p>As part of the presentation the various disciplines Refining NZ has</p> |

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| | | | | <p>Refining NZ highlighted the opportunity for access to the technical reports once available, and the ability to provide feedback on the reports.</p> | <p>commissioned to undertake technical assessments and how they are linked was discussed.</p> <p>Refining NZ indicated that once reports were ready, they would be available for the Marine Reserve Advisory Committee to view and that the Company would be happy to meet with the Committee again to discuss the reports.</p> <p>Refining NZ also discussed a possible expert day to be held in Whangārei so those interested can talk to the experts directly.</p> <p>MNo talked about independent assessment and the need for monitoring data. Refining NZ then provided an overview of the monitoring data available which is extensive.</p> <p>Samara Nicholas indicated that she would like to see the reports once they were available.</p> |
| 25/11/2019 | PTB | Project update | <p>PTB: JC</p> <p>Refining NZ: DM, RE</p> | <p>Refining NZ gave an update on the timing of draft technical reports, noting that it expected to release Air, Terrestrial and Landscape this week, with others following over the next few weeks.</p> | <p>JC advised she would likely review the technical reports in January 2020. She also advised that she would like access to any University of Auckland reviews performed by Te Parawhau</p> <p>JC the focus for independent reviews would likely be on the more technical reports</p> <p>It was agreed that it would be good to catch-up again at the end of January</p> |

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| | | | | | 2020 to discuss next steps and timing (e.g. timing associated with the hui) |
| 2/12/2019 | Northport | Project Update | Northport: JMoore, GBlom Refining NZ: DM | Refining NZ gave provided an update on Crude Shipping and Reconsenting Projects. Northport gave an update on key expansion projects | |
| 20/12/2019 | DoC, Northport, MMH, PTB, NTB, Te Parawhau | Provision of draft reports | Various parties Refining NZ | Refining NZ shared pre-application 'consultation draft' independent expert reports via email. | Various outcomes listed individually under each party as follows. |
| 15/01/2020 | Te Parawhau | Call to MNo's mobile to organise catch up and manage the provision of independent reports by Auckland Uniservices. | Te Parawhau: MNo Refining NZ: RE, DM | To discuss technical reports | No answer, a message was left for MNo to return call. |
| 15/01/2020 to 28/January 2020 | NRC | Provision of draft reports in various emails | NRC: Stuart Savill, Paul Maxwell NIWA: Ken Becker Refining NZ: DM, RE | Refining NZ provided pre-application 'consultation draft' independent expert reports to NRC and its technical experts at NIWA and Melean Absolum Ltd. | NRC's expert advisors undertook a pre-application review of those reports and provided feedback in February-March 2020. |
| 20/01/2020 | Te Parawhau | Email to MNo, MFletch regarding commissioning of a CIA | Te Parawhau: MNo, MFletch Refining NZ: RE, DM | Refining NZ asked MNo and MFletch if they had an update on the commissioning of peer review of Refining NZ technical reports by Auckland Uniservices. | Response to email received 12 th of February 2020 set out below. |

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| 4/02/2020 | Te Parawhau | Call to MNo's mobile asking for update on independent peer review by Auckland Uniservices. | Te Parawhau: MNo Refining NZ: RE, DM | Asking for update on independent peer review by Auckland Uniservices. | No answer left a message for her to ring back. |
| 12/02/2020 | PTB | Catch up on progress with PTB CEA and response from MNo (Te Parawhau). | PTB: JC Refining NZ: DM, RE, | Asked for advice on pursuing a response from MNo. | As a result of Meeting rang Jennifer Salmond of Auckland Uniservices and made an enquiry regarding the Proposal and review of the technical reports on behalf of Te Parawhau (MNo, Mfletch). |
| 12/02/2020 | Te Parawhau | Email reply to RE's phone call to MNo | Te Parawhau: MNo Refining NZ: RE | Technical report review | An email was received by RE from MNo on the 12 th of February 2020 setting out the she was to meet with Auckland Uni Services the following day regarding the peer review of the Refinery Information package on behalf of Te Parawhau. |
| 14/02/2020 | DoC | Meeting to discuss progress regarding DoC's technical report review | DOC: Jaycee Tipene-Thomas Refining NZ: DM, RE | DoC's Technical report review and associated feedback. | <p>DoC advised that they had almost completed reviewing the technical reports and were preparing a letter response noting no significant issues likely.</p> <p>However, DoC noted that their feedback may be delayed due to only having recently received the latest draft of the Environmental Health and Avian reports.</p> <p>DoC noted that they may also request Refining NZ incident response plans (Tsunami, Oil Spill etc) and that they had been in contact with Tangata Whenua groups (Patuharakeke, Ngātiwai and Te Parawhau) regarding the Proposal.</p> |

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| | | | | | RE offered to provide a site visit in the future if of interest |
| 25/02/2020 | Te Parawhau | Call to discuss recent meeting in Auckland and independent peer review by Auckland Uniservices. | Te Parawhau: MNo Refining NZ: RE | | RE called MNo on the 25 th on February 2020 for an update on the meeting that she had had with Auckland Uniservices. RE left a voicemail and followed the voicemail with an e-mail seeking an update on the independent peer review of the Refinery technical reports to be undertaken by Auckland Uniservices. |
| 25/02/2020 | Te Parawhau | Progress update request | Te Parawhau: MNo Refining NZ: RE | Email sent from RE to MNo requesting update CIA proposal. | RE enquired as to how Te Parawhau's meeting on the 13th February 2020 went and what the next steps were for the proposed Te Parawhau CIA. RE stated Refining NZ's objective to lodge resource consent application by the end of April 2020. |
| 27/02/2020 | Northland DHB ('NDHB') | Update on Refining NZ Reconsenting Project | NDHB: Gavin de Klerk (GdK) Refining NZ: DM, RE | Overview of the consents being applied for and technical assessments that Refining NZ had underway and had completed. | NDHB advised that they appreciated the early notification regarding the Proposal. They advised they would have to on send it to the Ministry of Health for advice on next steps (Medical Officer of Health). NDHB noted Refining NZ's lodgement timetable (end April 2020) and were doubtful that they would have a formal response by then but hoped that any significant issues could be raised prior to lodgement (if any). Refining NZ offered an electronic copy of the presentation with names of various consultants together with a copy of the health assessment |

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| | | | | | consultation draft report. (Sent 28/2/20). |
| | | | | | Refining NZ also offered to assist in any way as practical. |
| 27/02/2020 | Whangarei District Council ('WDC') | Update WDC on Refining NZ Reconsenting Project given Council's ownership of the Reserve land at Refining NZ's Site boundary | WDC: Sarah Irwin (SI) Refining NZ: DM, RE | Overview of the consents being applied for and technical assessments that Refining NZ had underway and completed. Location of WDC reserve and Refining NZ current works to look after WDC land (mowing, replanting, erosion mitigation/restoration). | Following a discussion around the technical reports that form part of the reconsenting Proposal, WDC advised they would discuss internally and get back to Refining NZ on reports that they were interested in reviewing. |
| 28/02/2020 | NDHB | Update on Refining NZ Reconsenting Project | NDHB: GdK Refining NZ: DM | Email from DM to GdK with copy of the presentation updated with details of the consultants engaged in the various disciplines and the Environmental Medicine assessment on Health Effects (consultation draft). | Email from DM to GdK with summary pack and a request for feedback to the same. |
| 28/02/2020 | Te Parawhau | Reconsenting Project and CIA status | Te Parawhau: MNo Refining NZ: RE | Email from MNo providing an update of engagement of Auckland Uni services | MNo informed RE that MFletch had confirmed a meeting with Refining NZ in Whangarei 20th March, and that Te Parawhau had started Information gathering re the reports required for the CIA. |
| 3/03/2020 | PTB | Reconsenting Project and CEA status | PTB: JC | Refining NZ gave an update on NRC peer | Refining NZ reiterated goal to lodge the reconsenting Proposal around end April |

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| | | | Refining NZ: DM, RE | reviews and consultation status with Te Parawhau (MNo/ MFletch) | <p>and asked if CEA would be completed by mid-April and if a hui should be undertaken prior to completion of CEA.</p> <p>It was noted that a hui with Te Parawhau might be some time off yet if the hui was required after review by Uniservices.</p> <p>JC to consider if PTB could carry on independently and either have a Patuharakeke only hui or just meet with Trust Board.</p> <p>JC noted she would discuss with Patuharakeke and advise Refining NZ over the next few days.</p> |
| 18/03/2020 | PTB | Relationship Agreement including consultation update | <p>PTB: JC, DMiln (by video conf)</p> <p>Refining NZ: GMcN, JS, JY, Chanelle Armstrong ('CA'), DM (part)</p> | DM gave an update of current status of Reconsenting Proposal and asked for advice on next steps for PTB CEA including process and likely timing. | <p>Both sides noted complexity of any hui requirement given Covid-19.</p> <p>JC noted may be value in getting Refining NZ and NRC experts together if any issues for further discussion.</p> <p>PTB advised that they would discuss the reconsenting Proposal with trustees next week and DM to liaise with JC after that.</p> |
| 19/03/2020 | Te Parawhau | Te Parawhau CIA proposal and status update | <p>Te Parawhau: MNo</p> <p>Refining NZ: DM, RE</p> | Update meeting was scheduled for 14:00 but was cancelled by Te Parawhau (MNo) on the morning of 19/3/20 given MFletch's unavailability | MNo noted by e-mail that she would try and set-up a call and get back to Refining NZ with a time regarding the same. |
| 30/03/2020 | WDC | Project status and WDC views | <p>WDC: SI</p> <p>Refining NZ: RE</p> | Email from SI of WDC to RE discussing WDC's views on the Proposal. | Email from SI stating that she had undertaken a review of the three technical assessments associated with |

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| | | | | | the reconsenting Proposal provided and had no issues with the assessments from the point of view of the adjacent Council Esplanade reserve. |
| 1/04/2020 | PTB | Project and CEA status update | PTB: JC Refining NZ: DM, RE | Provided update on peer review report status. | JC, DM and RE discussed CEA progress and the need for a hui or alternative given Covid-19 restrictions. |
| 3/04/2020 | Te Parawhau | Te Parawhau CIA proposal and status update | Te Parawhau: MNo, MFletch Refining NZ: RE, DM | Email sent from Refining NZ to Te Parawhau requesting a catch-up | email requested a catch-up to understand Te Parawhau status regarding the CIA proposal. |
| 14/04/2020 | NDHB | Update on NDHB view on the Proposal | NDHB: GdK Refining NZ: DM | Email sent from DM to GdK seeking an update on NDHB's views regarding the reconsenting Proposal | Email from DM to GdK seeking update on NDHB's feedback to the reconsenting Proposal and any queries to the same. |
| 16/04/2020 | PTB | CEA status | PTB: JC Refining NZ: DM, RE, Enspire: Gavin Kemble | Meeting to discuss: approach to provide draft AEE and summary information to Patuharakeke. Potential for remote 'zui or zoom hui' between experts and PTB working party, and, CEA update | At the meeting the best approach to provide JC with the draft AEE and Proposal documentation and how best to provide report summary information for JC to share with her working party was discussed. Refining NZ provided an update on NRC and DOC peer reviews noting that NRC had decided to peer review only some of the technical reports. Refining NZ noted that the Public health report had been sent to NDHB but that there may be some time before feedback would be received Also discussed tentative timing for potential remote zui between experts and PTB working party. |

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| | | | | | JC discussed CEA timing - noting the the CEA would hopefully be completed before end May 2020 (dependent on peer reviews). |
| 22/04/2020 | Te Parawhau | Te Parawhau CIA proposal and status | Te Parawhau: MNo, MFletch Refining NZ: RE | Email from RE to MNo and MFletch requesting update from them regarding the CIA proposal. | RE enquired if MNo and MFletch could provide an update on progress made towards Te Parawhau's independent assessment of the Refinery expert reports and associated CIA. |
| 5/05/2020 | DoC | Letter of response | DoC: Sue Reed-Thomas Refining NZ: DM | Letter from DoC to DM regarding Refining NZ's request for response on renewal of consents | <p>Email from Sue Reed-Thomas (DoC) to DM:</p> <p>Ms Reed-Thomas stated that she had assessed the reconsenting Proposal based upon the evidence provided within the technical reports provided and technical advice received from representatives who attended the briefing in Auckland on Monday 21 October 2019. Ms Reed noted that DoC didn't have any further comments on the reconsenting Proposal at this stage - aside from information regarding emergency plans as detailed below.</p> <p>MS Reed concluded that DoC considers that the current reports provided are sufficient to continue with processing of the resource consent application associated with the reconsenting Proposal with regard to effects on the ecological values of fauna, flora and the adjoining coastal marine area (CMA), however noted that the letter does not constitute affected party approval under section 95E of the</p> |

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| | | | | | <p>Resource Management Act 1991.</p> <p>Ms Reed noted that DoC has an interest in what emergency plans Refining NZ has in place should a natural disaster occur such as a tsunami and more specifically what measures have been taken to minimise the amount of oil discharged into the CMA during such an event.</p> |
| 9/05/2020 | PTB | Zoom Hui | <p>PTB: JC, DMiln, Brendon Chetham, Katrina Hammon, Taryn Shirkey, Steve Johnson, Ari Carrington, Renae Niha, Eugene Smith, Lisa Minhinnick, Shilane Shirkey</p> <p>Independent Experts: Richard Chilton (T&T), Tim Martin (Wildlands), Sarah Schiess (T&T), Mike Stewart (Streamlined), Sharon De Luca (Boffa Miskell), Deanna Clement (Cawthron Inst.), FK (Env Medicine), Antione Coffin (Te Onewa)</p> <p>Refining NZ: JS, DM, RE</p> | <p>Zoom Hui to discuss the re consenting Proposal. PTB working group put questions to the independent experts</p> | <p>Various questions from PTB Working group members and responses from Refining NZ and independent experts. (Refer to Hui notes in annexure 5 of the AEE)</p> <p>Closing comments from DMiln:</p> <ul style="list-style-type: none"> • PTB look to RNZ to be a champion in environmental matters going beyond requirements • Believe PTB involvement in environmental management is necessary • Looking for meaningful engagement through the Relationship Agreement (R/A) • Site (Refinery/Marae) visits part of RA process • PTB would like to be involved in sampling/monitoring to build trust in the process/data • Consent term spanning 3 generations is a key issue. Needs a mechanism to review. |

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| | | | | | Post Meeting Actions <ul style="list-style-type: none"> • Provide copy of all consents (RE) • Provide Takahiwai air quality assessment results versus NES (Richard Chilton) • Provide copy of water quality sites (Mike Stewart) – see below • Provide Sharon De Luca and RNZ with copy of recent Biosecurity NZ reports (JC) • Provide feedback to the Strategic Review Team on PTB's request for involvement in the process (JS) • Provide any additional questions (JC) • Continue to keep engaging with Patuharakeke on the reconsenting project (DM/RE) |
| 14/05/2020 | Te Parawhau | Te Parawhau CIA proposal and status and offer of summary pack | Te Parawhau: MNo, MFletch Refining NZ: RE | Email from RE to MNo and MFletch seeking update on CIA proposal | <p>RE informed MNo and MFletch of the latest updates regarding the reconsenting Proposal. RE made an offer to share the latest expert reports and summary pack with Te Parawhau</p> <p>RE informed MNo and MFletch that the wider community consultation regarding the reconsenting Proposal was to follow and that Refining NZ aims to lodge its reconsenting application and associated reports before the end of June 2020.</p> <p>RE asked if MNo and MFletch could provide a progress update as Refining NZ had not yet received a formal CIA</p> |

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| | | | | | proposal from Te Parawhau |
| 20/05/2020 | NDHB | Update on NDHB view on the Proposal | NDHB: GdK Refining NZ: DM | Email sent from DM to GdK as to whether Nga Tai Ora - Public Health Northland (NTO-PHN) had any comments to the reconsenting Proposal and associated information provided to the same. | No Comments |
| 26/05/2020 | PTB | Catch-up on CEA progress | PTB: JC Refining NZ: DM, RE | Meeting between JC, RE and DM to discuss timeframe for CEA delivery | JC expected draft CEA to be delivered in around 2 weeks' time, but may take a couple pf weeks to get finalised with sign-off. JC commented that air discharge assessment had a lot of elements to it and may want to better understand it. Refining NZ suggested JC call Richard Chilton. Finally, JC stated that she would like some statement paragraph from Refining NZ on CO2 emissions background (given comments during zoom hui). |
| 27/05/2020 | NTB | Reconsenting update email | NTB: Jim Smillie Refining NZ: RE | RE provided copy of detailed presentation pack and offer to meet and/or provide reports. RE noted Refining NZ understanding that Ngātiwai have deferred CIA to Patuharakeke. Noted Zoom Hui had been held with PTB . | RE provided an update to Jim Smillie of NTB by email regarding the reconsenting Proposal. The email addressed the following: 1. Technical reports completed to a draft for consultation stage. 2. Reports have been circulated to NRC, Patuharakeke and others. 3. NRC experts have reviewed the reports and come back with observations and comments which |

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| | | | | | <p>Refining NZ have responded to.</p> <p>4. A Hui with the PTB working group was held using the Zoom collaboration app.</p> <p>5. The slide presentation from the zoom hui was attached for NTB's information.</p> <p>6. Refining NZ also asked if NTB are still deferring to Patuharakeke for the CIA and associated findings</p> |
| 27/05/2020 | NTB | Reconsenting update email | <p>NTB: Jim Smillie</p> <p>Refining NZ: RE</p> | Email from Jim Smillie to RE regarding NTB position on the reconsenting project. | In an email from Jim Smillie, NTB confirmed they do not need a presentation and are happy to support the Patuharakeke CEA. |
| 27/05/2020 | Northport | Reconsenting update | <p>Northport: JMoore, GBlom, Brett Hood</p> <p>Refining NZ: JS, RE, DM</p> | <p>Meeting discussion</p> <p>Refining NZ provided an update on strategic review and on the reconsenting project and walked through a number of key slides in the presentation pack.</p> | Northport noted that they would to provide a letter expressing comfort with regard to the reconsenting Proposal - the letter will state Refining NZ have met with Northport and made reports available, together with offering a meeting with the technical experts associated with the reconsenting Proposal. |
| 5/06/2020 | BHCT | Refining NZ Update | <p>BHCT: Greg Innes ('GI')</p> <p>Refining NZ: JS, RE, DM</p> | <p>Refining NZ met with GI to give him an update on current state of Refining NZ business and its Strategic Review.</p> <p>Also discussed the upcoming Reconsenting update to BHCT scheduled for 11/6/20 (presentation pack pre-read sent out) and to</p> | The meeting was held regarding general business and the strategic review and that Refining NZ also noted the upcoming reconsenting meeting. |

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| | | | | catch-up on Refining NZ focal points | |
| 8/06/2020 | Carter Holt Harvey ('CHH') | Reconsenting update - summary pack | CHH representatives Refining NZ: DM, RE | Provision of the Proposal Summary Pack via email. | CHH requested copies of the relevant draft reports which were provided by Refining NZ on the 12 th of June 2020. No further comment received. |
| 10/06/2020 | MMH | Reconsenting Project Update | MMH: FR Refining NZ: RE, DM | Meeting to discuss Refining NZ Summary Pack (sent in advance of meeting) outlining results from draft expert reports | FR did not have any specific issues and noted that MMH may provide written approval to the reconsenting Proposal. |
| 11/06/2020 | BHCT | Refining NZ Update | BHCT: GI and committee including Sheryl Mai Refining NZ: JS, ER, DM | Refining NZ met with BHCT Trustees/Committee and updated those at the meeting on Refining NZ Strategic Review and reconsenting Proposal. | In the meeting BHCT noted that they would request any technical reports of interest and any questions that they had regarding the same (summary presentation had been sent out prior to meeting). BHCT asked about notification. Refining NZ advised this was ultimately an NRC decision. BHCT also noted proposed term of consent and thought some review period may be required. |
| 11/06/2020 | MPLC | Refining NZ Update | MPLC representatives Refining NZ: Ellie Martell ('EM'), CA, JS, RE, DM | Refining NZ gave an update on Refining NZ Strategic Review and Reconsenting project as part of the broader meeting | The attendees discussed the summary pack which had been provided in April 2020. The outcome of this discussion was that RNZ was to set-up meetings with both WHCA and Ruakaka Residents and Ratepayers Association ('RRRA') (we note that the meeting with RRRA may take place post-lodgement) |

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| 15/06/2020 | NDHB | Reconsenting Project Update | NDHB: GdK Refining NZ: DM | Email sent from DM to Gavin de Klerk, follow up whether NTO-PHN had any comments | NDHB responded on the 30 th of June that they did not have any comments yet. |
| 16/06/2020 | BOC Gas | Meeting to seek written approval | BOC: Jonathon Trevor, Nick Mulligan Refining NZ: BM, RE | BM and RE met with representatives of BOC Gas to discuss the reconsenting project. | BOC Gas confirmed that it did not have any concerns regarding the Proposal. |
| 16/06/2020 | Northport | Written approval | Northport: JMoore NRC Refining NZ: DM, RE | Written approval letter received. | The letter received from JMoore of Northport on the 16 th of June 2020 set out the following: Northport provides its written approval to the resource consent application by New Zealand Refining Company (Refining NZ): Discharges to air; Discharges to the CMA; Discharges to and within land to groundwater; taking of groundwater; occupation of the CMA by Coastal structures. |
| 17/06/2020 | Wiri Oil Services Limited ('WOSL') | Email requesting reports | WOSL: Gary Kirkland-Smith (GKS) Refining NZ: JS, RE, DM | WOSL requested relevant technical reports before providing comment on the Proposal. | GKS requested the Air Quality, Environmental Health, Groundwater and Contaminated Land, and Water Quality reports. DM provided them to WOSL on the 18 th of June 2020. |
| 18/06/2020 | Air Liquide | Written approval | Air Liquide Refining NZ | Written approval for the proposal | Written approval was provided by Air Liquide to Refining NZ on the 18 th of June 2020. |
| 19/06/2020 | PTB | Draft CEA | PTB: JC Refining NZ: DM, RE | Draft CEA provided by PTB to Refining NZ | No comment. |
| 22/06/2020 | NDHB | Email to request more time to consider information | NDHB: GdK Refining NZ: DM | An email sent from GdK to DM, requesting more time to consider Refining NZ's application. | GdK stated that reports were referred to a team member who will prioritise this work. |

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| 23/06/2020 | WDC | Email seeking progress update | WDC: SI Refining NZ: RE | Email from RE to SI seeking an update on affected party approval | No comment. |
| 24/06/2020 | BOC Gas | Meeting | BOC: Jonathon Trevor, Robert Hilliam RNZ: DM, RE T&T - Richard Chilton Env. Med: FK | Richard/FK responded to BOC questions on air quality and potential health effects (had seen summary presentation, expert reports and modelled air data results at their site) | BOC questioned if Refining NZ did any internal monitoring of staff, which RE was going to check what is done as part of Refining NZ staff annual medical assessments and if any underlying trends that would indicate health issues. BOC also questioned value of additional monitoring station to the south/west of Refining NZ location. RE advised Refining NZ was considering setting up the hotspare station at NRC air monitoring site at Bream Bay College. |
| 24/06/2020 | PTB | Draft CEA and next steps | PTB: JC Refining NZ: RE, DM | Discussed draft CEA outcomes and potential mitigations as well as link with proposed relationship agreement | No comment. |
| 30/06/2020 | NDHB | Email | NDHB: Jo Dones RNZ: DM | Email from Jo Dones to DM stating final comments are due soon. | An email from Jo Dones, NDHB informed DM that she had reviewed the draft of the AEE that had been provided by Refining NZ, and also the Environmental Health Effects Assessment, and was awaiting a peer review discussion of her findings before NDHB provided any comment to Refining NZ. |
| 30/06/2020 | WOSL | Email | WOSL: GKS Refining NZ: DM | WOSL requested to view the AEE in its current state | DM provided the latest version of the draft AEE to GKS on the same day. DM informed WOSL of the intention to lodge the application in early July 2020 |

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| 2/07/2020 | BOC Gas | Written Approval | BOC: Hugh Jones Refining NZ: RE, DM | Email to NRC from BOC (refining NZ copied in) outlining approval for the reconsenting Proposal. | BOC provided its written approval to the reconsenting Proposal by the New Zealand Refining Company, trading as Refining NZ, to undertake the activities associated with the Refinery located at Marsden Point on the 2 nd of July 2020. |
| 2/07/2020 | WDC | Email | WDC: SI Refining NZ: RE | Email from SI to RE seeking final application documents prior to providing affected party approval | WDC indicated that it is prepared to provide affected Party approval but will need to do a final review the application document for completeness. |
| 6/07/2020 | MMH | Written Approval | MMH: FR NRC Refining NZ | Letter from FR to NRC (Refining NZ copies in) providing approval in respect of Refining NZ Reconsenting Proposal. | The letter provided by MMH stated that MMH provides its written approval to the resource consent application by the New Zealand Refining Company, trading as Refining NZ, to undertake the following activities at the refinery located at Marsden Point: a. Discharges to air (stack, fugitive, abrasive blasting); b. Discharges to the coastal marine area (waste/stormwater, groundwater); c. Discharges to and within land to groundwater (spills, leaks, blasting, historic); d. Taking of groundwater (groundwater depression wells); and e. Occupation of the coastal marine area by Coastal structures (jetty, dolphins, spillway). |
| 08/07/2020 | WHCA | Reconsenting project status update | WHCA: refer WHCA minutes RNZ: EM, CA, RE, DM | RNZ gave an update on the reconsenting project specifically with regard to the expert reviews and findings (summary pack). In response to questions | A number of questions were raised and answered during the meeting. RNZ made the offer to provide any expert reports of interest and put people in touch with the relevant expert if needed. |

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| | | | | RNZ also gave an update on the Strategic Review | |
| 09/07/2020 | NDHB | Email | NDHB: Jo Dones Refining NZ: DM | Email from NDHB regarding capacity issue, unable to fully review or comment on Refining NZ reconsenting project. | Due to an exceptional year of public health issues, NDHB had no capacity to fully evaluate the proposal and provide comment. Requested to be kept up to date with progress, particularly if assistance is required from NDHB. |

Annexure Eight: New Zealand Coastal Policy Statement

| Objectives | Policies |
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| <p>Objective 1 To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:</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>Policy 5 - Land or waters managed or held under other Acts 1) Consider effects on land or waters in the coastal environment held or managed under: 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> <p>Policy 11 - Indigenous biological diversity (biodiversity) To protect indigenous biological diversity in the coastal environment: a) avoid adverse effects of activities on: (i) indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists; (ii) taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened; (iii) indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare; (iv) habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare; (v) areas containing nationally significant examples of indigenous community types; and (vi) areas set aside for full or partial protection of indigenous biological diversity under other legislation; and b) avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on: (i) areas of predominantly indigenous vegetation in the coastal environment; (ii) habitats in the coastal environment that are important during the vulnerable life stages of indigenous species; (iii) indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh; (iv) habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes; (v) habitats, including areas and routes, important to migratory species; and (vi) ecological corridors, and areas important for linking or maintaining biological values identified under this policy</p> <p>Policy 21 - Enhancement of water quality Where the quality of water in the coastal environment has deteriorated so that it is having a significant adverse effect on ecosystems, natural habitats, or water based recreational activities, or is restricting existing uses, such as aquaculture, shellfish gathering, and cultural activities, give priority to improving that quality by: a) identifying such areas of coastal water and water bodies and including them in plans;</p> |

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| | <ul style="list-style-type: none"> b) including provisions in plans to address improving water quality in the areas identified above; c) where practicable, restoring water quality to at least a state that can support such activities and ecosystems and natural habitats; d) requiring that stock is excluded from the coastal marine area, adjoining intertidal areas and other water bodies and riparian margins in the coastal environment, within a prescribed time frame; and e) engaging with tangata whenua to identify areas of coastal waters where they have particular interest, for example in cultural sites, wāhi tapu, other taonga, and values such as mauri, and remedying, or, where remediation is not practicable, mitigating adverse effects on these areas and values. |
| | <p>Policy 23 - Discharge of contaminants</p> <ul style="list-style-type: none"> 1) In managing discharges to water in the coastal environment, have particular regard to: <ul 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 f) minimise adverse effects on the life-supporting capacity of water within a mixing zone. 2) In managing discharge of human sewage, do not allow: <ul style="list-style-type: none"> a) discharge of human sewage directly to water in the coastal environment without treatment; and b) the discharge of treated human sewage to water in the coastal environment, unless: <ul style="list-style-type: none"> (i) there has been adequate consideration of alternative methods, sites and routes for undertaking the discharge; and (ii) informed by an understanding of tangata whenua values and the effects on them. 3) Objectives, policies and rules in plans which provide for the discharge of treated human sewage into waters of the coastal environment must have been subject to early and meaningful consultation with tangata whenua. 4) In managing discharges of stormwater take steps to avoid adverse effects of stormwater discharge to water in the coastal environment, on a catchment by catchment basis, by: <ul style="list-style-type: none"> a) avoiding where practicable and otherwise remedying cross contamination of sewage and stormwater systems; b) reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment and by controls on land use activities; c) promoting integrated management of catchments and stormwater networks; and d) promoting design options that reduce flows to stormwater reticulation systems at source. 5) In managing discharges from ports and other marine facilities: |

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| | <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; and d) consider the need for facilities for the collection of sewage and other wastes for recreational and commercial boating |
| <p>Objective 2 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>Policy 13 - Preservation of natural character</p> <ul style="list-style-type: none"> 1) To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development: <ul 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. 2) Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as: <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. <p>Policy 14 - Restoration of natural character Promote restoration or rehabilitation of the natural character of the coastal environment, including by:</p> <ul style="list-style-type: none"> a) identifying areas and opportunities for restoration or rehabilitation; b) providing policies, rules and other methods directed at restoration or rehabilitation in regional policy statements, and plans; c) where practicable, imposing or reviewing restoration or rehabilitation conditions on resource consents and designations, including for the continuation of activities; and recognising that where degraded areas of the coastal environment require restoration or rehabilitation, possible approaches include: <ul style="list-style-type: none"> (i) restoring indigenous habitats and ecosystems, using local genetic stock where practicable; or |

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| | <ul style="list-style-type: none"> (ii) encouraging natural regeneration of indigenous species, recognising the need for effective weed and animal pest management; or (iii) creating or enhancing habitat for indigenous species; or (iv) rehabilitating dunes and other natural coastal features or processes, including saline wetlands and intertidal saltmarsh; or (v) restoring and protecting riparian and intertidal margins; or (vi) reducing or eliminating discharges of contaminants; or (vii) removing redundant structures and materials that have been assessed to have minimal heritage or amenity values and when the removal is authorised by required permits, including an archaeological authority under the Historic Places Act 1993; or (viii) restoring cultural landscape features; or (ix) redesign of structures that interfere with ecosystem processes; or (x) decommissioning or restoring historic landfill and other contaminated sites which are, or have the potential to, leach material into the coastal marine area. |
| | <p>Policy 15 - Natural features and natural landscapes To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:</p> <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; (ix) historical and heritage associations; and (x) wild or scenic values; d) ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and |

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| | <p>e) including the objectives, policies and rules required by (d) in plans.</p> |
| <p>Objective 3 To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:</p> <ul style="list-style-type: none"> • recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources; • promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act; • incorporating mātauranga Māori into sustainable management practices; and • recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua. | <p>Policy 2 - The Treaty of Waitangi, tangata whenua and Māori heritage In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:</p> <ul style="list-style-type: none"> a) recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations; b) involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori; c) with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga 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; d) provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga¹, may have knowledge not otherwise available; e) take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and <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; f) provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as: <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 |

¹ Defined in the Glossary as a person skilled or versed in the customary and traditional knowledge, tikanga, arts, histories and genealogies of a particular iwi or hapū.

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| | <p>taiāpure, mahinga mātaītai or other non-commercial Māori customary fishing; and</p> <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> <p>(i) recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments; and</p> <p>(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.</p> <p>Policy 17 - Historic heritage identification and protection Protect historic heritage in the coastal environment from inappropriate subdivision, use, and development by:</p> <p>a) identification, assessment and recording of historic heritage, including archaeological sites;</p> <p>b) providing for the integrated management of such sites in collaboration with relevant councils, heritage agencies, iwi authorities and kaitiaki;</p> <p>c) initiating assessment and management of historic heritage in the context of historic landscapes;</p> <p>d) recognising that heritage to be protected may need conservation;</p> <p>e) facilitating and integrating management of historic heritage that spans the line of mean high water springs;</p> <p>f) including policies, rules and other methods relating to (a) to (e) above in regional policy statements, and plans;</p> <p>g) imposing or reviewing conditions on resource consents and designations, including for the continuation of activities;</p> <p>h) requiring, where practicable, conservation conditions; and</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>Objective 4 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 | <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:</p> <p>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;</p> <p>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;</p> <p>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> |

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| <p>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</p> <ul style="list-style-type: none"> • 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>Policy 19 - Walking access</p> <ol 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: <ol 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: <ol 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. 3) Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary: <ol 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 h) for defence purposes in accordance with the Defence Act 1990; or New Zealand Coastal Policy Statement 2010 21 i) to ensure a level of security consistent with the purpose of a resource consent; or j) in other exceptional circumstances sufficient to justify the restriction. 4) Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times. |
| <p>Objective 6</p> <p>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:</p> | <p>Policy 3 - 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 |

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| <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; | <p>c) the natural character, public access, amenity and other values of the coastal environment meet the needs of future generations.</p> <p>Policy 6 - Activities in the coastal environment</p> <p>(1) In relation to 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 papakāinga , marae and associated developments and make appropriate provision for them; e) consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area; f) consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable; g) take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations; h) consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects; i) set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and j) where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value. <p>(2) Additionally, in relation to the coastal marine area:</p> <ul style="list-style-type: none"> (a) recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations; (b) recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area; (c) recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places; (d) recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and |
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| <ul style="list-style-type: none"> 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>(e) promote the efficient use of occupied space, including by:</p> <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. <p>Policy 9 - Ports 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> <ul style="list-style-type: none"> 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 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>Policy 25 - Subdivision, use, and development in areas of coastal hazard risk 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 risk² 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; 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 tsunamis and how to avoid or mitigate them. |
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²Defined in the glossary as a combination of the consequences of an event (including changes in circumstances) and the associated likelihood of occurrence.

Annexure Nine: National Policy Statement for Freshwater Management

| Objectives | Policies |
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| Objective AA1 To consider and recognise Te Mana o te Wai in the management of fresh water. | |
| Objective A1 To safeguard: <ul style="list-style-type: none"> a) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems, of fresh water; and b) the health of people and communities, as affected by contact with fresh water; in sustainably managing the use and development of land, and of discharges of contaminants. | Policy A3 By regional councils: <ul style="list-style-type: none"> a) imposing conditions on discharge permits to ensure the limits and targets specified pursuant to Policy A1 and Policy A2 can be met; and b) where permissible, making rules requiring the adoption of the best practicable option to prevent or minimise any actual or likely adverse effect on the environment of any discharge of a contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water |
| | Policy A7 By every regional council considering, when giving effect to this national policy statement, how to enable communities to provide for their economic well-being, including productive economic opportunities, while managing within limits. |
| Objective B1 To safeguard the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water, in sustainably managing the taking, using, damming, or diverting of fresh water. | Policy B5 By every regional council ensuring that no decision will likely result in future over-allocation - including managing fresh water so that the aggregate of all amounts of fresh water in a freshwater management unit that are authorised to be taken, used, dammed or diverted does not over-allocate the water in the freshwater management unit. |
| Objective B2 To avoid any further over-allocation of fresh water and phase out existing over-allocation. | Policy B8 By every regional council considering, when giving effect to this national policy statement, how to enable communities to provide for their economic well-being, including productive economic opportunities, while managing within limits. |
| Objective B3 To improve and maximise the efficient allocation and efficient use of water. | |
| Objective B4 | |

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| <p>To protect significant values of wetlands and of outstanding freshwater bodies.</p> | |
| <p>Objective B5 To enable communities to provide for their economic well-being, including productive economic opportunities, in sustainably managing fresh water quantity, within limits.</p> | |
| <p>Objective D1 To provide for the involvement of iwi and hapū, and to ensure that tangata whenua values and interests are identified and reflected in the management of fresh water including associated ecosystems, and decision-making regarding freshwater planning, including on how all other objectives of this national policy statement are given effect to.</p> | <p>Policy D1 Local authorities shall take reasonable steps to:</p> <ul style="list-style-type: none"> a) involve iwi and hapū in the management of fresh water and freshwater ecosystems in the region; b) work with iwi and hapū to identify tangata whenua values and interests in fresh water and freshwater ecosystems in the region; and c) reflect tangata whenua values and interests in the management of, and decision-making regarding, fresh water and freshwater ecosystems in the region. |

Annexure Ten: Operative Northland Regional Policy Statement

| Objectives | Policies & Methods |
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| <p>Objective 3.2 - Region-wide water quality 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>Policy 4.2.1 - Improving overall water quality 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. (b) Reducing loads of sediment, nutrients, and faecal matter to water from the use and development of land and from poorly treated and untreated discharges of wastewater; and (c) Promoting and supporting the active management, enhancement and creation of vegetated riparian margins and wetlands. |
| | <p>Policy 4.3.3 - Efficient allocation and use of water Allocate and use water efficiently within allocation limits.</p> |

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| <p>Objective 3.4 - Indigenous ecosystems and biodiversity Safeguard Northland's ecological integrity by:</p> <ul style="list-style-type: none"> (a) Protecting areas of significant indigenous vegetation and significant habitats of indigenous fauna; (b) Maintaining the extent and diversity of indigenous ecosystems and habitats in the region; and (c) Where practicable, enhancing indigenous ecosystems and habitats, particularly where this contributes to the reduction in the overall threat status of regionally and nationally threatened species. | <p>Policy 4.4.1 - Maintaining and protecting significant ecological areas and habitats</p> <ul style="list-style-type: none"> (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: <ul style="list-style-type: none"> (a) Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists; (b) Areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5; (c) Areas set aside for full or partial protection of indigenous biodiversity under other legislation. (2) In the coastal environment, avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of subdivision, use and development on: <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; (c) Indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass, northern wet heathlands, coastal and headwater streams, floodplains, margins of the coastal marine area and freshwater bodies, spawning and nursery areas and saltmarsh. (3) Outside the coastal environment and where clause (1) does not apply, avoid, remedy or mitigate adverse effects of subdivision, use and development so they are not significant on any of the following: <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; (c) Indigenous ecosystems and habitats that are particularly vulnerable to modification, including wetlands, dunelands, northern wet heathlands, headwater streams, floodplains and margins of freshwater bodies, spawning and nursery areas. (4) For the purposes of clause (1), (2) and (3), when considering whether there are any adverse effects and/or any significant adverse effects: <ul style="list-style-type: none"> (a) Recognise that a minor or transitory effect may not be an adverse effect; (b) Recognise that where the effects are or maybe irreversible, then they are likely to be more than minor; (c) Recognise that there may be more than minor cumulative effects from minor or transitory effects. (5) For the purpose of clause (3) if adverse effects cannot be reasonably avoided, remedied or mitigated then it may be appropriate to consider the next steps in the mitigation hierarchy i.e. biodiversity offsetting followed by environmental biodiversity compensation, as methods to achieve Objective 3.4. |
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| | <p>Policy 4.7.1- Promote active management In plan provisions and the resource consent process, recognise and promote the positive effects of the following activities that contribute to active management:</p> <ul style="list-style-type: none"> (a) Pest control, particularly where it will complement an existing pest control project / programme; (b) Soil conservation / erosion control; (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; (d) Measures to improve flows and / or levels in over allocated freshwater bodies; (e) Re-vegetation with indigenous species, particularly in areas identified for natural character improvement; (f) Maintenance of historic heritage resources (including sites, buildings and structures); (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; (h) Exclusion of stock from waterways and areas of significant indigenous vegetation and / or significant habitats of indigenous fauna; (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; (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; (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; (l) Restoration of natural processes in marine and freshwater habitats |
| <p>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.</p> | |
| <p>Objective 3.7 - Regionally significant infrastructure Recognise and promote the benefits of regionally significant infrastructure, (a physical resource), which</p> | <p>Policy 5.1.2 - Development in the coastal environment Enable people and communities to provide for their wellbeing through appropriate subdivision, use, and development that:</p> <ul style="list-style-type: none"> (a) Consolidates urban development³ within or adjacent to existing coastal settlements and avoids sprawling or sporadic patterns of development; |

³For 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

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| <p>through its use of natural and physical resources can significantly enhance Northland's economic, cultural, environmental and social wellbeing.</p> | <ul style="list-style-type: none"> (b) Ensures sufficient development setbacks from the coastal marine area to; <ul style="list-style-type: none"> (i) maintain and enhance public access, open space, and amenity values; and (ii) allow for natural functioning of coastal processes and ecosystems; (c) Takes into account the values of adjoining or adjacent land and established activities (both within the coastal marine area and on land); (d) Ensures adequate infrastructure services will be provided for the development; and (e) Avoids adverse effects on access to, use and enjoyment of surf breaks of national significance for surfing. |
| <p>Objective 3.9 - Security of energy supply Northland's energy supplies are secure and reliable, and generation that benefits the region is supported, particularly when it uses renewable sources.</p> | <p>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.</p> |
| | <p>Policy 5.3.2 - 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.</p> |
| | <p>Policy 5.3.3 - Managing adverse effects arising from regionally significant infrastructure</p> <ul style="list-style-type: none"> (1) Allow adverse effects arising from the maintenance and upgrading of established regionally significant infrastructure wherever it is located, where: <ul style="list-style-type: none"> (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); (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 (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. (2) Allow adverse effects arising from the maintenance and upgrading of established regionally significant infrastructure wherever it is located, where: <ul style="list-style-type: none"> (a) The adverse effects whilst the maintenance or upgrading is being undertaken are not significant; and (b) The adverse effects after the conclusion of the maintenance or upgrading are the same or similar to before the activity being undertaken. (3) When managing the adverse effects of regionally significant infrastructure decision makers will give weight to: <ul style="list-style-type: none"> (a) The benefits of the activity in terms of Policy 5.3.2; (b) Whether the activity must be recognised and provided for as directed by a national policy statement; (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; |

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| | <ul style="list-style-type: none"> (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. (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 provided that the positive effects accrue to the community of interest and / or resource affected; and (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. (g) Whether the infrastructure proposal helps to achieve consolidated development and efficient use of land. <p>Policy 7.1.4 - Existing development in known hazard-prone areas 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> <ul style="list-style-type: none"> (a) Designing for relocatable or recoverable structures (when changing existing buildings); (b) Providing for low or no risk activities within hazard-prone areas; (c) Providing for setbacks (from rivers / streams or the coastal marine area); (d) Managed retreat by relocation, removal, or abandonment of structures; (e) Replacing or modifying existing development without resorting to hard protection structures (see Policy 7.2.2); or (f) Protecting, restoring or enhancing natural defences against natural hazards (see Policy 7.2.1). |
| <p>Objective 3.10 - Use and allocation of common resources Efficiently use and allocate common natural resources, with a particular focus on:</p> <ul style="list-style-type: none"> (a) Situations where demand is greater than supply; (b) The use of freshwater and coastal water space; and (c) Maximising the security and reliability of supply of common natural resources for users. | <p>Policy 4.8.1 - Demonstrate the need to occupy space in the common marine and coastal area</p> <ul style="list-style-type: none"> (1) Only consider allowing structures, the use of structures and other activities that occupy space in the common marine and coastal area where: <ul style="list-style-type: none"> (a) They have a functional need to be located in the common marine and coastal area, unless the structure, use or activity is consistent with Policy 4.8.1(2); (b) It is not feasible for the structure, the use or the occupation of space to be undertaken on dry land (land outside the common marine and coastal area), unless it is consistent with Policy 4.8.1(2); (c) It is not feasible to use an existing authorised structure; and (d) The area occupied is necessary to provide for or undertake the intended use. (2) Occupation of space and structures (and their use) that are contrary to Policy 4.8.1(1) (a) and (b) may be appropriate |

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| <p>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> | <p>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> <ul style="list-style-type: none"> (a) Only for the time period(s) and the area necessary to provide for or undertake the intended use ;or (b) Necessary to ensure the integrity of the structure; or (c) Necessary to ensure the health and safety of the public. |
| | <p>Policy 4.8.3 - Coastal permit duration When determining the expiry date for coastal permits to occupy space in the common marine and coastal area, particular regard will be had to:</p> <ul style="list-style-type: none"> (a) The security of tenure for investment (the larger the investment, the longer the consent duration); (b) Aligning the expiry date with other coastal permits to occupy space in the surrounding common marine and coastal area; (c) The reasonably foreseeable demands for the occupied water space by another type of activity (the greater the demands, the shorter the consent duration); and (d) Certainty of effects (the less certain the effects the shorter the consent duration). |
| | <p>Policy 4.8.4 - Private use of common marine and coastal area Recognise activities which provide a net gain in environmental and / or public benefit from persons occupying space in the common marine and coastal area.</p> |
| | <p>Policy 8.1.1 - Tangata whenua participation The regional and district councils shall provide opportunities for tangata whenua to participate in the review, development, implementation, and monitoring of plans and resource consent processes under the Resource Management Act 1991.</p> |
| | <p>Policy 8.1.2 - The regional and district council statutory Responsibilities The regional and district councils shall when developing plans and processing resource consents under the Resource Management Act 1991 (RMA):</p> <ul style="list-style-type: none"> (a) Recognise and provide for the relationship of tangata whenua and their culture and traditions with their ancestral land, water, sites wāhi tapu, and other taonga; (b) Have particular regard to kaitiakitanga; and (c) Take into account the principles of the Treaty of Waitangi including partnership. |
| | <p>Policy 8.1.3 - Use of Mātauranga Māori The regional and district councils shall provide opportunities for the use and incorporation of Mātauranga Māori into decision-making, management, implementation, and monitoring of natural and physical resources under the Resource Management Act 1991.</p> |
| | <p>Policy 8.1.4 - Māori concepts, values and practices Relevant Māori concepts, values and practices will be clarified through consultation with tangata whenua to develop common understandings of their meaning and to develop methodologies for their implementation.</p> |
| | <p>Policy 8.2.1 - Support for iwi and hapū management plans The regional council will recognise the value of iwi and hapū management plans in decision-making under the Resource</p> |

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| | Management Act 1991 and the need to support tangata whenua in the development and implementation of these plans. |
| | <p>Policy 8.3.1 - Kaitiaki role The regional and district councils shall support tangata whenua to have a kaitiaki role in the management of their land, resources, and other taonga.</p> |
| <p>Objective 3.14 - Natural character, outstanding natural features, outstanding natural landscapes and historic heritage Identify and protect from inappropriate subdivision, use and development;</p> <ul style="list-style-type: none"> (a) The qualities and characteristics that make up the natural character of the coastal environment, and the natural character of freshwater bodies and their margins; (b) The qualities and characteristics that make up outstanding natural features and outstanding natural landscapes; (c) The integrity of historic heritage. | <p>Policy 4.6.1 - Managing effects on the characteristics and qualities natural character, natural features and landscapes (1) In the coastal environment:</p> <ul style="list-style-type: none"> a) Avoid adverse effects of subdivision use, and development on the characteristics and qualities which make up the outstanding values of areas of outstanding natural character, outstanding natural features and outstanding natural landscapes. b) Where (a) does not apply, avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of subdivision, use and development on natural character, natural features and natural landscapes. Methods which may achieve this include: <ul style="list-style-type: none"> (i) Ensuring the location, intensity, scale and form of subdivision and built development is appropriate having regard to natural elements, landforms and processes, including vegetation patterns, ridgelines, headlands, peninsulas, dune systems, reefs and freshwater bodies and their margins; and (ii) In areas of high natural character, minimising to the extent practicable indigenous vegetation clearance and modification (including earthworks / disturbance, structures, discharges and extraction of water) to natural wetlands, the beds of lakes, rivers and the coastal marine area and their margins; and (iii) Encouraging any new subdivision and built development to consolidate within and around existing settlements or where natural character and landscape has already been compromised. <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> <ul style="list-style-type: none"> a) In outstanding natural landscapes, requiring that the location and intensity of subdivision, use and built development is appropriate having regard to, natural elements, landforms and processes, including vegetation patterns, ridgelines and freshwater bodies and their margins; b) In outstanding natural features, requiring that the scale and intensity of earthworks and built development is appropriate taking into account the scale, form and vulnerability to modification of the feature; c) Minimising, indigenous vegetation clearance and modification (including earthworks / disturbance and structures) to natural wetlands, the beds of lakes, rivers and their margins. <p>(3) When considering whether there are any adverse effects on the characteristics and qualities of the natural character,</p> |

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| | <p>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> <ul style="list-style-type: none"> a) Recognise that a minor or transitory effect may not be an adverse effect; b) Recognise that many areas contain ongoing use and development that: <ul style="list-style-type: none"> (i) Were present when the area was identified as high or outstanding or have subsequently been lawfully established (ii) May be dynamic, diverse or seasonal; c) Recognise that there may be more than minor cumulative adverse effects from minor or transitory adverse effects; and d) Have regard to any restoration and enhancement on the characteristics and qualities of that area of natural character, natural features and/or natural landscape. |
| | <p>Policy 4.6.2 - 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> <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> (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; (ii) Restricting the demolition / relocation of and / or inappropriate modifications, additions or alterations to physical elements of historic heritage; (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; (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 (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>(2) Despite the above:</p> <ul style="list-style-type: none"> 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). |

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| | <p>Policy 4.7.3 - Improving natural character 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> <ul style="list-style-type: none"> (a) Wetlands, rivers, lakes, estuaries, and their margins; (b) Undeveloped or largely undeveloped natural landforms between settlements, such as coastal headlands, peninsulas, ridgelines, dune systems; (c) Areas of high natural character; (d) Land adjacent to outstanding natural character areas, outstanding natural features, and outstanding natural landscapes; (e) Remnants of indigenous coastal vegetation particularly where these are adjacent to water or can be linked to establish or enhance ecological corridors; and (f) The areas or values identified in Policy 4.4.1 (protecting significant areas and species). |
| <p>Objective 3.15 - Active Management Maintain and / or improve;</p> <ul style="list-style-type: none"> (a) The natural character of the coastal environment and fresh water bodies and their margins; (b) Outstanding natural features and outstanding natural landscapes; (c) Historic heritage; (d) Areas of significant indigenous vegetation and significant habitats of indigenous fauna (including those within estuaries and harbours); (e) Public access to the coast; and (f) Fresh and coastal water quality <p>by supporting, enabling and positively recognising active management arising from the efforts of landowners, individuals, iwi, hapū and community groups.</p> | <p>Policy 4.7.1 - Promote active management In plan provisions and the resource consent process, recognise and promote the positive effects of the following activities that contribute to active management:</p> <ul style="list-style-type: none"> a) Pest control, particularly where it will complement an existing pest control project / programme; b) Soil conservation / erosion control; 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; d) Measures to improve flows and / or levels in over allocated freshwater bodies; e) Re-vegetation with indigenous species, particularly in areas identified for natural character improvement; f) Maintenance of historic heritage resources (including sites, buildings and structures); 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; h) Exclusion of stock from waterways and areas of significant indigenous vegetation and / or significant habitats of indigenous fauna; 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; 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; 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; l) Restoration of natural processes in marine and freshwater habitats. |

Annexure Eleven: Operative Regional Water and Soil Plan

| Objectives | | Policies |
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| Objective 6.3.1 The management of the natural and physical resources within the Northland region in a manner that recognises and provides for the traditional and cultural relationships of tangata whenua with the land and water. | | Policy 6.4.1 To recognise and, as far as practicable provide for the relationship of Māori and their culture and traditions with respect to the use, development and protection of natural and physical resources in the Northland region. |
| | | Policy 6.4.2 To gain an understanding, and as far as practicable, provide for the concerns and cultural perspectives of tangata whenua in regard to the disposal of waste into water. |
| | | Policy 6.4.3 To have particular regard for kaitiakitanga and consider options for the involvement of tangata whenua in monitoring the use, development and protection of resources within the Northland region. |
| Objective 7.4.1 The maintenance or enhancement of the water quality of natural water bodies in the Northland region to be suitable, in the long-term, and after reasonable mixing of any contaminant with the receiving water and disregarding the effect of any natural events, for such of the purposes listed below as may be appropriate: | | Policy 7.5.4 The Council will not grant a discharge permit which, either on its own or in combination with other lawful discharges, will result in any of the following effects in the receiving water, after reasonable mixing: (a) The production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; (b) Any conspicuous change in the colour or visual clarity; (c) Any emission of objectionable odour; (d) The rendering of freshwater unsuitable for consumption by farm animals. Except where: (i) exceptional circumstances justify the granting of a permit; or (ii) the discharge is of a temporary nature; or (iii) the discharge is associated with necessary maintenance work Where a discharge is granted in reliance on the exceptions above, the Council may impose conditions requiring the holder of the discharge permit to undertake works in such stages throughout the duration of the permit that will ensure that upon expiry of the permit (or such earlier date as is specified in the conditions) the holder can meet the requirements of Policies 7.05.02 or 7.05.03, whichever is applicable. |
| Type of waterbody | Purposes | |
| Lakes, rivers, streams | aquatic ecosystems, contact recreation, water supplies, aesthetic and cultural purposes | |
| Freshwater wetlands | aquatic ecosystems, cultural purposes | Policy 7.5.7 To manage water bodies which are recognised by an iwi authority, or any judicial authority to be a taonga of special significance, having particular regard to those cultural values and traditional uses. |
| Ground water, potentially usable | water supply, protection of uses of receiving water body | Policy 7.8.1 When considering any application for a discharge the consent authority must have regard to the following matters: (a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water and (b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided. |
| Other groundwater | protection of uses of receiving water body | Policy 7.8.2 When considering any application for a discharge the consent authority must have regard to the following matters: |

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| | <p>(a) the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their secondary contact with fresh water; and</p> <p>(b) the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their secondary contact with fresh water resulting from the discharge would be avoided.</p> |
| <p>Objective 8.6.1 The effective treatment and/or disposal of contaminants from new and existing discharges in ways which avoid, remedy or minimise adverse effects on the environment and on cultural values.</p> | <p>Policy 8.7.1 To require all new discharges of sewage or discharges with a high organic content to be:</p> <p>(a) By land disposal; or</p> <p>(b) To water, if after reasonable mixing:</p> <p>(i) it does not cause a discernible adverse change in the physiochemical and/or microbiological water quality of the receiving water at the time of discharge; and</p> <p>(ii) it is the best practicable option (as defined by Section 2 of the Act).</p> <p>Cross-references: 6.04.01, 6.04.02</p> |
| <p>Objective 8.6.2 The reduction and minimisation of the quantities of contaminants entering water bodies, particularly those that are potentially toxic, persistent or bio-accumulative.</p> | <p>Policy 8.7.3 To ensure there are adequate separation distances between water bodies and discharges to land to avoid or mitigate adverse effects on water quality.</p> <p>Policy 8.7.4 To promote effective effluent treatment and disposal systems which are:</p> <p>(a) Low maintenance and low risk;</p> <p>(b) Land based, where the soil types, available disposal areas, back-up facilities and pumping systems are adequate;</p> <p>Disposal of solid waste, including hazardous wastes is an issue for both regional and District Councils. Liaison and co-ordination of efforts between the Councils is required to achieve the objectives.</p> <p>The following methods relate to co-ordination and liaison: 8.10.01 8.14.04 8.14.07 8.14.08</p> <p>Policy 8.15.1 To enable industries to monitor the effects of their discharges while maintaining an audit role.</p> <p>Policy 8.15.2 To promote industrial waste minimisation programmes and the use of environmental management systems which effectively avoid, minimise or reduce adverse environmental effects of industrial contaminants generated by industry.</p> <p>Policy 8.17.1 To manage the diversion and discharge of stormwater in a way that provides safeguards against flooding and maintains or enhances water quality.</p> <p>Policy 8.17.2 To require the inclusion of water quality controls as far as practicable in existing stormwater management systems that are known to be causing concentrations of contaminants within the receiving environment that are in excess of applicable water quality and/or sediment quality guidelines.</p> <p>Policy 8.17.4 To promote best practice for stormwater management design, including low impact options.</p> <p>Policy 8.17.5</p> |

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| | To promote stormwater management practices that avoid or minimise the discharge of contaminants from industrial and trade premises into stormwater drainage systems. |
| | Policy 8.17.6 To encourage activities to operate in accordance with industry standards and/or environmental guidelines where these are intended to avoid, remedy or mitigate the adverse effects of stormwater contamination. |
| | Policy 8.17.7 To permit the discharge of stormwater from hazardous substance storage areas and industrial or trade premises if sufficient safeguards are adopted to avoid, remedy or mitigate the potential adverse effects associated with stormwater contamination. |
| | Policy 8.20.1 When considering any application for a discharge the consent authority must have regard to the following matters: <ul style="list-style-type: none"> (a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water and (b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided. |
| | Policy 8.20.2 When considering any application for a discharge the consent authority must have regard to the following matters: <ul style="list-style-type: none"> (a) the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their secondary contact with fresh water; and (b) the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their secondary contact with fresh water resulting from the discharge would be avoided. |
| Objective 10.4.1 The sustainable use and development of Northland's groundwater resources while avoiding, remedying or mitigating actual and potential adverse effects on groundwater quantity and quality. | Policy 10.5.1 To ensure the sustainable use of groundwater resources, by avoiding groundwater takes that exceed recharge which result in any of the following: <ul style="list-style-type: none"> (a) Saltwater intrusion or reduced groundwater quality; (b) A lowering of the groundwater table below existing efficient bore takes; (c) A lowering of the temperature of geothermal waters in geothermal aquifers and springs; (d) Adverse effects on surface water resources in terms of Policy 10.05.07. |
| Objective 10.4.2 The sustainable management of groundwater resources in conjunction with the sustainable management of surface water resources. | Policy 10.5.2 To recognise that aquifers 'at risk' to adverse effects may be in locations where: <ul style="list-style-type: none"> (i) The overlying soils are suitable for water intensive land uses; or (ii) There are limited surface water resources; or (iii) There are numerous springs; or (iv) One of the aquifer's boundaries is sea water; or (v) On-site effluent disposal occurs over unconfined aquifers; or (vi) There is geothermal activity; or |

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| | (vii)The aquifer's recharge area is compromised by inappropriate subdivision, use or development. |
| Objective 10.4.3 The management of groundwater resources so that the potential adverse effects of land subsidence are avoided. | Policy 10.5.4 When allocating groundwater resources, to take into account any reduction in recharge that may occur in time, as a result of land uses over groundwater recharge areas. |
| | Policy 10.5.5 Encourage the return of collected or diverted stormwater to aquifer recharge in aquifers 'at risk'. |
| | Policy 10.5.7 To ensure the spring flows to associated surface water bodies, and water levels in lakes and wetlands, which may be affected by groundwater takes, are sufficient to: <ul style="list-style-type: none"> (a) Maintain the life supporting capacity of the surface water resource; (b) Protect the natural character of the surface water body and the habitats of aquatic flora and fauna; (c) Maintain any associated or dependent values, such as amenity or recreational values; and (d) Protect the water supply of any existing authorised user of the surface water resource. |
| | Policy 10.5.8 When allocating groundwater, to recognise, and as far as practical, provide for the cultural and spiritual values held by the tangata whenua for the groundwater resources and associated surface water resources. |
| | Policy 10.5.9 To avoid, remedy or mitigate any ground subsidence as a result of groundwater takes, use or diversion, where this is likely to cause adverse flooding, drainage problems, or building damage. |
| | Policy 10.8.1 When considering any application, the consent authority must have regard to the following matters: <ul style="list-style-type: none"> (a) the extent to which the change would adversely affect safeguarding the life-supporting capacity of fresh water and of any associated ecosystem and (b) the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided. This policy applies to: <ul style="list-style-type: none"> (a) any new activity and (b) any change in the character, intensity or scale of any established activity - that involves any taking, using, damming or diverting of fresh water or draining of any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any fresh water, compared to that which immediately preceded the commencement of the new activity or the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out). This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management takes effect on 1 July 2011. |

Annexure Twelve: Operative Air Quality Plan

| Objectives | Policies |
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| 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. | 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. |
| 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 6.7.2 To avoid, remedy or mitigate the adverse effects generated by discharges of contaminants to air including cumulative or synergistic/interactive effects. |
| 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. | 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. |
| | 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. |
| | 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. |
| | 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. |
| | Policy 6.7.7 To recognise that discharges of contaminants to air may adversely affect other receiving 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. |
| | Policy 6.9.1 To avoid, remedy or mitigate any noxious, dangerous, offensive or objectionable effects of discharges of dust into the air. |
| | Policy 6.11.3 To ensure that burning of fuels or waste materials do not create noxious, dangerous, offensive or objectionable adverse effects from smoke, odour or particulate emissions or affect the general amenity of residences, public places and work places. |
| | Policy 6.15.1 To ensure that the discharge of contaminants to air should not result in offensive or objectionable odours that could adversely affect people and communities. |

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| | <p>Policy 6.17.1 The Marsden Point Air Quality Strategy shall be taken into account, when making decisions on air quality in the Marsden Point Area. While acknowledging it is a non-binding and non-statutory guideline document only.</p> <p>Policy 6.17.2 Notwithstanding Policy 1, Air Quality in the Marsden Point Area shall be managed in a consistent way to allow for industrial development while ensuring that:</p> <ul style="list-style-type: none"> (a) Ambient Air Quality is maintained in a state of compliance with any National Environmental Standards for Air Quality; and (b) Air Quality is managed with regard to the 'Ambient Air Quality Guidelines for the Protection of Human Health in the Northland Region' (listed in Table 1) and the latest version of the 'New Zealand Ambient Air Quality Guidelines', published by the Ministry for the Environment. |
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Annexure Thirteen: Operative Regional Coastal Plan

| Objectives | Policies |
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| <p>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> | <p>Policy 6.4.1 To define areas, within Northland's coastal marine area, which are considered to have important conservation value as Marine 1 (Protection) Management Areas and manage them in such a manner that the conservation values of the individual areas are protected.</p> |
| <p>Objective 25.3.1 The protection of the important conservation values identified within Marine 1 (Protection) Management Areas including their ecological, cultural, historic, scientific, scenic, landscape and amenity values.</p> | <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> |
| <p>Objective 26.3.1 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.</p> | <p>Policy 6.4.5 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. For the purpose of this Plan, "port areas" are areas within the coastal marine area which contain or are directly associated with wharves, jetties or other structures used commercially for loading or unloading goods or passengers. More specifically a "port area" is: 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. Port areas which currently meet these criteria are Port Whangārei, Portland and Marsden Point.</p> |
| <p>Objective 26.3.2 Involvement of local communities, and other agencies, in the awareness, maintenance and, where appropriate, enhancement of the values within the Marine 2 (Conservation) Management Area.</p> | <p>Policy 25.4.1 The Council and Consent Authorities will give priority to avoiding adverse effects on the important conservation values (as identified in Appendix 9) associated with an area within any Marine 1 (Protection) Management Area when considering the subdivision, use, development and protection of the Northland Region's Coastal Marine Area.</p> |
| <p>Objective 29.3.1 Provision for commercial port operations while avoiding, remedying or mitigating the adverse effects of such operations on the coastal marine area.</p> | <p>Policy 26.4.1 Where there is a lack of knowledge about coastal processes and ecosystems in the Marine 2 (Conservation) Management Area, to adopt a cautious approach to decision-making.</p> |
| | <p>Policy 26.4.2 To recognise that different areas within the Marine 2 (Conservation) Management Area have distinct natural, cultural and amenity values that should be maintained and where possible enhanced.</p> |
| | <p>Policy 29.4.1 To recognise and provide for the operational requirements of existing ports within Northland's coastal marine area including: (a) the berthage of commercial ships adjacent to port facilities; and,</p> |

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| | <ul style="list-style-type: none"> (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>Policy 29.4.2 To promote the integrated management of ports and any associated land and water-based facilities and operations.</p> |
| | <p>Policy 29.4.4 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> <ul style="list-style-type: none"> (a) the creation of noise and dust nuisance during loading and unloading of ships; (b) spillages and other loss of cargo during loading and unloading operations; (c) discharges of contaminated stormwater from cargo handling areas; (d) oil spills; (e) sewage discharges from ships at berth; (f) the introduction of exotic organisms via ballast water discharges. |
| <p>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> | <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.</p> |
| | <p>Policy 7.4.2 As far as reasonably practicable to avoid the adverse environmental effects including cumulative effects of subdivision, use and development on those qualities which collectively make up the natural character of the coastal marine area including:</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 Māori; (f) air quality; and where avoidance is not practicable, to mitigate adverse effects and provide for remedying those effects to the extent practicable. |
| | <p>Policy 7.4.4 Subject to Policies 1 and 2 above, through the use of rules in this Plan, to provide for appropriate subdivision, use and development in areas where natural character has already been compromised, including within Marine 3, Marine 4, Marine 5, and Marine 6 Management Areas.</p> |
| | <p>Policy 7.4.6 To promote an integrated approach to the preservation of the natural character of Northland's coastal environment as a whole.</p> |
| | <p>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.</p> |

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| 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. | 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: <ul style="list-style-type: none"> • 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 Islands⁴ • 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. |
| Objective 9.1.3A The protection of areas of significant indigenous vegetation within Northland's coastal marine area from the adverse effects of subdivision, use and development. | Policy 9.1.4.1 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 9.1.4.5 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 9.1.4.8 To promote, when appropriate, the restoration and rehabilitation of degraded areas of significant indigenous vegetation. |
| Objective 9.2.3 The protection of significant habitats of indigenous fauna | Policy 9.2.4.1 To identify habitats or habitat areas of indigenous fauna that have moderate, moderate high, high or outstanding value within |

⁴The islands referred to, are those encompassed within the group defined by Motuarohia (Robertson) Island, Urupukapuka Island and Okahu (Red Head) Island

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| within Northland's coastal marine area. | Northland's coastal marine area and protect these from adverse effects of subdivision, use and development. |
| | Policy 9.2.4.2 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 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 development on any significant habitat in the vicinity and, if significant, particular consideration be given to either: (a) declining consent to the application; or (b) requiring as a condition of the permit, mitigation and/or remedial measures to be instituted. |
| | Policy 9.2.4.4 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. |
| 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. | 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, Māori cultural values, public health and safety, or security of commercial operations. |
| | Policy 10.4.3 Encourage district councils and the Department of Conservation to identify and publicise the location of reserve land within or adjoining the coastal marine area which may be used for public access without compromising conservation values, Māori cultural values, or public health and safety; and where appropriate, to develop reserve management strategies for enhancing public access to and along the coast. |
| 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. | 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 11.4.2 To recognise and, as far as practicable, provide for the concerns and cultural perspectives of tangata whenua in regard to the disposal of waste into water. |
| | Policy 11.4.4 To investigate options for involving tangata whenua in monitoring the effects of use, development and protection of resources within the coastal marine area. |
| 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. | Policy 12.4.1 To identify sites, buildings and other structures, places or areas of cultural heritage value within Northland's coastal marine area and, where practicable, assist in the protection of those at risk from the adverse effects of use and development. |
| Objective 12.3.2 The recognition and protection of sites, buildings and other | Policy 12.4.2 To encourage tangata whenua to identify wāhi tapu and other sites of traditional, spiritual or cultural significance to Māori |

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| 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. | <p>within or immediately adjacent to the coastal marine area within their rohe and to assess for themselves the most appropriate means of providing for the protection of these sites.</p> <p>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.</p> |
| <p>Objective 13.3 The maintenance, and where practicable, enhancement of water quality within Northland's coastal marine area.</p> | <p>Policy 13.4.1 To classify the waters within Northland's coastal marine area as a means of clearly identifying the water quality management aims for individual areas of coastal water, and in a manner, which recognises:</p> <ul style="list-style-type: none"> (a) the high standard of existing water quality of the majority of Northland's coastal waters; (b) existing detailed information on the quality of the waters of the Whangārei Harbour and the Bay of Islands; (c) the importance of water quality to safe contact recreation and the quality of naturally occurring and commercially-grown edible shellfish resources; (d) the need to safeguard the life-supporting capacity of coastal waters and ecosystems, <p>and to ensure that appropriate water quality standards are maintained.</p> <p>Policy 13.4.2 As far as practicable, to identify any parts of the coastal marine area which are, or which have the potential to be, significantly degraded by use and development and institute appropriate remedial action giving priority to areas of high use by the general public.</p> |
| <p>Objective 14.3.1 To maintain the high standard of air quality within Northland's coastal marine area.</p> | <p>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.</p> <p>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.</p> <p>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.</p> |
| <p>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> | <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.</p> |

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| Objective 17.3 The provision for appropriate structures within the coastal marine area while avoiding, remedying or mitigating the adverse effects of such structures. | 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 Within all Marine Management areas, to consider structures generally appropriate where: <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. 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. |
| | 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. |
| | 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. |
| 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. | Policy 19.4.1 In the consideration of coastal permit applications to use the best practicable option approach to avoid, remedy, or mitigate the adverse effects of: <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. |
| | Policy 19.4.3 To establish whether any existing authorised wastewater discharges, after reasonable mixing, give rise to all or any of the following effects: <ul style="list-style-type: none"> (a) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials; (b) any conspicuous change in the colour or visual clarity; (c) any emission of objectionable odour; (d) any significant adverse effects on aquatic life; and, if so, to review its consent conditions, pursuant to Section 128(1)(b) of the Resource Management Act. |
| | 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. |
| Objective 20.3 To provide for the discharge of contaminants to air while avoiding adverse | 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 |

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| <p>environmental effects and, where avoidance is not practicable, remedying or mitigating those effects.</p> | <p>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> <p>Policy 20.4.2 Discharges of contaminants into air from activities located within or near to the coastal marine area should not:</p> <ul style="list-style-type: none"> (a) Result in significant degradation of existing ambient air quality in the coastal marine area; (b) Adversely affect areas of significant indigenous vegetation and significant habitats of indigenous fauna within the coastal marine area; (c) Have a significant adverse effect on water quality in the coastal marine area, as a result of airborne contaminants being deposited into water or deposited in a manner that results in them entering water; (d) Except in the Port Facilities and Marine Farming Management Areas, detract from people's use and enjoyment of the coastal marine area for recreation purposes (for example by causing odour or diminishing visibility as a result of smoke or haze); (e) Result in significant adverse cumulative effects on air quality in the coastal marine area, taking into account any existing discharges of contaminants into air in the locality. <p>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 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> <ul style="list-style-type: none"> (a) The nature of the discharge or emission and the sensitivity of the receiving environment to adverse effects; and (b) The financial implications, and the effects on the environment, of that option when compared with other options; and (c) The current state of technical knowledge and the likelihood that the option can be successfully applied. |
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Annexure Fourteen: The Proposed Regional Plan

| Objectives | Policies |
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| <p>Objective F.1.8 - Tangata whenua role in decision-making</p> <p>Tangata whenua's kaitiaki role is recognised and provided for in decision-making over natural and physical resources.</p> | <p>Policy D.1.1 - 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 tangata 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 tangata whenua to carry out cultural and traditional activities, or 4) the use of genetic engineering and the release of genetically modified organisms to the environment, or 5) adverse effects on tāiapure, mātaimai or Māori non-commercial fisheries, or 6) adverse effects on protected customary rights, or 7) adverse effects on sites and areas of significance to tangata whenua mapped in the Regional Plan (refer I Maps Ngā mahere matawhenua). <p>Policy D.1.2 - Requirements of an analysis of effects on tangata whenua and their taonga</p> <p>If an analysis of the effects of an activity on tangata whenua and their taonga is required in a resource consent application, the analysis must:</p> <ol style="list-style-type: none"> a) include such detail as corresponds with the scale and significance of the effects that the activity may have on tangata whenua and their taonga, and b) 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 b) the outcomes of any consultation with tangata whenua with respect to the consent application, and c) statutory acknowledgements in Treaty Settlement legislation, and c) follow best practice, including requesting, in the first instance, that the relevant tangata whenua undertake the assessment, and d) specify the tangata whenua that the assessment relates to, and e) be evidence-based, and f) incorporate, where appropriate, mātauranga Māori, and g) identify and describe all the cultural resources and activities that may be affected by the activity, and h) 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 i) identify, where possible, how to avoid, remedy or mitigate the adverse effects on cultural values of the activity that are more than minor, and j) include any other relevant information. |

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| | <p>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 tangata whenua in the coastal marine area and water bodies are avoided, remedied or mitigated so they are no more than minor.</p> |
| | <p>Policy D.1.5 - Places of significance to tangata whenua For the purposes of this Plan, a place of significance to tangata whenua:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> a) soil conservation, or b) quality and quantity of water, or c) aquatic ecosystems and indigenous biodiversity, and 2) is: <ol style="list-style-type: none"> a) a historic heritage resource, or b) ancestral land, water, site, wāhi tapu, or other taonga, and 3) is either: <ol style="list-style-type: none"> a) a Site or Area of Significance to tangata whenua, which is a single resource or set of resources identified, described and contained in a mapped location, or b) a Landscape of Significance to tangata whenua, which is a collection of related resources identified and described within a mapped area, with the relationship between those component resources identified, and 4) has one or more of the following attributes: <ol style="list-style-type: none"> a) historic associations, which include but are not limited to: <ol style="list-style-type: none"> i. stories of initial migration, arrival and settlement, or ii. patterns of occupation, including permanent, temporary or seasonal occupation, or iii. the sites of conflicts and the subsequent peace-making and rebuilding of iwi or hapū, or iv. kinship and alliances built between areas and iwi or hapū, often in terms of significant events, or v. alliances to defend against external threats, or vi. recognition of notable tupuna, and sites associated with them, or b) traditional associations, which include but are not limited to: <ol style="list-style-type: none"> i. resource use, including trading and trading routes between groups (for instance - with minerals such as matā/obsidian), or ii. traditional travel and communication linkages, both on land and sea, or iii. areas of mana moana for fisheries and other rights, or iv. use of landmarks for navigation and location of fisheries grounds, or v. implementation of traditional management measures, such as rāhui or tohatoha (distribution), or c) cultural associations, which include but are not limited to: <ol style="list-style-type: none"> i. the web of whanaungatanga connecting across locations and generations, or |

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| | <ul style="list-style-type: none"> ii. the implementation of concepts such as kaitiakitanga and manākitanga, with specific details for each whanau, hapū and iwi, or d) spiritual associations which pervade all environmental and social realities, and include but are not limited to: <ul style="list-style-type: none"> i. the role of the atua Ranginui and Papatūānuku, and their offspring such as Tangaroa and Tāne, or ii. the recognition of places with connection to the wairua of those with us and those who have passed away, or iii. the need to maintain the mauri of all living things and their environment, and <p>5) must:</p> <ul style="list-style-type: none"> a) be based on traditions and tikanga, and b) be endorsed for evidential purposes by the relevant tangata whenua community, and c) record the values of the place for which protection is required, and d) record the relationship between the individual sites or resources (landscapes only), and e) record the tangata whenua groups determining and endorsing the assessment, and f) geographically define the areas where values can be adversely affected. |
| <p>Objective F.1.3 - Indigenous ecosystems and biodiversity In the coastal marine area and in fresh waterbodies, safeguard ecological integrity by:</p> <ul 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.1.4 - Enabling economic well-being</p> | <p>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> <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.</p> <p>Policy D.2.4 - Adaptive management Regard should be had to the appropriateness of an adaptive management approach where:</p> <ul style="list-style-type: none"> 3) there is an inadequate baseline of information on the receiving environment, and 4) the occurrence of potential adverse effects can be effectively monitored, and 5) thresholds can be set to require mitigation action if more than minor adverse effects arise, and 6) potential adverse effects can be remedied before they become irreversible. <p>Policy D.2.5 - Benefits of regionally significant infrastructure Particular regard must be had to the national, regional and locally significant social, economic, and cultural benefits of regionally significant infrastructure.</p> <p>Policy D.2.6 - Minor adverse effects arising from the establishment and operation of regionally significant infrastructure Enable the establishment and operation (including consenting) of regionally significant infrastructure by allowing any minor adverse effects providing:</p> |

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| <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> | <ol style="list-style-type: none"> 1) The regionally significant infrastructure proposal is consistent with: <ol style="list-style-type: none"> a) all policies in Section D.1 Tangata whenua, and b) Rule D.2.14 Managing adverse effects on historic heritage, and c) Rule D.2.15 Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features, and d) Rule D.2.7 Managing adverse effects on indigenous biodiversity, and 2) the regionally significant infrastructure proposal will not likely result in over-allocation having regard to the allocation limits in H.4.3 Allocation limits for rivers, and 3) other adverse effects arising from the regionally significant infrastructure are avoided, remedied, mitigated or offset to the extent they are no more than minor. |
| <p>Objective F.1.5 - Regionally significant infrastructure Recognise the national, regional and local benefits of regionally significant infrastructure and renewable energy generation and enable their effective development, operation, maintenance, repair, upgrading and removal.</p> | <p>Policy D.2.7 - Maintenance, repair and upgrading of regionally significant infrastructure Enable the maintenance and upgrading of established regionally significant infrastructure wherever it is located by allowing adverse effects, where:</p> <ol style="list-style-type: none"> 1) the adverse effects whilst the maintenance or upgrading is being undertaken are not significant or they are temporary or transitory, and 2) the adverse effects after the conclusion of the maintenance or upgrading are the same, or similar, to those arising from the regionally significant infrastructure before the activity was undertaken. |
| <p>Objective F.1.10 - Improving Northland's natural and physical resources Enable and positively recognise activities that contribute to improving Northland's natural and physical resources.</p> | <p>Policy D.2.8 - Appropriateness of regionally significant infrastructure proposals 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>Objective F.1.11 - Natural character, outstanding natural features, historic heritage and places of significance to tangata Whenua 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 | |

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| <p>coastal marine area, and</p> <p>2) the integrity of historic heritage in the coastal marine area, and</p> <p>3) the values of places of significance to tangata whenua in the coastal marine area and freshwater bodies.</p> | <p>Policy D.2.11 - Marine and freshwater pest management Manage the adverse effects from marine pests, and pests within the beds of freshwater bodies, by:</p> <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 2) recognising that the main risk of introducing and spreading pests is from the movement of vessels, structures, equipment, materials, and aquaculture livestock, and 3) decision-makers applying the precautionary principle when there is scientific uncertainty as to the extent of effects from the introduction or spread of pests, and 4) imposing conditions on resource consents requiring that best practice measures are implemented so that risk of introducing or spreading pests is effectively managed as a result of the consented activity. |
| <p>Objective F.1.13 - Hazardous substances and contaminated land Protect human health, and minimise the risk to the environment, from:</p> <ol style="list-style-type: none"> 1) discharges of hazardous substances, and 2) discharges of contaminants from contaminated land. | <p>Policy D.2.12 - Resource consent duration When determining the expiry date for a resource consent, have particular regard to:</p> <ol style="list-style-type: none"> 1) security of tenure for investment (the larger the investment, then generally the longer the consent duration), and 2) the administrative benefits of aligning the expiry date with other resource consents for the same activity in the surrounding area or catchment, and 3) certainty of effects (the less certain the effects, the shorter the consent duration), and 4) whether the activity is associated with regionally significant infrastructure (generally longer consent durations for regionally significant infrastructure), and 5) the following additional matters where the resource consent application is to re-consent an activity: <ol style="list-style-type: none"> a) the applicant's past compliance with the conditions of any previous resource consent or relevant industry guidelines or codes of practice (significant previous non-compliance should generally result in a shorter duration), and b) the applicant's voluntary adoption of good management practice (the adoption of good management practices that minimise adverse environmental effects could result in a longer consent duration). |
| | <p>Policy D.2.13 - Recognising other plans and strategies When considering a resource consent application have regard to issues, uses, values, objectives and outcomes identified in an operative plan or strategy adopted by the Regional Council that has followed a consultation process carried out in accordance with the consultative principles and procedures of the Local Government Act 2002, to the extent that the content of the plan or strategy has a bearing on the resource management issues of the region.</p> |
| | <p>Policy D.2.14 - Managing adverse effects on historic heritage 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 |

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| | <p>3) recognising the following as being significant adverse effects to be avoided:</p> <ul 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 <p>4) recognising that despite (2), there are not likely to be significant adverse effects if:</p> <ul 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 b) alterations, additions, repair or maintenance will not result in the loss, or significant degradation of, any values contributing to it being historic heritage in accordance with Policy 4.5.3 of the Regional Policy Statement, or c) the context of the historic heritage in its present location has already been lost and any damage to the historic heritage during relocation can be avoided, and <p>5) determining the likely adverse effects of proposals by taking into account:</p> <ul style="list-style-type: none"> a) the historic heritage values of the historic heritage sites or historic heritage areas as described in the assessment reports available on the Regional Council's website, and b) the outcomes of any consultation with: <ul style="list-style-type: none"> i. Heritage New Zealand Pouhere Taonga (particularly where an item is listed by Heritage New Zealand Pouhere Taonga and/or is an archaeological site requiring an 'authority to modify'), the Department of Conservation or any other appropriate body with statutory heritage protection functions, and ii. tangata whenua in instances where historic heritage has identified values of significance to tangata whenua, and c) where considered necessary, a historic heritage impact assessment produced by a suitably qualified and experienced heritage professional, and d) any values identified in addition to those listed in Policy 4.5.3 of the Regional Policy Statement for Northland 2016 including: <ul style="list-style-type: none"> i. vulnerability (the resource is vulnerable to deterioration or destruction or is threatened by land use activities), and ii. patterns (the resource is associated with important aspects, processes, themes or patterns of local, regional or national history), and iii. public esteem (the resource is held in high public esteem for its heritage or aesthetic values or as a focus of spiritual, political, national or other social or cultural sentiment), and iv. commemorative (the resource has symbolic or commemorative significance to past or present users or their descendants, resulting from its |
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| | Natural character | The coastal marine area and freshwater bodies. | Significant adverse effects on the characteristics, qualities and values that contribute to natural character. |
| | Outstanding natural features | Fresh waterbodies outside the coastal environment. | Significant adverse effects on the characteristics, qualities and values that contribute to make the natural feature outstanding. |
| <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> <ul style="list-style-type: none"> a) ensuring the location, intensity, scale and form of activities is appropriate having regard to natural elements and processes, and b) in areas of high natural character in the coastal marine area, minimising to the extent practicable indigenous vegetation clearance and modification (seabed and foreshore disturbance, structures, discharges of contaminants), and c) in freshwater, minimising to the extent practicable modification (disturbance, structures, extraction of water and discharge of contaminants), and <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> <ul style="list-style-type: none"> a) requiring that the scale and intensity of bed disturbance and modification is appropriate, taking into account the feature's scale, form and vulnerability to modification of the feature, and b) requiring that proposals to extract water or discharge contaminants do not significantly adversely affect the characteristics, qualities and values of the outstanding natural feature, and <p>4) recognising that uses and development form part of existing landscapes, features and waterbodies and have existing effects.</p> | | | |
| <p>Policy D.2.16 - Managing adverse effects on indigenous Biodiversity Manage the adverse effects of activities on indigenous biodiversity by:</p> <ul style="list-style-type: none"> 1) in the coastal environment: <ul style="list-style-type: none"> a) avoiding adverse effects on: <ul style="list-style-type: none"> i. indigenous taxa that are listed as Threatened or At Risk in the New Zealand Threat Classification System lists, and ii. areas of indigenous vegetation and habitats of indigenous fauna that are assessed as significant using the assessment criteria in Appendix 5 of the Regional Policy Statement, and iii. areas set aside | | | |

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| | <p>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> <ul style="list-style-type: none"> i. areas of predominantly indigenous vegetation, other than areas of mangroves to be pruned or removed for one of the purposes listed in D.5.26, and ii. habitats of indigenous species that are important for recreational, commercial, traditional or cultural purposes, and iii. indigenous ecosystems and habitats that are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, intertidal zones, rocky reef systems, eelgrass, northern wet heathlands, coastal and headwater streams, spawning and nursery areas and saltmarsh, and <p>2) outside the coastal environment:</p> <p>a) avoiding, remedying or mitigating adverse effects so they are no more than minor on:</p> <ul style="list-style-type: none"> i. indigenous taxa that are listed as Threatened or At Risk in the New Zealand Threat Classification System lists, and ii. areas of indigenous vegetation and habitats of indigenous fauna, that are significant using the assessment criteria in Appendix 5 of the Regional Policy Statement, and iii. areas set aside for full or partial protection of indigenous biodiversity under other legislation, and <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 |
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| | <p>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</p> <ul style="list-style-type: none"> b) recognising that existing activities may be having existing acceptable effects, and c) recognising that discrete, localised or otherwise minor effects impacting on the indigenous biodiversity may be acceptable, and d) recognising that activities with transitory effects may be acceptable, and <p>6) recognising that appropriate methods of avoiding, remedying or mitigating adverse effects may include:</p> <ul style="list-style-type: none"> a) careful design, scale and location proposed in relation to areas of indigenous biodiversity, and b) maintaining and enhancing connections within and between areas of indigenous biodiversity, and c) considering the minimisation of effects during sensitive times such as indigenous freshwater fish spawning and migration periods, and d) providing adequate setbacks, screening or buffers where there is the likelihood of damage and disturbance to areas of indigenous biodiversity from adjacent use and development, and e) maintaining the continuity of natural processes and systems contributing to the integrity of ecological areas, and f) the development of ecological management and restoration plans, and <p>7) recognising that significant residual adverse effects on biodiversity values can be offset or compensated:</p> <ul style="list-style-type: none"> a) in accordance with the Regional Policy Statement for Northland Policy 4.4.1, and¹⁸⁷ b) after consideration of the methods in (6) above, and <p>8) recognising the benefits of activities that:</p> <ul style="list-style-type: none"> a) include the restoration and enhancement of ecosystems, habitats and indigenous biodiversity, and b) improve the public use, value or understanding of ecosystems, habitats and indigenous biodiversity. |
| | <p>Policy D.2.17 - 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> <ul style="list-style-type: none"> 1) significant areas and values including: <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 tangata whenua, and 2) land-based infrastructure including: <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 3) decision-makers should have regard to: |

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| | <ul style="list-style-type: none"> a) the nature and scale of these effects when deciding whether or not to grant consent for activities in the coastal marine area or on the beds of freshwater bodies, and b) the need to impose conditions on resource consents for those activities in order to avoid, remedy or mitigate these adverse effects. <p>Policy D.2.18 - Precautionary approach to managing effects on significant indigenous biodiversity Where there is scientific uncertainty about the adverse effects of activities on:</p> <ul style="list-style-type: none"> 1) species listed as Threatened or At Risk in the New Zealand Threat Classification System including those identified by reference to the Significant Bird Area and Significant Marine Mammal and Seabird Area maps (refer Maps), or 2) any values ranked high by the Significant Ecological Areas maps (Refer Maps), then the greatest extent of adverse effects reasonably predicted by science, must be given the most weight. |
| <p>Objective F.1.12 Air Quality Human health, ambient air quality, cultural values, amenity values and the environment are protected from significant adverse effects caused by the discharge of contaminants to air.</p> | <p>Policy D.3.1 - General approach to managing air quality When considering resource consent applications for discharges to air:</p> <ul style="list-style-type: none"> 1) ensure that discharges of contaminants to air do not occur in a manner that causes, or is likely to cause, a hazardous, noxious, dangerous or toxic effect on human or animal health or ecosystems, and 2) apply the best practicable option when managing the discharge of contaminants listed in the National Environmental Standards Air Quality, and 3) H.1 Stack height requirements when assessing height requirements for fuel burning devices of more than 40KW capacity, and 4) consider the use of air dispersion modelling where the effects of a discharge are likely to be significant on sensitive areas, and 5) take into account the Ambient Air Quality Guidelines (Ministry for the Environment, 2002) when assessing the effects of the discharge on ambient air quality, and 6) take into account the cumulative effects of air discharges and any constraints that may occur from the granting of the consent on the operation of existing activities, and 7) recognise that discharges to air may have adverse effects across the property boundary (including reverse sensitivity effects) and adverse effects on natural character, and 8) take into account the current environment and surrounding zoning in the relevant district plan including existing amenity values, and 9) consider the following factors when determining consent duration: <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 10) use national guidance produced by the Ministry for the Environment, including: <ul style="list-style-type: none"> a) the Good Practice Guide for Assessing and Managing Odour (Ministry of the Environment, 2016), and |

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| | <p>b) the Good Practice Guide for Assessing and Managing Dust (Ministry of the Environment, 2016), and</p> <p>c) the Good Practice Guide for Assessing Discharges to Air from Industry (Ministry for the Environment, 2016), or</p> <p>d) any subsequent update or revision of these national guidance documents, and</p> <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> <p>Policy D.3.1A - General approach to managing adverse effects of discharges to air When considering resource consent applications for the burning of waste or burning associated with an energy generation process: 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, agrichemical spray drift, and odour, and 2) protecting dust, odour, smoke and spray-sensitive areas from exposure to dangerous or noxious levels of gases or airborne contaminants, and 3) recognising that land use change can result in reverse sensitivity effects on existing discharges to air, but existing discharges should be allowed to continue where appropriate. <p>Policy D.3.2 - Burning and smoke generating activities When considering resource consent applications for the burning of waste or burning associated with an energy generation process:</p> <ol style="list-style-type: none"> 1) avoid outdoor burning of waste materials in urban areas unless: <ol style="list-style-type: none"> a) there is a significant public benefit, or b) alternative options have been explored, are demonstrated to be impractical and adverse effects of the selected option are no more than minor, and 2) recognise that air discharges from crematoria and the cremation of human remains can be culturally sensitive to tangata whenua, and 3) recognise the need for the security of supply of energy in the region, which may include non-renewable sources, and 4) require that a smoke management plan is produced as part of any resource consent where there is a likelihood that there will be objectionable and offensive discharges of smoke at the boundary of the site where the activity is to take place. The smoke management plan must include: <ol style="list-style-type: none"> a) a description of adjacent smoke-sensitive areas, and b) details of materials to be burnt, and c) expected weather conditions, and d) approximate length of time the burn will take, and e) how the burn will be attended, and f) details of good management practice that will be used to control smoke to the extent that adverse effects from smoke at the boundary of the site are managed. <p>Policy D.3.3 - Dust and odour generating activities When considering resource consent applications for discharges to air from dust or odour generating activities:</p> |
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| | <p>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:</p> <ul 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 <p>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.</p> <p>Policy D.3.4 - Spray generating activities When considering resource consent applications for discharges to air from agrichemical or surface coat spray generating activities:</p> <p>1) avoid aerial agrichemical spraying in urban areas unless:</p> <ul style="list-style-type: none"> a) there is a significant public benefit, 191 or b) alternative options have been explored, and have been demonstrated to be impractical, and adverse effects of the proposed aerial spraying are no more than minor, and <p>2) require that a spray management plan is produced as part of any resource consent where there is a likelihood that there will be objectionable or offensive discharges of spray across the boundary of the site where the activity is to take place. The spray management plan must include:</p> <ul style="list-style-type: none"> a) a description of the spraying methods, and b) chemicals to be used, and c) qualifications of the applicators, and d) adjacent spray-sensitive areas, and e) details of good management practices that will be used to manage the risk of spray-drift to the extent that adverse effects from spray at the boundary of the site are avoided, remedied or mitigated. <p>Policy D.3.5 - 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 (SO₂) to air must avoid adverse effects on the operation of regionally significant infrastructure within the Marsden Point Air Shed.</p> |
| <p>Objective F.1.1 - Freshwater quantity Manage the taking, use, damming and diversion of fresh water so that:</p> <p>1) the life-supporting capacity, ecosystem processes and indigenous species including their associated ecosystems of fresh water are safeguarded, and</p> | <p>Policy D.4.1 - Maintaining overall water quality When considering an application for a resource consent to discharge a contaminant into water:</p> <p>1) have regard to the need to maintain the overall quality of water including the receiving water's physical, chemical and biological attributes and associated water quality dependent values, and</p> <p>2) have regard to the coastal sediment quality guidelines in H.3 Water quality standards and guidelines, and</p> <p>3) generally, not grant a proposal if it will, or is likely to, exceed or further exceed a water quality standard in H.3 Water quality standards and guidelines.</p> |

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| <ol style="list-style-type: none"> 2) the significant values, including hydrological variation in outstanding freshwater bodies and natural wetlands are protected, and 3) the extent of littoral zones in lakes are maintained, and 4) continually flowing rivers have sufficient flows and flow variability to maintain habitat quality, including to flush rivers of deposited sediment and nuisance algae and macrophytes and support the natural movement of indigenous fish, and 5) flows and water levels support sustainable mahinga kai, recreational, amenity and other social and cultural values associated with freshwater bodies, and 6) adverse effects associated with saline intrusion and land subsidence above are avoided, and 7) it is a reliable resource for consumptive and non-consumptive uses. | <p>Policy D.4.2 - Industrial or trade wastewater discharges to water An application for resource consent to discharge industrial or trade wastewater to water will generally not be granted unless the best practicable option to manage the treatment and discharge of contaminants is adopted.</p> |
| <p>Objective F.1.2 - Water quality Manage the use of land and discharges of contaminants to land and water so that:</p> <ol style="list-style-type: none"> 1) existing overall water quality is at least maintained, and improved where it has been degraded below the river or lake water quality standards set out in H.3 Water quality standards and guidelines, and 2) the sedimentation of continually or intermittently flowing rivers, lakes and coastal water is minimised, and 3) the life-supporting capacity, ecosystem processes and indigenous species, including their associated ecosystems, of | <p>Policy D.4.4 - Zone of reasonable mixing When determining what constitutes the zone of reasonable mixing for a discharge of a contaminant into water, or onto or into land in circumstances which may result in that contaminant (or any other contaminant emanating as a result of a natural process from that contaminant) entering water, have regard to:</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.4.5 - Transitional policy under Policy A4 of the National Policy Statement for Freshwater Management 2017</p> <ol style="list-style-type: none"> 1) When considering an application for a discharge, the consent authority must have regard to the following matters: <ol style="list-style-type: none"> a) the extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water, and b) the extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water resulting from the discharge will be avoided. 2) When considering an application for a discharge, the consent authority must have regard to the following matters: <ol style="list-style-type: none"> a) the extent to which the discharge would avoid contamination that will have an adverse effect on the health of people and communities as affected by their contact with fresh water, and b) the extent to which it is feasible and dependable that any more than minor adverse effect on the health of people and communities as affected by their contact with fresh water resulting from the discharge will be avoided. 3) This policy applies to the following discharges (including a diffuse discharge by any person or animal): <ol style="list-style-type: none"> a) a new discharge, or b) a change or increase in any discharge of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water. 4) Clause 1 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011. 5) Clause 2 of this policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2014 took effect. |
| | <p>Policy D.4.6 - Discharge of hazardous substances to land or water</p> <ol style="list-style-type: none"> 1) Where a substance is approved under the Hazardous Substances and New Organisms Act 1996 to be discharged to |

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| <p>fresh and coastal water are safeguarded, and</p> <p>4) the health of people and communities, as affected by contact with fresh and coastal water, is safeguarded, and</p> <p>5) the health and safety of people and communities, as affected by discharges of sewage from vessels, is safeguarded, and</p> <p>6) the quality of potable drinking water sources, including aquifers used for potable supplies, is protected, and</p> <p>7) the significant values of outstanding freshwater bodies and natural wetlands are protected, and</p> <p>8) kai is safe to harvest and eat, and recreational, amenity and other social and cultural values are provided for.</p> <p>Objective F.1.13 - Hazardous substances and contaminated land</p> <p>Protect human health, and minimise the risk to the environment, from:</p> <p>1) discharges of hazardous substances, and</p> <p>2) discharges of contaminants from contaminated land.</p> | <p>land or water, good management practices must be used to avoid, as far as practicable, accidental spillages and adverse effects on:</p> <p>a) non-target organisms, and</p> <p>b) the use and consumption of water by humans or livestock, and</p> <p>2) where a substance is not approved under the Hazardous Substances and New Organisms Act 1996 to be applied to land or into water, activities involving the use, storage or disposal of those hazardous substances must be undertaken using the best practicable options to:</p> <p>a) as a first priority, avoid a discharge (including accidental spillage) of the hazardous substance onto land or into water, including reticulated stormwater systems, and</p> <p>b) as a second priority, ensure, where there is a residual risk of a discharge of the hazardous substance, including any accidental spillage, it is contained on-site and does not enter surface water bodies, groundwater or stormwater systems.</p> <p>Policy D.4.7 - Discharges from contaminated land</p> <p>Discharges of contaminants from contaminated land to air, land or water are managed or remediated to a level that:</p> <p>1) allows contaminants to remain in the ground or in groundwater, where it can be demonstrated that the level of residual contamination beyond the site boundary is not reasonably likely to result in an unacceptable risk to human health or the environment, and</p> <p>2) mitigates adverse effects on potable water supplies, and</p> <p>3) avoids, remedies or mitigates adverse effects on aquatic ecosystem health, water quality, human health and amenity values, while taking into account all of the following:</p> <p>a) the physical constraints of the site and operational practicalities, and</p> <p>b) the financial implications of investigation, remediation, management and monitoring options, and</p> <p>c) the use of best practice contaminated land management, including the preparation and consideration of preliminary and detailed site investigations, remedial action plans, site validation reports and site management plans for the identification, monitoring and remediation of contaminated land, and</p> <p>d) whether adequate measures are in place for the transport, disposal and tracking of contaminated soil and other contaminated material removed from a site to prevent adverse effects on the environment.</p> <p>Policy D.4.10 - Avoiding over-allocation</p> <p>For the purpose of assisting with the achievement of Objective F.1.1 of this Plan:</p> <p>1) apply the allocation limits set in H.4 Environmental flows and levels when considering and determining applications for resource consents to take, use, dam or divert fresh water, and</p> <p>2) ensure that no decision will likely result in over-allocation.</p> <p>Policy D.4.15 - Reasonable and efficient use of water - other uses</p> <p>An application for resource consent to take water for any use of water other than that addressed under D.4.13 or D.4.14 must include an assessment of reasonable and efficient use by, taking into account the nature of the activity, and identifying if water</p> |
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| | <p>will potentially be wasted, and opportunities for reuse or conservation.</p> <p>Policy D.4.17 - Conditions on water permits Water permits for the taking and use of water must include conditions that:</p> <ol style="list-style-type: none"> 1) clearly define the take amount in instantaneous take rates and total volumes, including by reference to the temporal aspects of the take and use, and 2) unless there are exceptional circumstances, or the water permit is for a temporary take or a non-consumptive take, require that: <ol style="list-style-type: none"> a) the water take is metered and information on rates and total volume of the take is provided electronically to the Regional Council, and b) for water permits for takes equal to or greater than 10 litres per second, the water meter to be telemetered to the Regional Council, and 3) clearly define when the water take must be restricted or cease to ensure compliance with environmental flows and levels, and 4) require the use of a backflow prevention system to prevent the backflow of contaminants to surface water or ground water from irrigation systems used to apply animal effluent, agrichemical or nutrients, and 5) ensure intake structures are designed, constructed and maintained to minimise adverse effects on fish species in accordance with good practice guidelines, and 6) specify when and under what circumstances the permit will be reviewed pursuant to Section 128(1) of the RMA, including by way of a common review date with other water permits in a catchment. <p>Policy D.4.19 - Transitional policy under Policy B7 of the National Policy Statement for Freshwater Management 2017</p> <ol style="list-style-type: none"> 1) When considering any application, the consent authority must have regard to the following matters: <ol style="list-style-type: none"> a) the extent to which the change would adversely affect safeguarding the life-supporting capacity of fresh water and of any associated ecosystem, and b) the extent to which it is feasible and dependable that any adverse effect on the life-supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided. 2) This policy applies to: <ol style="list-style-type: none"> a) any new activity, and b) change in the character, intensity or scale of any established activity - that involves any taking, using, damming or diverting of fresh water or draining or any wetland which is likely to result in any more than minor adverse change in the natural variability of flows or level of any fresh water, compared to that which immediately preceded the commencement of the new activity of the change in the established activity (or in the case of a change in an intermittent or seasonal activity, compared to that on the last occasion on which the activity was carried out). 3) This policy does not apply to any application for consent first lodged before the National Policy Statement for Freshwater Management 2011 took effect on 1 July 2011. |
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| <p>Objective F.1.7 - Use and development in the coastal marine area 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. | <p>Policy D.5.8 - Coastal Commercial Zone and Marsden Point Port Zone Purpose 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>Policy D.5.9 - Coastal Commercial Zone and Marsden Point Port Zone Development in the Coastal Commercial Zone and the Marsden Point Port Zone will generally be appropriate provided it is:</p> <ol style="list-style-type: none"> 1) consistent with: <ol style="list-style-type: none"> a) existing development in the Coastal Commercial Zone or the Marsden Point Port Zone, and b) existing development on adjacent land above mean high water springs, and c) development anticipated on the land above mean high water springs by the relevant district plan, or 2) associated with regionally significant infrastructure in the Marsden Point Port Zone. Development that is inconsistent with 1) or 2) will not necessarily be inappropriate. <p>Policy D.5.22 - Dredging, disturbance and deposition activities 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>Policy D.5.23 - Benefits of dredging, disturbance and deposition activities 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 5) to protect, restore or rehabilitate ecological or recreational values, or 6) when it is undertaken in association with the deposition of material for beneficial purposes, including the restoration or enhancement of natural systems and features that contribute towards reducing the impacts of coastal hazards. |
| <p>Objective E.1.1 - Catchment-specific values Recognise the following values in the Doubtless Bay, Waitangi, Poutō, Mangere and Whāngarei Harbour catchments:</p> <ol style="list-style-type: none"> 1) cultural and recreational uses associated with fresh and coastal waters, and 2) the ability to gather mahinga kai, and 3) the natural character of waterbodies and their margins, and 4) the quality of habitat for aquatic native species, and | <p>Policy E.2.1 - Catchments When considering resource consent applications in the Doubtless Bay, Waitangi, Poutō, Mangere and Whāngarei Harbour catchments, have regard to the following:</p> <ol style="list-style-type: none"> i. reducing the amount of sediment entering waterways from hill slope and stream-bank erosion, and ii. improving the quality of fresh and coastal water for cultural and recreational uses, particularly contact recreation and the ability to gather mahinga kai, and iii. protecting the ecosystem health and natural character of freshwater bodies, particularly outstanding lakes, and iv. enabling the extraction and use of freshwater where this will not compromise other values or exceed a |

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| 5) access to freshwater for productive uses. | minimum flow or level, or an allocation limit. |
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Annexure Fifteen: List of MACA applicants and addresses for service

| | Reference | Applicant | Address for service |
|-----|------------------|---|---|
| 1. | CIV-2017-404-554 | Nga Hapu o Ngati Wai (represented by Kare Rata) | charl@ranfurlychambers.co.nz |
| 2. | CIV-2017-404-442 | Ropu o Rangiriri | charl@ranfurlychambers.co.nz |
| 3. | CIV-2017-404-579 | Ngā Hapū o Tangaroa ki Te Ihu o Manaia tae atu ki Mangawhai (represented by Waimarie Kingi) | T B Afeaki tavake@afeakichambers.co.nz |
| 4. | MAC-01-05-15 | Ngati Pukenga (Application Area C) (represented by Te Tāwharau o Ngāti Pūkenga Trust) | Emma Gardiner tetawharau@ngatipukenga.com |
| 5. | MAC-01-01-136 | Te Parawhau Hapu (represented by Korokota Marae) | Finnisha Tuhiwai-Burchall hoori2ey@gmail.com |
| 6. | CIV-2017-404-537 | Ngati Rahiri, Ngati Awa, Nga Tapuhi (represented by Joseph Kingi) | gesharrock@rightlaw.nz |
| 7. | CIV-2017-404-573 | Ngati Tahuhu, Ngati Tuu, Ngati Kukutea (represented by Maia Maria Nova) | gesharrock@rightlaw.nz |
| 8. | CIV-2017-404-538 | New Zealand Maori Council (represented by Rihari Dargaville) | gesharrock@rightlaw.nz |
| 9. | MAC-01-01-125 | Te Hikutu Whanau and Hapu (represented by Anania Wikaira, Jane Hotere and Rosaria Hotere) | gesharrock@rightlaw.nz |
| 10. | CIV-2017-404-558 | Ngaitawake (represented by Rihari Dargaville) | gesharrock@rightlaw.nz |
| 11. | MAC-01-01-59 | Ngapuhi Nui Tonu-Kota-toka-tutaha-moana o Whaingaroa | Jack Ralston Wyllie info@bekindbeauty.co.nz |
| 12. | MAC-01-01-13 | Hapu o Te Waiariki, Ngati Kororo, Ngati Takapari (represented by John Kahukiwa) | John Kahukiwa jkahukiwa@corbanrevell.co.nz |
| 13. | CIV-2017-404-566 | Te Waiariki, Ngāti Kororo, Ngāti Takapari Hapū/Iwi (represented by Pereri Māhanga) | John Kahukiwa jkahukiwa@corbanrevell.co.nz |
| 14. | MAC-01-01-50 | Ngapuhi Nui Tonu (Awataha Marae) | Joseph Robert Kingi jrrk999@yahoo.com |
| 15. | MAC-01-01-56 | Ngapuhi Nui Tonu (Te Kotahitanga Marae) | Joseph Robert Kingi jrrk999@yahoo.com |
| 16. | CIV-2017-485-283 | Ngatiwai Trust Board | Jim Smillie jim@ngatiwai.iwi.nz |
| 17. | MAC-01-01-131 | Te Iwi, whanau and hapu of Ngatiwa (represented by The Ngatiwai Trust Board) | Jim Smillie jim@ngatiwai.iwi.nz |
| 18. | MAC-01-01-39 | Nga Hapu of Ngati Wai Iwi | Kare Rata ngatiwai-maca@ranfurlychambers.co.nz |
| 19. | CIV-2017-404-563 | Te Rūnanga o Ngāti Whātua | Mai Chen mai.chen@chenpalmer.com |
| 20. | MAC-01-01-90 | Ngati wai - Whairepo Trust | Maia Hetaraka |

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| | | | mhetaraka@yahoo.com |
| 21. | MAC-01-01-137 | Te Parawhau Ki Tai (represented by Marina Fletcher) | Marina Fletcher marinafletcher12@gmail.com |
| 22. | CIV-2017-485-398 | Ngāti Kawau and Te Waiariki Kororā (represented by Louisa Te Matakino Collier) | mason@phoenixlaw.expert |
| 23. | CIV-2017-485-515 | Elvis Reti | mason@phoenixlaw.expert |
| 24. | CIV-2017-485-512 | Cletus Maanu Paul of the Maori Council on behalf of all Maori. | mason@phoenixlaw.expert |
| 25. | MAC-01-01-37 | Nga Hapu O Ngai Tahu (represented by Richard John Nathan) | Richard John Nathan office@ranfurlychambers.co.nz |
| 26. | MAC-01-01-133 | Te Kaunihera Maori O te Tai Tokerau (represented by Rihari Dargaville) | Rihari Dargaville rihari.takura@gmail.com |
| 27. | MAC-01-01-23 | Mahinepua Reserve Ririwha Trust | Tahua Murray taraire.cottage@extra.co.nz |
| 28. | CIV-2017-485-305 | Te Parawhau (represented by Tamihana Akitai Paki) | C Hockly cameron@hockly.co.nz |
| 29. | MAC-01-01-146 | Te Uri o Tautohe (represented by Tamihana Akitai Paki) | Tamihana Akitai Paki tamihana.nahu@gmail.com |
| 30. | MAC-01-01-60 | Ngapuhi, Ngati Wai, Haki Pereki and Ngawhetu Sadler Whanau Trust (represented by TeKiripute Sadler) | Te Kiripute Sadler chrissdlr450@gmail.com |
| 31. | MAC-01-01-40 | Nga Hapu o Tangaroa ki Te Ihu o Mainaia tai atu ki Mangawhai (represented by Waimarie Kingi) | Waimarie Kingi stuart@tamakilegal.com |
| 32. | MAC-01-01-73 | Ngati Kawau te Kotuku, Te Uri o Te Aho, Ngati Kuri, Te Waiariki Korora nga Hapu o Ngapuhi-Nui-Tonu (represented by Louisa Te Matekino Collier, Awhirangi Lawrence, Arthur Mahanga, Hayward Norman and Mitchell Arapeta Collier) | Yvette Rigby rigby@phoenixlaw.expert |
| 33. | MAC-01-01-101 | Patuharakeke | Jared Pitman admin@patuharakeke.maori.nz |
| 34. | MAC-01-01-102 | Patuharakeke Te Iwi | Jared Pitman admin@patuharakeke.maori.nz |
| 35. | CIV-2017-485-281 | Patuharakeke Te Iwi Trust Board | kelly@dixonandcolawyers.com admin@patuharakeke.maori.nz |
| 36. | CIV-2017-485-420 | Te Whanau Whero | Richard Harrison richard@harrisonstone.co.nz |