

6. Statutory Planning Assessment

6.1 Introduction

This section of the AEE identifies the statutory framework under which the various WDC and NRC consents are to be considered and summarises the assessment of the proposal against the various national, regional, and district planning documents contained in **Appendix 28**.

6.2 Relevant statutory planning documents

6.2.1 Statutory framework

The statutory framework against which the proposal is to be assessed is shown in **Figure 69** below:

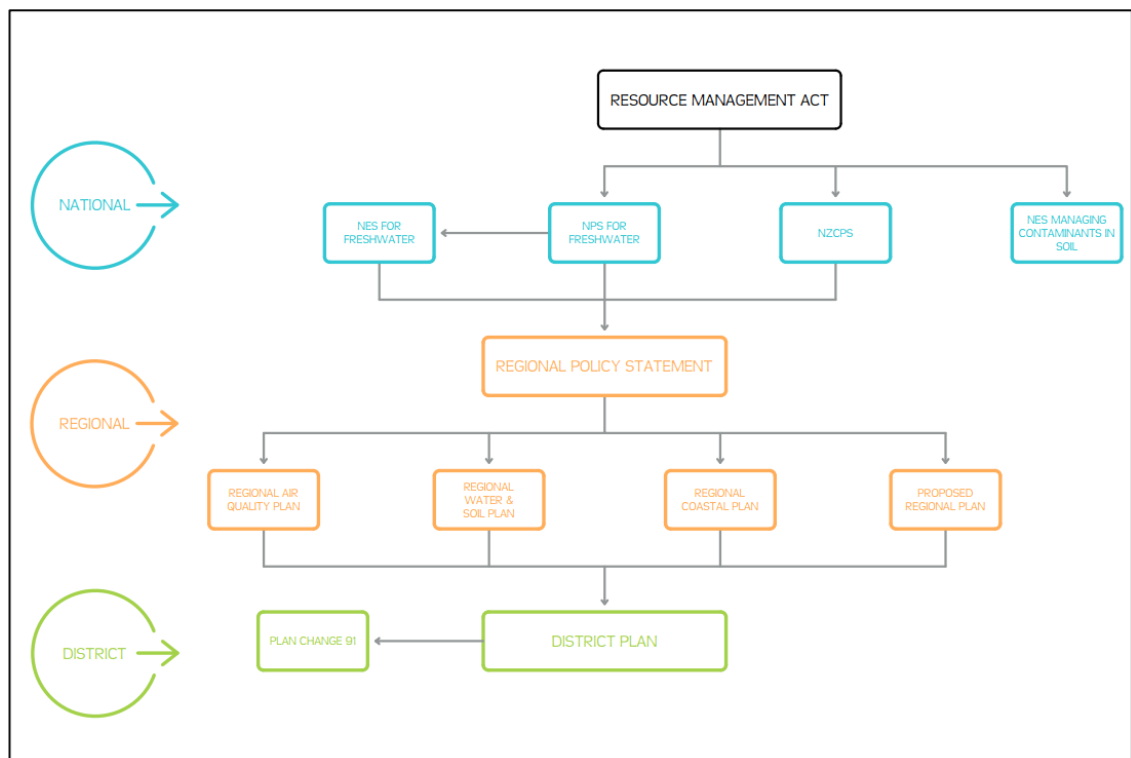


Figure 69: Statutory framework

Given the hierarchical nature of planning documents under the RMA, and the requirement for lower order documents to “give effect to” higher order documents, the principal documents are the PRP (given the very advanced progress of appeals on this plan) and the WDP, both of which have been prepared under the NZCPS and RPS. However, for completeness, all of the documents have been considered in the analysis in **Appendix 28** and summarised below.

6.2.2 National planning documents

National Policy Statement for Freshwater Management 2020 (NPSFM)

The NPSFM sets a national framework for how freshwater is to be managed across the country, according to a fundamental concept, Te Mana o te Wai. Regional and district plans are required to give effect to the NPSFM according to its terms.

Resource Management (National Environment Standards for Freshwater) Regulations 2020 (NESFM)

The NESFM contains regulations for carrying out certain activities that pose risks to freshwater and freshwater ecosystems.

The standards are designed to, among other things, protect existing inland and coastal wetlands.

At the time of filing this application, MfE are publicly consulting on possible changes to the NESFM to clarify that the wetland provisions should not apply to the CMA.

Resource Management (National Environmental Standards for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESCS)

The NESCS is a nationally consistent set of planning controls and soil contaminant values. It ensures that land affected by contaminants in soil is appropriately identified and assessed before it is developed and, if necessary, the land is remediated, or the contaminants contained to make the land safe for human use.

New Zealand Coastal Policy Statement 2010

The NZCPS is the only compulsory NPS required under the RMA. The purpose of the NZCPS is to state policies in order to achieve the purpose of the Act in relation to the coastal environment of New Zealand. Regional and district plans (including the RPS) are required to give effect to it according to its terms.

6.2.3 Regional planning documents

Regional Policy Statement 2016

The RPS provides the broad direction and framework for managing the region's natural and physical resources. It identifies significant resource management issues for the region and sets out how resources such as land, water, soil, minerals, plants, animals, and structures will be managed in an integrated way. Regional and district plans must give effect to the RPS.

Proposed Regional Plan (Appeals Version)

The PRP is a combined regional air, land, water, and coastal plan, which will replace the three existing operative regional plans.⁷⁸ This plan contains objectives, policies, and rules relating to these matters. The PRP must give effect to the national planning documents and the RPS.

The PRP was notified in 2017 and is very well advanced, with the majority of appeals now resolved.

Operative Regional Coastal Plan for Northland 2004

This plan covers the Northland coastal marine area, which is the area from mean high water springs to the 12 nautical mile (22.2 km) limit of New Zealand's territorial sea. The purpose of the Regional Coastal Plan (RCP) is to assist the Northland Regional Council, in conjunction with the Minister of Conservation, to promote the sustainable management of resources in the coastal marine area.

The Regional Coastal Plan for Northland manages the following activities:

- Structures (e.g. wharves and boat ramps)
- Reclamation and impoundment
- Discharges to water
- Dredging
- Moorings and Marinas
- Aquaculture

The Regional Coastal Plan was not prepared under any of the current national planning documents or the RPS.

Operative Regional Water and Soil Plan for Northland

The rules related to earthworks in the PRP are now treated as operative under Section 86F of the RMA. Further, given that the PRP is very advanced through the appeals process, considerably greater weight is placed on the Objective and Policy framework in the PRP compared to the Operative Water and Soil Plan for Northland (RWSP).

Operative Air Quality Plan for Northland

The air quality rules in the PRP are now treated as operative under Section 86F of the RMA. Further, given that the PRP is very advanced through the appeals process, considerably greater weight is placed on the Objective and Policy framework in the PRP compared to the Operative Air Quality Plan for Northland.

⁷⁸ Air Quality Plan, Regional Coastal Plan, Regional Water and Soil Plan.

6.2.4 District planning documents

Whangarei District Plan Operative in Part 2022

The Whangarei District Plan manages land use and subdivision in the Whangarei District. This plan does not have jurisdiction for activities below MHWS. It was prepared under the NZCPS and RPS and has given effect to these documents.

The chapters that are relevant to the proposal are as follows:

- **Port Zone (PORTZ)** – Operative.
- **Natural Open Space Zone (NOSZ)** – Operative.
- **Coastal Area (CA)** – Operative.
- **District Growth and Development (DGD)** – Operative.
- **Urban Form and Development (UFD)** – Operative.
- **Transport (TRA)** - The rules in this chapter are treated as operative under s86F of the RMA. There is one outstanding appeal relating to setbacks from state highways and railways, neither of which are relevant to the proposed expansion. Accordingly, considerably greater weight can be placed on the Objective and Policy framework of this chapter of this Plan relative to its predecessor.
- **Three Waters Management (TWM)** – Operative.
- **Earthworks (EARTH)** – Operative.
- **Lighting (LIGHT)** – Operative.
- **Noise and Vibration (NAV)** – Operative.

Plan Change 91 ‘Hazardous Substances’

Plan Change 91 (PC91) ‘Hazardous Substances’ proposes to amend the operative Hazardous Substances chapter of the District Plan to give effect to the 2017 amendments to the Resource Management Act 1991, which removed the explicit function for local authorities to control the adverse effects of the storage, use, disposal, and transportation of hazardous substances.

As there are no hazardous substances associated with the proposed expansion, this chapter is of limited to no relevance to the proposal.

6.3 Whangarei District Plan zones/overlays

6.3.1 General

The proposed expansion footprint is primarily located in the coastal marine area. However, a portion of the footprint (currently esplanade reserve) is also located in the Natural Open Space Zone (NOSZ). The existing port is located in the Port Zone (PORTZ). Both the existing port and the esplanade reserve are also located within the Coastal Area (CA) overlay.

6.3.2 Port Zone (PORTZ)

The PORTZ applies to the existing port. The proposed expansion, being in the CMA, is not located within this zone. However, it has peripheral relevance to the proposal, with many of the proposed conditions designed to align with the rules in the PORTZ.

The PORTZ recognises the significance of the Port and its importance to the Whangārei District and the Northland Region as regionally significant infrastructure. The stated purpose of the PORTZ is:

- To enable the ongoing and future growth and development of the Port and any associated operational areas and facilities; and
- To provide for operations relating to the transportation of people and freight including within the PORTZ.
- To enable appropriate commercial and industrial development adjacent to Marsden Bay Drive, and to otherwise manage non-port related activities so as not to compromise or constrain the primary purpose of the zone.

The PORTZ is split into three sub zones. The existing port (owned by Northport Ltd) is located in 'Port Operations Area A', being the only area containing and limited to the functions and operations of the Port. 'Port Management Areas B and C', while stated in the plan as being to provide for the future expansion of the Port's operations, together with ancillary and supporting commercial and industrial activities, are owned and managed by Marsden Maritime Holdings (MMH) and are not sufficiently proximate to the berth frontages to be viably used for port operations.

6.3.3 Natural Open Space Zone (NOSZ)

The NOSZ identifies areas of open space land primarily managed for the conservation and protection of natural resources. The Natural Open Space Zone has associated objectives, policies, and rules that provide for the natural, ecological, landscape, cultural and heritage values of these open spaces.

6.3.4 Coastal Area (CA)

The CA is an ‘overlay’ that applies to land where the coast has a significant influence, and where land use activities can have effects on the coastal marine area. It defines the landward extent of the area covered by the NZCPS.

The CA was originally defined in the RPS and has since been introduced to the District Plan. The CA chapter contains objectives, policies, and rules to manage the effects of land use and development on the coastal environment. These provisions apply in addition to the rules for the underlying Zone (unless otherwise stated).

6.3.5 District-wide chapters

The relevant district-wide chapters identified in Section 2.2.4 contain objectives, policies, and rules that apply to all zones across the district.

6.4 Regional Coastal Plan zones/overlays

6.4.1 Marine 5 (Port Facilities) Management Area

The proposed expansion footprint (including the reclamation and dredging areas) is located within the ‘Marine 5 (Port Facilities) Management Area’ in the RCP (see pink area on **Figure 70** below).

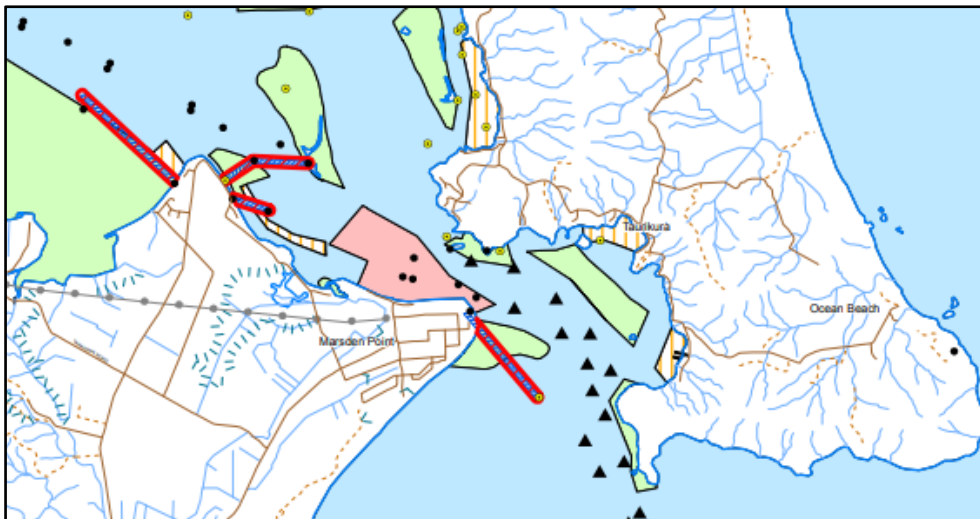


Figure 70: Operative Regional Coastal Plan planning map excerpt

The RCP states that Marine 5 areas are to be “*managed primarily for port-related purposes 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*”.⁷⁹

⁷⁹ Policy 6.4(5) of the Operative RCP.

6.5 Proposed Regional Plan zones/overlays

6.5.1 Marsden Point Port Zone

The proposed expansion footprint (including the reclamation and dredging areas) is located within the 'Marsden Point Port Zone in the PRP (see **Figure 71** below).



Figure 71: Proposed Regional Plan (Decision Version) planning map excerpt (Marsden Point Port Zone)

There are two policies in the PRP that explain the purpose/intent of the Marsden Point Port Zone being:

D.5.8 Coastal Commercial Zone and Marsden Point Port Zone

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

D.5.9 Coastal Commercial Zone and Marsden Point Port Zone

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

- 1) consistent with:
 - a) existing development in the Coastal Commercial Zone or the Marsden Point Port Zone, and
 - b) existing development on adjacent land above mean high water springs, and
 - c) development anticipated on the land above mean high water springs by the relevant district plan, or
- 2) associated with regionally significant infrastructure in the Marsden Point Port Zone. Development that is inconsistent with 1) or 2) will not necessarily be inappropriate.

6.5.2 Significant Marine Mammal and Seabird Area

The entire expansion footprint is located within the Significant Marine Mammal and Seabird Area of the PRP. This area applies to the entire Northland CMA. There are no specific objectives, policies or rules relating to this area.

6.5.3 Significant Bird Area

A small part of the existing dredge footprint is located within the Significant Bird Area of the PRP. This area is shown on the WSP design drawings in **Appendix 3** and in **Figure 72** below. Like the Significant Marine Mammal and Seabird Area, there are no specific objectives, policies or rules relating to this area.



Figure 72: Plan excerpt showing PRP SBAs relative to proposed dredging areas (Source: WSP)

Significant Ecological Area

The proposal has been carefully designed in a way that it does not extend into any Significant Ecological Area notated in the PRP, except for the avifauna roost area which has been determined by the relevant avifauna and coastal processes experts to result in positive effects for the SEA and associated ecology.

6.6 National Policy Statement for Freshwater Management (NPSFM)

6.6.1 General

Section 1.5 addresses the application of the NESFM. With respect to the NPSFM, coastal wetlands do not fall within the definition of “natural inland wetland” as they are located in the CMA.⁸⁰

There are no specific NPSFM policies relating to “natural wetlands” in the CMA. The policy focus in respect to wetlands is on “natural inland wetlands” (outside the CMA). Accordingly, while the proposal does not consider that consent under the NESFM is required for works in or near a natural wetland, out of an abundance of caution we include assessment against the NPSFM in the unlikely event it is required.

The fundamental concept that underpins the NPSFM is Te Mana o te Wai.⁸¹ The NPSFM seeks to manage freshwater in a manner that gives effect to Te Mana o te Wai.

6.6.2 Objectives and policies assessment

The single objective of the NPSFM is:

2.1 Objective

(1) The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:

(a) first, the health and well-being of water bodies and freshwater ecosystems

(b) second, the health needs of people (such as drinking water)

(c) third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

Regarding 1(a), a range of technical studies by suitably qualified and experienced experts have determined that the proposal will not adversely affect the health and well-being of the harbour subject to the implementation of appropriate avoidance and/or mitigation measures being advanced as conditions of consent.

⁸⁰ Under 3.2.1 the NPSFM:

natural wetland means a wetland (as defined in the Act) that is not:

(a) a wetland constructed by artificial means (unless it was constructed to offset impacts on, or restore, an existing or former natural wetland); or

(b) a geothermal wetland; or

(c) any area of improved pasture that, at the commencement date, is dominated by (that is more than 50% of) exotic pasture species and is subject to temporary rain derived water pooling

Natural inland wetland means a natural wetland that is not in the coastal marine area.

⁸¹ Defined in Section 1.3 of the NPSFM.

Regarding 1(c), the proposal will have a positive impact on the economic and social wellbeing of people and communities.

The supporting policies that are relevant to the project are as follows:

Policy 1: Freshwater is managed in a way that gives effect to Te Mana o te Wai.

Policy 2: Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.

Policy 3: Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.

Policy 5: Freshwater is managed through a National Objectives Framework to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.

Policy 14: Information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and well-being, is regularly reported on and published.

Policy 15: Communities are enabled to provide for their social, economic, and cultural wellbeing in a way that is consistent with this National Policy Statement.

The proposal aligns with these policies by employing a stormwater management system that is proven to achieve the water quality standards specified in the PRP, and from which there will be a negligible impact on water quality in the harbour.

6.7 New Zealand Coastal Policy Statement (NZCPS)

6.7.1 Objectives and policies assessment

The NZCPS contains 7 objectives and 29 policies aimed at achieving sustainable management in the coastal environment, with the majority of these having relevance to the project. The key matters most pertinent to the proposed expansion are:

- Indigenous biodiversity
- Natural character
- Tangata whenua
- Public Open Space
- Coastal hazards
- Development in the coastal environment
- Integrated management

- Ports
- Reclamation
- Biosecurity
- Natural features and landscapes
- Sedimentation
- Discharges in the CMA

The relevant NZCPS objectives and policies are assessed in detail in **Appendix 28**. Please refer to those tables for a comprehensive assessment; summary conclusions for each matter are set out below.

Indigenous biodiversity

Relevant provisions: Objective 1, Policy 11

The proposal has been the subject of detailed, integrated, and appropriately scaled assessments of effects on indigenous biodiversity that recognise the dynamic, complex, and interrelated nature of the environment in this locality. The various assessments have concluded that the overall effects on biological and physical processes, and on the diversity of indigenous coastal flora and fauna, will be minor or less subject to the implementation of measures to avoid or otherwise minimise effects. In addition, coastal water quality has been determined to be good, and unlikely to be affected by additional run-off from the expanded container terminal. Overall, the proposal is considered to align with Objective 1.

The related Policy 11 contains more specific direction to avoid adverse effects on endangered and threatened indigenous flora and fauna, and significant effects on other indigenous biodiversity and related habitat. The various ecological assessments have concluded that the effects in respect to these matters are also minor or less subject to the implementation of measures to avoid and otherwise minimise effects. Accordingly, the proposal aligns with Policy 11.

Natural character

Relevant provisions: Objective 2, Policy 13

The BNZL assessment notes that the port is not located in an Outstanding Natural Character Area, and that there are no ONLAs, HNCAs, ONFs, or ONCAs directly affected by the Northport proposal.

At a more general level, although the character and values of Marsden Point Beach would be appreciably changed by the proposed expansion, this will not alter the natural character values of the wider Marsden Point coastline to a commensurate degree.

The proposal is located in an area where natural character values are compromised by existing activities in the immediate and surrounding environment.

Overall, the BNZL assessment concludes that the proposal is acceptable in natural character terms, and in alignment with Objective 2 and Policy 13.

Tangata whenua

Relevant provisions: Objective 3, Policy 2

The role of tangata whenua has been recognised through meaningful and ongoing engagement with mana whenua. Cultural values and cultural effects assessments have been prepared in respect of the application in order to identify those characteristics that are of special value, and how they may be affected by the proposal. Understanding the relationship of tangata whenua over their lands, rohe and resources and the related effects of the proposal on this relationship continues to be a key focus for Northport as it continues its proactive engagement through to, and post, lodgement.

It is expected that there will be conditions of consent related to cultural issues and effects, and that these will be developed in consultation with mana whenua. It is expected that these conditions will align with many of the matters in Policy 2(a)-(g).

Public Open Space

Relevant provisions: Objective 4, Policies 18 and 19

Objective 4 recognises that there may be exceptional circumstances when maintaining and enhancing walking access to and along the coast is not practicable, and in those circumstances promotes the provision of alternative access.

While some public open space will be lost as a result of the proposal, this is necessary to enable the port to expand and safely operate in order to provide its regionally (and nationally) significant infrastructure function.

The proposal responds to Objective 4 and the supporting Policies 18 and 19 by providing and enhancing public access to the beach at the eastern end of the expanded port. New open space resources are proposed, including a pocket park/reserve area, associated carpark/toilet facilities, a fishing platform, and facilities to enhance water/swimming access.

Coastal hazards

Relevant provisions: Objective 5, Policies 24-27

There is specific recognition in the NZCPS for activities that cannot avoid locating in coastal hazard areas, as is unsurprisingly the case with an existing commercial port. Given the specific circumstances, the proposal aligns with Objective 5 and Policies 24-27.

Development in the coastal environment

Relevant provisions: Objective 6, Policy 6

When considered overall, the proposed port expansion aligns well with these provisions because, in addition to the positive economic and social effects and the obvious functional need to be located in the CMA, the expansion is designed to meet the reasonably foreseeable needs of future generations, is located in an area where natural character values are already influenced by existing

activities in the immediate and surrounding environment (indeed, it integrates with, and will operate indistinguishably from, the existing port), incorporates mitigation measures in relation to public access and open space, and includes shared use of facilities in the CMA where practicable (i.e. the proposed fishing pontoon and other amenities on the eastern revetment).

Integrated management

Relevant provisions: Policy 4

To achieve the integrated management of natural and physical resources and continuity overall, the various consents required from the respective councils are being processed jointly and by the same processing officer. Furthermore, the various technical effects assessments are cognisant of cross boundary activities and effects.

Regarding hapu or iwi interests, a collaborative approach to consulting with the various parties is being pursued in full alignment with this policy.

Ports

Relevant provisions: Policy 9

The proposed expansion directly aligns with, and gains considerable support from, Policy 9 as it is founded on a need to integrate with and assist the national network of ports in New Zealand to provide for the efficient and essential movement of national and international freight. Central to this issue is that providing for the development of the capacity of ports for shipping requires, long lead times for gaining consents, securing funding, design, and construction.

Furthermore, the proposed expansion is predominantly located in the Marsden Point Port Zone, the singular purpose of which is “to enable the development and operation of existing and authorised maritime-related commercial enterprises or industrial activities located within these zones”. In that regard, the PRP identifies the proposal site as the appropriate location for the port as per Policy 9(b).

Reclamation

Relevant provisions: Policy 10

The proposal aligns with Policy 10(1) and (2) for the following reasons:

- 1(a) It is not possible to provide additional berth length without an associated reclamation (freight handling area).
- 1(b) The activity can only occur in the coastal marine area.
- 1(c) Other alternative methods have been considered and are not considered practicable.
- 1(d) The proposed reclamation will provide significant national and regional benefits.
- 2(a) The port deck height and rock armouring of the reclamation will be designed to take into account coastal hazards, including climate change and sea level rise.

- 2(b) The reclamation will have the same appearance as the existing port.
- 2(c) No contaminated materials will be used in the reclamation.
- 2(d) Public access is to be provided within the esplanade reserve and along the eastern edge of the reclamation.
- 2(e) The various technical reports conclude that potential adverse effects of the proposal on the environment can be mitigated.
- 2(f) Consultation with tangata whenua is ongoing with a view to understanding and mitigating effects on cultural landscapes and sites of significance to tangata whenua.
- 2(g) MO modelling has determined that there will not be significant changes in harbour morphology resulting from the proposed reclamation, and that other effects can be mitigated.

The purpose of the reclamation is to enable the efficient operation of Northport, and the overall movement of freight handled by the network of ports servicing the upper North Island.

Biosecurity

Relevant provisions: Policy 12

The proposal includes conditions of consent related to biosecurity. Specifically, a biosecurity measures will be included in the CEMP to manage biosecurity risks associated with construction vessels. Northport will also continue to follow MPI biosecurity requirements for international shipping. This aligns with Policy 12.

Natural features and landscapes

Relevant provisions: Policy 15

The proposed expansion aligns with this policy because:

1. There are no mapped ONFs or ONLAs within the expansion footprint.
2. ONFs and ONLAs in the surrounding environment already co-exist with port and refinery activities, and the proposed expansion will not result in any significant change to the values of these features.

Accordingly, it is an appropriate development in this location within the context of Policy 15.

Sedimentation

Relevant provisions: Policy 22

The proposed construction, deposition and dredging activities will be subject to comprehensive conditions of consent designed to provide real-time monitoring of sedimentation levels, response mechanisms to appropriately manage adverse effects of sedimentation in coastal water and in the

coastal marine area generally, and reporting of outcomes to councils and other bodies and agencies with collaborative responsibilities and duties in the coastal environment.

Discharge of contaminants

Relevant provisions: Policy 23

Discharges to water from the port facility will be managed by the existing pond-based stormwater treatment system for the existing port and/or proprietary devices. The effects of these discharges on water quality are predicted to be minor or less.

Increases in turbidity and sedimentation are expected to be temporary as they relate to dredging and construction of the reclamation. Mitigation measures are proposed to ensure that the handling of dredged material will not result in significant adverse effects on water quality or the seabed, substrate, ecosystems, or habitats.

For the above reasons, the proposal aligns with Policy 23.

6.8 Regional Policy Statement (PRS)

6.8.1 General

The RPS was made operative in 2016. It is required to give effect to the NZCPS, and accordingly the objectives and policies traverse similar matters, albeit tailored to the regional context.

Section 1.3 of the RPS sets out the principles that have been used to guide the development of the RPS. These are:

People

People are at the heart of this Regional Policy Statement. All district and regional plans should have regard to people and their need for a healthy environment, well managed resources, jobs and business opportunities for their wellbeing and long-term economic success.

Economy within the environment

This Regional Policy Statement has been developed giving weight to both long-term economic and environmental considerations. It recognises that a healthy Northland economy needs a healthy environment. This Regional Policy Statement is enabling. It balances improving the economy and using resources wisely with managing and investing in the environment to achieve our future aspirations for improvement in Northland and our wellbeing. It is effects-based and should lead to effects-based implementation.

Partnership

Working with others is efficient, increases the sense of ownership, and provides opportunities for innovation and enduring success. Encouraging and supporting individual, landowner, key stakeholder and community involvement and action is critical to effective resource management in Northland.

Partnership with tangata whenua

In recognition of the partnership principles in the Treaty of Waitangi / Te Tiriti o Waitangi, and the benefits of working in partnership, tangata whenua have a key role in resource management.

Local government's role and responsibility

Local government plays an important role in managing Northland's natural and physical resources and the competing interests and values. It enables the use, development and protection of those resources to meet the needs of people and safeguards the environmental bottom lines, Northland's special places and the things we value. In doing so, it maintains Northland's capacity to generate benefits for future generations.

Affordability

The Regional Policy Statement recognises that some resource use practices will have to change so that natural and physical resources can be managed in a sustainable manner. Where these changes would impose a significant financial burden, or a practical solution is not currently available, a reasonable time is to be allowed for desired environmental results or outcomes to be achieved, taking into account the need for change and the costs and effects of not acting, or not acting quickly. Affordability acknowledges intergenerational equity and fairness.

Adaptive management

Managing Northland's natural and physical resources is a complex task. The environment, resources and systems are dynamic and so is our understanding of them. We have information gaps to fill. Our management regime must therefore be adaptive and be able to respond to change to achieve sustainable resource management.

Effectiveness

Effective resource management in Northland will involve a mixture of advocacy, education, information provision, encouragement, incentives, co-production / partnership, codes of practice, regulation, economic / market-based instruments, process reforms, and other forms of intervention and support. The Regional Policy Statement contains the minimum regulation: to meet legal requirements, community needs and values as derived from evidence and the process for its development. It recognises that solutions must be affordable, fit for purpose and achieve the objectives set out. We have matched our policy instruments to the resource management issues and opportunities identified. In line with affordability, we have avoided unnecessary compliance costs.

These principles permeate through the objectives and policies, which are focussed on providing for the health and economic well-being of people and communities, while managing effects on the environment.

The key matters pertinent to the proposed expansion covered in the RPS are:

- Water quality
- Indigenous biodiversity
- Enabling economic wellbeing
- Regionally significant infrastructure
- Efficient and effective infrastructure

- Tangata whenua
- Natural hazards
- Natural character and landscape
- Occupation of space in the CMA
- Coastal permit duration
- Development in the coastal environment
- Hard protection structures

The objectives and policies are assessed in detail in **Appendix 28**. Summary conclusions for each matter are set out below.

6.8.2 Objectives and policies assessment

Water Quality

Relevant provisions: Objective 3.2, and Policy 4.2.1

The proposal aligns with these provisions for the following reasons:

- The various technical assessments and results from monitoring existing port related discharges demonstrate that operational stormwater will not adversely affect overall water quality in the adjoining harbour.
- Mitigation measures are proposed to minimise those temporary effects associated with turbidity and sedimentation during construction (reclamation and dredging).

Indigenous biodiversity

Relevant provisions: Objective 3.4, Policy 4.4.1

The proposal has been the subject of detailed, integrated, and appropriately scaled assessments of effects on indigenous biodiversity that recognise the dynamic, complex, and interrelated nature of the environment in this locality. The various assessments by qualified and experienced independent experts conclude that the overall effects on biological and physical processes, and on the diversity of indigenous coastal flora and fauna, will be minor or less subject to the implementation of measures to avoid or otherwise minimise effects.

In addition, coastal water quality has been determined to be good, and unlikely to be affected by additional run-off from the expanded container terminal. The proposal aligns with Objective 3.4 and Policy 4.4.1.

Enabling economic well-being

Relevant provisions: Objective 3.5

The proposed expansion will directly improve the economic well-being of Northland and its communities through ensuring a robust port network with sufficient capacity into the future; and indirectly by enabling the operation and expansion of downstream businesses and investment that contribute to the economic wellbeing of people and communities. The proposal therefore aligns with this objective.

Regionally significant infrastructure

Relevant provisions: Objective 3.7, Policy 5.3.1, 5.3.2, and 5.3.3,

This suite of provisions relating to regionally significant infrastructure highlights the elevated importance of such infrastructure to the economic well-being of the region. This is a central theme of the RPS.

Northport is expressly identified as regionally significant infrastructure in the RPS. The proposed expansion of the Port will enhance Northland's economic and social well-being in the manner contemplated by Objective 3.7 and the supporting policies.

Efficient and effective infrastructure

Relevant provisions: Objective 3.8, Policy 5.2.1, 5.2.2, 5.2.3

The proposal aligns with Objective 3.8 and the supplementary provisions for the following reasons:

- (1) It optimises the use of the existing port and avoids the need for a new port.
- (2) It will enable flexibility to adapt to changing market and political conditions to meet the reasonably foreseeable needs of the community.
- (3) It will enable the port to continue to lead and facilitate regional economic development and community wellbeing.

These provisions are reinforced by the regionally significant infrastructure provisions (Objective 3.7 supported by Policies 5.3.1, 5.3.2, and 5.3.3) and the economic wellbeing Objective 3.5.

Tangata whenua

Relevant provisions: Objective 3.12, Policy 8.1.1, 8.1.2

These provisions give effect to Objective 3 and Policy 2 of the NZCPS.

The role of tangata whenua in decision-making has been recognised in the Northland and Whangarei contexts through regional and district plan provisions, including iwi management plans, and through meaningful and ongoing engagement with mana whenua on this proposal.

Understanding the relationship of tangata whenua over their lands, rohe and resources and the related effects of the proposal on this relationship continues to be a key focus for Northport.

Natural hazards

Relevant provisions: Objective 3.13, Policy 7.1.1, 7.1.3, 7.1.4, 7.1.5, 7.1.6

These provisions give effect to Objective 5, Policies 24-27 of the NZCPS.

As specifically recognised in Policy 7.1.5, Northport (as with all commercial ports) has a functional need to be located in the coastal environment. As such, it is subject to coastal hazards, noting that the natural hazard risk to the port itself is lessened by the location of the Port inside the harbour, as opposed to more exposed coastal locations.

Natural character and landscape

Relevant provisions: Objective 3.14, Objective 3.15, Policy 4.6.1, 4.4.2, 4.7.1 4.7.3

Objectives 3.14, 3.15 and Policies 4.6.1, 4.4.2, 4.7.1 4.7.3 give effect to Objective 2 and Policies 13 and 15 of the NZCPS.

The proposal aligns with these provisions for the following reasons:

- The proposal is not located in mapped Outstanding Natural Character and Landscape Areas, and rather is located in an area where natural character values are compromised by existing activities in the immediate and surrounding environment.
- The proposal is acceptable in natural character terms, avoiding effects on outstanding natural features, outstanding natural character, and landscape areas, and otherwise avoiding significant effects in the coastal environment.
- The proposal incorporates avoidance and mitigation measures in relation to indigenous biodiversity in the context of policy 4.4.1, public open space and access, and water quality.
- Additional restoration and enhancement measures that accord with Policy 4.4.2 may be proposed following further consultation with mana whenua and other interest groups.

The BNZL assessment concludes that the proposal is acceptable in natural character terms, avoiding effects on outstanding natural features, outstanding natural character, and landscape areas, and otherwise avoiding significant effects in the coastal environment. It therefore aligns with this objective and policy.

Occupation of space in the CMA

Relevant provision: Policy 4.8.1, 4.8.4

The proposal aligns with Policy 4.8.1 as follows:

- (1) There is a clear functional need for the activity to be in the coastal marine area – it cannot be located anywhere else.

- (2) The design and location of the activity is constrained by the existing port development, and it is not feasible to undertake the activity on dry land.
- (3) The proposed footprint extent is necessary to provide for the intended use.
- (4) Exclusion of the public from the port operations area is necessary to protect the integrity of the structure and for health and safety reasons.

In regard to Policy 4.8.4, there are considerable public benefits from the expanded port occupying additional common marine and coastal area as outlined in the ME economic assessment.

Coastal permit duration

Relevant provision: Policy 4.8.3

The proposed 35-year durations sought for the Northland Regional Council consents –other than the coastal permit for reclamation, which is of unlimited duration pursuant to s 123(a) of the RMA - reflects the need for security of tenure given the investment involved, the fact that the activity is Regionally Significant Infrastructure, and Northport’s prior compliance history and adoption of good management practices (all factors to be considered under this policy). It also reflects the long-term perspective required for port development, and the need for flexibility and the ability to react quickly to changing market requirements.

Development in the coastal environment

Relevant provision: Policy 5.1.2

Policy 5.1.2 gives effect to Objective 6 and Policy 6 of the NZCPS. It seeks to enable people and communities to provide for their well-being through appropriate development. The purpose of the proposed expansion is to improve the economic well-being of Northland and its communities. It achieves this by:

- (1) Consolidating the existing port development consistent with Policy 5.1.2(a).
- (2) Retaining public access to the residual beach area and the eastern side of the reclamation and improving public amenities as per the pocket park concept, consistent with Policy 5.1.2(b)(i).
- (3) Minimising effects on the functioning of coastal processes and ecosystems consistent with Policy 5.1.2(b)(ii).
- (4) Compatibility with existing development in the surrounding environment (i.e. existing port and CINZL facility) consistent with Policy 5.1.2(c).
- (5) The ability to service the expanded port area with adequate infrastructure consistent with Policy 5.1.2(d).

Hard protection structures

Relevant provision: Policy 7.2.2

The reclamation rock revetment is the best practicable option for protecting the reclamation against natural hazards. There are no viable non-structural measures.

6.9 Proposed Regional Plan

6.9.1 General

The PRP (Appeals Version) has been prepared to give effect to the RPS and accordingly the objectives and policies traverse similar matters. Core pillars of the PRP are the avoidance of adverse effects on biodiversity and natural character/features/landscapes, providing for economic development, and enabling regionally significant infrastructure.

Key matters covered in the PRP are as follows:

- Water quality
- Indigenous biodiversity
- Enabling economic well-being
- Regionally significant infrastructure
- Use and development in the CMA
- Tangata whenua
- Natural hazards
- Natural character, natural features and landscapes
- Air quality
- Social, cultural, and economic benefits
- Climate change
- Biosecurity
- Resource consent duration
- Marsden Point Port Zone
- Reclamation
- Dredging and deposition
- Underwater noise

The objectives and policies are assessed in detail in **Appendix 28**. Summary conclusions for each matter are set out below.

6.9.2 Objectives and policies assessment

Water quality

Relevant provisions: Objective F.1.2, Policy D.4.1, D.4.2, D.4.4, D.4.27

These provisions give effect to Objective 3.2, and Policy 4.2.1 of the RPS. Like the RPS provisions, they seek to manage discharges in order to maintain overall water quality.

Based on the various technical assessments, and results of monitoring existing port related discharges, the proposal is consistent with all the matters listed in Objective F.1.2. Similarly, operational stormwater will not adversely affect overall water quality in the adjoining harbour, consistent with Policy D.4.1.

The proposed treatment methods, being utilisation of the existing canal and pond system and/or proprietary devices are considered to be the best practicable option in accordance with Policy D.4.2.

Construction will be undertaken in accordance with good management practices, including detailed and specific 'real time' management triggers for turbidity, there will be no significant adverse effects, and all effects will be appropriately avoided, remedied, or mitigated, consistent with Policy D.4.27.

For the above reasons, the proposal aligns with the objectives and policies of the PRP relating to water quality.

Indigenous biodiversity

Relevant provisions: Objective F.1.3, Policy D.2.18

Objective F.1.3 is satisfied because the various technical assessments prepared by suitably qualified and experienced experts indicate that ecological integrity will be safeguarded, and the matters listed in the objective achieved.

In accordance with Policy D.2.18, the proposal has been carefully scoped, located, and designed to avoid areas of significant indigenous vegetation and significant habitats of indigenous fauna. Many years of studies and careful consideration of alternative sites and methods have been undertaken.

The proposal has been the subject of detailed, integrated, and appropriately scaled assessments of effects on indigenous biodiversity that recognise the dynamic, complex, and interrelated nature of the environment in this locality. The various assessments have balanced desktop analysis, technical modelling, and survey work, and have concluded that the overall effects on biological and physical processes, and on the diversity of indigenous coastal flora and fauna, will be minor or less.

The proposed effects management measures for avifauna, marine mammals, and other marine ecology accord with D.2.18(6), including the construction of roosting habitat to maintain/enhance connections within areas of biodiversity (therefore maintaining ecological processes and integrity) and measures to avoid transitory adverse effects associated with construction during sensitive times (i.e., during avifauna nesting and when marine mammals are known to be near works areas).

Regarding marine pests, biosecurity measures contained in the CEMP and adherence to MPI guidelines for international ships will minimise the potential for new marine pests being introduced into Northland, as will compliance with relevant regional plan rules, and the Northland Regional Pest and Marine Pathway Management Plan.

The proposal aligns with Objective F.1.3 and Policy D.2.18.

Enabling economic wellbeing

Relevant provisions: Objective F.1.5

Objective F.1.5 is a replica of Objective 3.5 of the RPS. By providing future employment opportunities, enabling a range of associated and ancillary business opportunities, and representing a strategic part of New Zealand's network of coastal ports, the proposal will improve the economic and social well-being of Northland and its communities and therefore aligns with this objective.

Regionally significant infrastructure

Relevant provisions: Objective F.1.6, D.2.5, D.2.7, D.2.8, D.2.9, D.2.11

Objective F.1.6 is a similarly worded objective to Objective 3.7 of the RPS, where Northport is identified as regionally significant infrastructure.

The proposed expansion of the Port will enhance Northland's economic and social well-being in the manner contemplated by Objective F.1.6 (see ME report in **Appendix 22**).

The effects of proposal align with the matters listed in Policy D.2.7(1) and (2) and have been assessed as being no more than minor (noting that further consultation is required in respect to the policies in Section D.1 'Tangata Whenua').

Regarding Policy D.2.8 the various technical studies prepared by suitably qualified and experienced experts have confirmed that the effects associated with construction will be minor or less (and not significant) and/or transitory, and that the effects of the Port after the proposed upgrading will be similar to those of the existing Port. Accordingly, the proposal aligns with Policy D.2.8.

Policy D.2.9 specifically contemplates circumstances where the adverse effects of regionally significant infrastructure will be greater than those contemplated by Policies D.2.7 and D.2.8 (including the effects referred to in the cross-referenced policies in D.2.7) and sets out a range of matters (1)-(9) to have regard and give weight to in such circumstances. Many of these matters should be carefully regarded, and heavily weighted, as they are central to the proposal. For instance, the proposal; has a range of social and economic benefits to the region; has a clear and

demonstrated functional need to be located within the CMA and integrated with the current operating port therefore achieving consolidated development and efficient use of existing infrastructure resources; has been the subject of extensive studies into alternative sites and methods, and careful design, all of which have avoided or mitigated a range of adverse effects.

The various technical studies carried out in support of the AEE establish that the adverse effects of the proposal are consistent with those envisaged in Policies D.2.6 and D.2.7.

Policy D.2.11 is not relevant because it relates to reverse sensitivity effects on regionally significant infrastructure.

For the reasons outlined above, the proposal aligns with Objective F.1.6 and Policies D.2.5, D.2.7, D.2.8, D.2.9, and D.2.11.

Use and development in the CMA

Relevant provisions: Objective F.1.8

The proposal aligns with this objective for the following reasons:

- It makes efficient use of space in the CMA by expanding the existing facility, which is appropriately zoned within the Marine 5 Management Area and adjacent to port- and heavy industry-zoned land, as opposed to constructing a new port elsewhere.
- The various technical studies have concluded that the scale and design is compatible with the location and has effects that fall within appropriate limits.
- The design recognises the need to maintain and enhance public open space and recreational opportunities through the proposed pocket park development and associated amenities.

Tangata whenua

Relevant provisions: Objective F.1.9, Policy D.1.1, D.1.2, D.1.3, D.1.4, D.1.5

Objective F.1.9 is a replica of Objective 3.12 of the RPS.

The role of tangata whenua has been recognised through meaningful and ongoing engagement with mana whenua. Understanding the relationship of tangata whenua over their lands, rohe and resources and the related effects of the proposal on this relationship continues to be a key focus for Northport.

Consistent with Policy D.1.1 and D.1.2, Northport has carried out meaningful engagement with mana whenua, including providing early drafts of independent expert reports and facilitating review and feedback on those reports. Consultation will continue post lodgement, as is best practise.

A draft cultural effects assessment has been provided by Patuharakeke. That draft CEA identifies that the proposal will not directly impact on any individual archaeological sites or wāhi tapu. Northport continues to meaningfully engage in order to interpret and respond to matters raised, such as effects associated with the proposal, including on the broader cultural landscape.

In addition to direct engagement with mana whenua prior to lodgement of its application, regarding Policy D.1.3, the applicant has requested public notification under s 95A of the RMA, providing another avenue for participation in the process.

Regarding Policy D.1.4, ongoing consultation with mana whenua is expected to result in measures to mitigate and otherwise address cultural effects and issues, consistent with the intent of this policy.

Regarding Policy D.1.5, no specific sites or areas of cultural significance have been identified to date, and none are mapped in the PRP.

In summary, the Assessment of Environmental Effects has addressed all the matters listed in Policies D.1.2 - D.1.4 and aligns with them.

Natural hazards

Relevant provisions: Objective F.1.10, Policy D.6.1, D.6.2,

This objective is a replica of Objective 3.13 of the RPS, except for the addition of F.1.10(8).

The proposal aligns with these provisions for the following reasons:

- The proposal has a functional need to be located in a coastal hazard area.
- The reclamation rock revetment is the best practicable option for protecting the reclamation against natural hazards.
- The proposal is located and designed in alignment with these provisions.

Natural character, natural features, and landscapes

Relevant provisions: Objective F.1.12, Policy D.2.17

These provisions give effect to Objective 3.14, Objective 3.15, and Policies 4.6.1, 4.4.2, 4.7.1 4.7.3 in the RPS.

The proposal aligns with these provisions for the following reasons:

- There are no outstanding natural character areas or seascapes within the development footprint.
- The assessment of effects on natural character by BNZL concludes that the proposal is appropriate in this location. This is consistent with Objective F.1.12(a), (b) and (d).
- In regard to Objective F.1.12(2), there are no known historic heritage values associated with the area located within the proposed expansion footprint.
- In regard to Objective F.1.12(d), while there are no mapped places of significance to tangata whenua within the proposed expansion footprint, Northport continues to consult with tangata whenua to understand the impacts of the port on the values important to them.

- Regarding Policy D.2.17, the proposed expansion footprint is not located within an outstanding natural character area, outstanding natural feature, or an outstanding natural seascape.
- Adverse effects on natural character are not assessed as being significant (see BNZL report in **Appendix 15**), and the proposed expansion effects of the proposed expansion on natural character are appropriate in the context of the existing port, oil terminal and surrounding heavy industrial activities and zoning.

Air quality

Relevant provisions: Objective F.1.13, Policy D.3.1, D.3.2, D.3.4, D.3.6

The proposal is a permitted activity under the air quality rules of the PRP.

Social, cultural, and economic benefits

Relevant provisions: Policy D.2.2

The application clearly outlines the significant cultural and economic benefits associated with the proposal, including promoting employment opportunities and supply chains for regional businesses. The benefits to Māori, and opportunities for enhancing Māori development in Northland, continue to be understood through ongoing consultation.

Climate change

Relevant provisions: Policy D.2.3

This policy is focussed on ensuring that the development is designed cognisant of the impacts of climate change. This will be a key factor in the final design of the expanded port as envisaged by these provisions.

Biosecurity

Relevant provisions: Policy D.2.13

The proposal aligns with this policy through proposed conditions of consent related to biosecurity including implementation of biosecurity measures for construction vessels outlined in the CEMP. Northport will also continue to follow MPI biosecurity requirements for international shipping.

Resource consent duration

Relevant provisions: Policy D.2.14

This policy gives effect to Policy 4.8.3 of the RPS.

The proposed 35-year durations sought for the Northland Regional Council consents – other than the coastal permit for reclamation, which is of unlimited duration pursuant to s 123(a) of the RMA - reflects the need for security of tenure given the investment involved, the fact that the activity is Regionally Significant Infrastructure, and Northport's prior compliance history and adoption of

good management practices (all factors to be considered under this policy). It also reflects the long-term perspective required for port development, and the need for flexibility and the ability to react quickly to changing market requirements.

Precautionary approach to managing effects on indigenous biodiversity

Relevant provisions: Policy D.2.20

The proposal has been carefully designed and located in order to avoid significant areas of indigenous biodiversity. Further, the applicant has invested heavily and over a period of years in commissioning a broad suite of independent expert studies to thoroughly understand the existing values, and the effects associated with its proposal. The effects of the proposal are therefore well understood, and conditions of consent are proposed to manage those effects. A decision maker should be satisfied that, to the appropriate extent, the applicant has adopted a precautionary approach in accordance with Policy D.2.20.

Marsden Point Port Zone

Relevant provisions: Policies D.5.8, D.5.9

These policies give effect to Policy 9 of the NZCPS.

The proposed port expansion is directly consistent with the purpose of the Marsden Point Port Zone. The proposal is located immediately adjacent to the existing port, and therefore represents consolidated, efficient, and appropriately zoned development of regionally significant infrastructure which will result in benefits to the economic and social well-being of the Northland region.

The proposed port expansion is appropriate in the Marsden Point Port Zone for the following reasons:

- It is an expansion of an existing port 1(a); and
- It is consistent with existing port activities and the CINZ facility 1(b).
- It is consistent with what is anticipated in the adjoining Port Zone 1(c).
- It is associated with regionally significant infrastructure (2).

The proposal directly aligns with, and is therefore enabled by, Policy D.5.9.

Reclamation

Relevant provisions: Policies D.5.20, D.5.21, D.5.22

These policies give effect to Policy 10 of the NZCPS.

The proposed reclamation aligns with the criteria in Policy D.5.20.

In regard to Policy D.5.21, the reclamation is designed and located to interact seamlessly with the existing port facility. As such, it represents consolidation of development in a manner that most efficiently utilises existing physical resources including port handling, road, and rail infrastructure. Overall, the proposal will provide for the efficient operation of Northport in full alignment with this policy.

The proposed construction of roosting habitat to maintain/enhance connections within areas of biodiversity is consistent with Policy D.5.22(3).

Dredging and deposition

Relevant provisions: Policies D.5.24, D.5.25,

The various technical assessments prepared by suitably qualified and experienced experts accompanying these applications have not identified long term erosion within the CMA, or any damage to authorised structures. It is acknowledged that some accretion is likely to occur over time around the CINZL jetties. Northport holds resource consents to undertake maintenance dredging around those jetties, and it may be necessary for such dredging to occur in order to maintain the necessary access depth for vessels. Northport intends to continue direct discussions with CINZL on this issue post-lodgement.

Underwater noise

Relevant provisions: Policy D.5.27

The approach to managing the effects of underwater noise outlined in the AEE is consistent with Policy D.5.27.

6.10 Operative Regional Coastal Plan (2004)

6.10.1 General

The RCP is in the process of being replaced by the PRP. Many of the rules are now beyond challenge and therefore operative under Section 86F of the RMA. However, some provisions of the RCP remain operative due to outstanding appeals to the PRP, although it is appropriate that only limited weight be afforded to them given the very advanced stage of the PRP.

The RCP covers the following matters:

- Marine Management Areas
- Natural
- character Natural features and landscapes
- Protection of significant vegetation and habitats of significant flora and fauna
- Public access

-
- Recognition of and provision for Maori and their cultural traditions
 - Water quality
 - Air quality
 - Natural hazard management
 - Recreation
 - Structures
 - Reclamation and impoundment
 - Discharges to water
 - Discharges to air
 - Taking, use, damming and diversion of coastal water
 - Dredging and dredging spoil disposal
 - Marine 2 (Conservation) Management Area
 - Marine 5 (Port Facilities) Management Area

The objectives and policies are assessed in detail in **Appendix 28**. Summary conclusions for each matter are set out below.

6.10.2 Objectives and policies assessment

Marine Management Areas

Relevant provisions: Objective 6.3, Policies 6.4(2), 6.4(5), 6.4(7)

The proposal aligns with these provisions for the following reasons:

- The proposal is located within the Marine 5 (Port Facilities) Management Area. The proposal is specifically anticipated in this zone.
- Interpreting Chapter 6, and in particular the policy framework for the Marine 5 (Port Facilities) Management Area, the RCP specifically directs port-related development to concentrate in that area. The proposal is consistent with this directive requirement of the Operative Plan.
- As some effects extend into the Marine 2 ‘Conservation’ zone, as contemplated by this policy, the relevant objectives and policies of this zone have also taken into account.

Natural character

Relevant provisions: Objective 7.3, Policies 7.4(1), 7.4(2), 7.4(3), 7.4(4), 7.4(5), 7.4(6), 7.4(7)

The proposal aligns with Objective 7.3 and the associated policies for the following reasons:

- The proposal has been carefully scoped and designed to ensure there are no outstanding natural character areas or seascapes within the development footprint. Furthermore, the assessment of effects on natural character by BNZL (consistent with policies 7.4(5) and (6)), concludes that the proposal is appropriate in this location. This is consistent with Objective 7.3.
- Regarding Policies 7.4(1), (2) and (4), while the area within the proposed expansion footprint and surrounds displays a degree of natural character, existing amenity values include the existing heavy industrial zoning and operations in the area, including the commercial navigation channel, Northport and the CINZL facility. Based on the BNZL assessment, the effects of the proposed expansion on natural character are appropriate in this context.
- Policy 7.4(4) also emphasises the importance of providing for the economic, social, and cultural well-being of people by providing for consolidated development within the Marine 5 Zone.

Natural features and landscapes

Relevant provisions: Objective 8.3, Policies 8.4(1), 8.4(2), 8.4(3), 8.4(4)

The proposal aligns with Objective 8.3 and the associated policies for the following reasons:

- There are no outstanding natural features or outstanding natural landscapes within the project footprint.
- The proposal will not adversely affect nearby ONLAs and ONFs at Whangarei Heads.

Protection of significant vegetation and habitats of significant flora and fauna

Relevant provisions: Objectives 9.1.3(A) and 9.2.3 Policies 9.1.4(1), 9.1.4(3), 9.1.4(4), 9.1.4(5), 9.1.4(6), 9.1.4(7), 9.1.4(8), 9.2.4(1), 9.2.4(2), 9.2.4(3), 9.2.4(4)

No significant indigenous vegetation (including mangroves) is located within the project footprint in the coastal marine area, and no such areas have been identified and mapped in the RCP. The proposal therefore aligns with Objective 9.1.3(A) and the associated Policies 9.1.4(1)-(5).

Policies 9.1.4(6) and (8) are more directed at public bodies and is of limited relevance to resource consent applications.

Regarding Policy 9.1.4(7), the proposal will include biosecurity measures for construction vessels outlined in the CEMP, the primary purpose being to avoid the spread of unwanted exotic species. Ongoing port operations will continue to comply with the requirements of MPI for international shipping, relevant regional plan rules, and the Northland Regional Pest and Marine Pathway Management Plan.

For the above reasons, the proposal aligns with the intent of Objective 9.2.3 and the supporting policies for the following reasons:

- The proposal footprint has been carefully scoped and designed to avoid protected significant habitats of indigenous fauna identified in the RCP.
- It is recognised that the proposal will result in the displacement of roosting habitat for two at risk avifauna species. The effects of this displacement have been carefully considered by marine ecology and avifauna experts, and the creation and ongoing maintenance of additional new high tide roosting habitat in a suitable low-disturbance location proposed. This avifauna enhancement aligns with Policy 9.2.4(2). The technical assessments have concluded, the effects on avifauna will be minor or less.
- Regarding Policy 9.2.4(3), technical investigations and assessment carried out by marine ecologists, avifauna, and marine mammal experts have concluded that there would be minor or less than minor adverse effects (and not significant effects). Notwithstanding that, effects management measures are proposed as conditions of consent.
- Consistent with Policy 9.2.4(4), the proposal requires adherence to biosecurity measures for construction vessels outlined in the CEMP, the primary purpose being to avoid the spread of exotic species. Ongoing port operations will continue to comply with the requirements of MPI for international shipping, relevant regional plan rules, and the Northland Regional Pest and Marine Pathway Management Plan.

Public access

Relevant provisions: Objective 10.3(1), Policies 10.4(1), 10.4(3)

The proposal aligns with these provisions for the following reasons:

- Regarding Objective 10.3(1) and Policy 10.4(3), some restrictions on public access are necessary to protect public health and safety, and the security of commercial operations. Accordingly, the proposal aligns with Objective 10.3(1) and Policy 10.4(3).
- Regarding Policy 10.4(1), the proposal incorporates public access to the residual beach area at the eastern end of the proposed reclamation. This, together with improved public amenities, including beach access for swimming, fishing, and other recreation, at the proposed 'pocket park' aligns with Policy 10.4(1).

Recognition of and provision for Maori and their culture and traditions

Relevant provisions: Objective 11.3, Policies 11.4(1), 11.4(3)

The role of tangata whenua has been recognised through meaningful and ongoing engagement. The CVA and CEA submitted with the application provide a summary of cultural perspectives and relationships. Understanding the relationship of tangata whenua over their lands, rohe and resources and the related effects of the proposal on this relationship continues to be a key focus

for Northport. It is expected that mitigation measures will be developed in conjunction with tangata whenua, consistent with the intent of these provisions.

Water quality

Relevant provisions: Objective 13.3(1)

The proposal aligns with Objective 13.3(1) because the technical assessments conclude that discharges from the expanded port operations area via the canal and pond system and/or proprietary devices will not adversely affect water quality within the CMA. This conclusion is reinforced by monitoring results for discharges from the existing Port.

Temporary effects, primarily turbidity and sedimentation, will occur during dredging and construction of the reclamation. Mitigation measures are proposed to ensure that water quality is not compromised by construction activities. These measures are comprehensively detailed in the management plans and will be secured through appropriate resource consent conditions.

Air quality

Relevant provisions: Objectives 14.3(1) and 14.3(2), Policies 14.4(1), 14.4(2), 14.4(3) and 14.4(4)

The air quality rules in the operative regional plans have now been replaced by the new rules in the PRP. These new rules can be considered operative under s86B of the RMA. To the extent that the objectives, policies, and methods (other than rules) remain relevant, these are focussed on maintaining air quality within the CMA and integrating coastal air quality across the administrative boundary line of MHWS. Furthermore, the proposal has been considered in an integrated manner, recognising the fact that it spans both sides of MHWS.

Natural hazard management

Relevant provisions: Objectives 15.3(1) and 15.3(2), Policies 15.4(1), 15.4(2), 15.4(3), 15.4(4), 15.4(5)

The project is consistent with these provisions for the following reasons:

- Technical investigations predict that the effects of the proposal can be avoided, remedied, or mitigated.
- The effects of natural hazards on the expanded port can be avoided through design measures such as hard protection structures around the perimeter of the reclamation.
- While there will be some interference with natural sediment transport processes, the effects will be localised and minimal.
- The rock revetments around the perimeter of the reclamation are considered to be the best practicable option, and the most effective in the long term, consistent with Policy 15.4(3).

Recreation

Relevant provisions: Objective 16.3, Policy 16.4(3)

The proposal aligns with these provisions for the following reasons:

- The proposal avoids adverse effects on recreation users outside the proposed development footprint.
- Within the development footprint, the proposal incorporates appropriate mitigation measures including the provision of a public park, reserve area with associated amenities, and relocation of the existing public deep water fishing platform.
- The proposal has only localised effects on existing recreational activities. As noted above, outside the development footprint it does not unnecessarily compromise existing recreational activities, including fishing, boating, and swimming, consistent with Policy 16.4(3).

Structures

Relevant provisions: Objective 17.3, Policies 17.4(1), 17.4(3), 17.4(4), 17.4(5), 17.4(7), 17.4(8)

The proposed expansion is an appropriate structure given the location of the existing Port, CINZL facility, and the associated Marine 5 Management Area. Adverse effects will be avoided, mitigated, consistent with Objective 17.3. The proposal is generally appropriate and in alignment with Policy 17.4 (3), (5), (7) and (8).

Reclamation and impoundment

Relevant structures: Objective 18.3, Policies 18.4(1), 18.4(2)

It is acknowledged that reclamation of the CMA results in some irreversible effects, which are not able to be fully avoided. Against that, the proposal is necessary in order to provide for the future economic and social needs of Northland; and has been very carefully planned over many years, with a number of alternative sites and methods considered.

Further, the proposal has a functional and operational need to be located in the CMA, there is no practical land-based alternative, and there are considerable efficiency gains in integrating the proposal with existing Northport operations. The residual effects associated with the proposed reclamation will be avoided to the extent practicable, and otherwise mitigated, in accordance with Objective 18.3.

For the same reasons, the proposal aligns with Policies 18.4(1) and (2).

Discharges to water

Relevant provisions: Objective 19.3, Policies 19.4(1), 19.4(2), 19.4(4), 19.4(7), 19.4(9), 19.4(11)

Objective 19.3 expresses a preference for adverse effects of contaminant discharges to coastal waters being avoided, but also contemplates remediation or mitigation when that is not possible.

The effects of contaminant discharges have been avoided to the extent practicable and otherwise mitigated, consistent with this objective.

The proposal aligns with Policy 19.4(1) as it includes a range of measures to maintain water quality, including conditions of consent to minimise sediment discharges during construction, and treatment of stormwater during port operations. Such measures are the best practicable option, consistent with the policy.

Discharges to air

Relevant provisions: Objective 20.3, Policies 20.4(1), 20.4(2), 20.4(3), 20.4(6)

The air quality rules in the RAQP and RCP have now been replaced by the new provisions in the PRP. These new rules can be considered operative under s86B of the RMA. To the extent the objectives and policies remain relevant, the provisions relevant to the proposal are those relating to dust and carbon emissions.

In regard to dust, there are a range of pre- and post-construction management measures identified for dust suppression in order to manage nuisance dust effects to an acceptable level. In regard to carbon emissions, based on the proposed activities at Northport the combustion emissions are considered insignificant, and they are unlikely to result in any noticeable off-site changes in ambient air quality.

Taking, use, damming and diversion of coastal water

Relevant provisions: Objective 21.3, Policy 21.4(2)

A range of management measures are proposed to avoid and/or mitigate the adverse effects associated with construction of the reclamation, in alignment with Objective 21.3.

Regarding Policy 21.4(2), there is no need to apply a precautionary approach to the temporary damming component of the reclamation as the effects are well understood and are mitigated to the extent that they are not adverse.

Dredging and dredging spoil disposal

Relevant provisions: Objective 22.3, Policies 22.4(1), 22.4(3), 22.4(4), 22.4(7)

The proposal aligns with these provisions for the following reasons:

- As expressly provided for in Chapter 22, capital and maintenance dredging is required for the Port expansion.
- The dredging has been carefully designed to be located within the Marine 5 Management Area.
- In accordance with Objective 22.3 and the associated Policies 22.4(3) and (4) which specifically provide for dredging associated with the expansion of ports, conditions of consent are proposed to avoid and/or mitigate the effects of the proposed dredging, particularly in respect to sediment deposition and water quality.

- The proposal has been carefully designed in order that dredge spoil is to be used in the reclamation or disposed at a land-based location. This will ensure that effects within the CMA are minimised and is consistent with Policy 22.4(4) and (7).

Marine 2 (Conservation) Management Area

Relevant provisions: Objective 26.3, Policies 26.4(1) 26.4(2), 26.4(3), 26.4(4)

The proposed Port expansion has been carefully located and designed to occur entirely within the Marine 5 Management Area. Notwithstanding, due to the dynamic nature of coastal processes and the mobile nature of some marine species, it is recognised that there is potential for some adverse effects on marine ecology to extend into the Marine 2 (Conservation) Management Area. These effects have been carefully considered by the relevant experts and determined to be minor or less subject to careful management in accordance with their recommendations. The approach taken to managing the potential adverse effects on marine ecology as a whole aligns with Objective 26.3.

Marine 5 (Port Facilities) Management Area

Relevant provisions: Objective 29.3, Policies 29.4(1), 29.4(2), 29.4(3), 29.4(4)

The proposal aligns with Objective 29.3 and the associated policies. It is consistent with activities anticipated in the Marine 5 Management Area, and the potential effects are being avoided and/or mitigated.

6.11 Operative Air Quality Plan (2003)

Relevant provisions: Objective 6.6(1), Objective 6.6(2), Objective 6.6(3), and policies 6.7(1), 6.7(2), 6.7(3), 6.7(4), 6.7(5), 6.7(6), 6.7(7) and 6.7(10)

The relevant air quality objectives and policies in the OAQP cover the same matters as the air quality provisions in the RCP. While the rules have now been replaced by those in the PRP, the objectives, policies, and methods (other than rules) remain relevant.

In regard to dust, there are a range of pre- and post-construction management measures identified for dust suppression in order to manage nuisance dust effects to an acceptable level. In regard to carbon emissions, based on the proposed activities at Northport the combustion emissions are considered insignificant, and they are unlikely to result in any noticeable off-site changes in ambient air quality.

Regarding Method 6.18 of the OAQP relating to new industrial emissions in the Marsden Point Airshed, no further assessment is required under Appendix 7 of the OAQP as no air discharge permit is being sought.

6.12 Regional Water and Soil Plan (2004)

Relevant provisions: Objective 7.4(1), Objective 12.5(2), Objective 12.5(4), Policies 7.5(1), 7.5(4), 12.6(2), 12.6(3), 12.6(4).

There are two key chapters in the RWSP that relate to the proposed earthworks associated with the proposal (above MHWS). These are:

- Chapter 7 'Water Quality Management'
- Chapter 12 'Land Management'

Chapter 7 contains one objective and seven policies. Those that are relevant to the proposal are Objective 1 and Policies 1 and 4. Chapter 12 contains four objectives and twelve policies. Those relevant to the proposal are Objectives 2 and 4, and Policies 2, 3 and 4.

The relevant provisions in both chapters seek to avoid adverse effects on water quality resulting from sediment laden stormwater run-off (most relevantly in this case to the adjoining CMA).

The proposal will align with the relevant objectives and policies by implementing best practice sediment control in accordance with the CEMP certified and implemented as a consent condition.

6.13 Operative Whangarei District Plan

6.13.1 General

The objectives and policies for each of the chapters relevant to the proposal are assessed in detail in **Appendix 28**. Summary conclusions for each chapter are set out below.

6.13.2 Objectives and policies assessment

Port Zone (PORTZ)

The proposed expansion aligns with the PORTZ provisions for the following reasons:

- It is regionally significant infrastructure that will make a significant contribution to the economic and social well-being of the District and Region.
- Adverse effects on the environment are being appropriately managed.
- Public access to and along the coast is incorporated in the design as far as practicable.
- Meaningful consultation has been undertaken with mana whenua and remains ongoing. Mitigation is being developed in conjunction with mana whenua.
- The provisions for the expanded port align with the provisions in the PORTZ.

District Growth and Development (DGD)

The proposed expansion aligns with the DGD provisions for the following reasons:

- The proposal is designed to avoid conflicts between incompatible land use activities.
- There are no SNAs within the expansion footprint.
- The proposal is capable of being serviced by the necessary reticulated infrastructure.
- Meaningful consultation has been undertaken with mana whenua and remains ongoing. Mitigation is being developed in conjunction with mana whenua.
- The proposal includes conditions of consent requiring intersection upgrades should specified traffic volumes be exceeded, therefore integrating land use and transport planning.
- Natural hazards will be avoided or otherwise mitigated to the extent practicable for a development of this nature.
- The proposal is regionally significant infrastructure that will make a significant contribution to the economic and social well-being of the District and Region.

Natural Open Space Zone (NOSZ)

The proposed expansion is not fully aligned with the NOSZ provisions, but responds to the provisions as follows:

- The open space values in the locality are influenced to a large extent by the existing Northport and CINZL facilities.
- The proposed mitigation minimises the effects on the NOSZ in this location to the greatest extent practicable, including by creating landscape-designed new open space resources, with a focus on recreational users, in the immediate vicinity.

Transport (TRA)

The proposed expansion aligns with the TRA provisions for the following reasons:

- The transport assessment completed for the proposal concludes that there is sufficient capacity within the network to accommodate additional traffic from the expanded port, and any effects of additional port traffic can be managed by upgrading key SH15 intersections when/if capacity is exceeded.

Three Waters Management (TWM)

The proposed expansion aligns with the TWM provisions for the following reasons:

- The expanded port will remain connected to the reticulated wastewater and water supply network.

- Stormwater will be managed on-site via the existing canal and pond system in operation for the existing Port, potentially augmented by proprietary devices.

Lighting (LIGHT)

The proposed expansion aligns with the LIGHT provisions for the following reasons:

- Artificial lighting will be provided in accordance with these objectives and LIGHT-P2.
- Artificial lighting is required for health and safety reasons given the 24/7 nature of Port operations.
- The effects of artificial lighting on the amenity and character of the surrounding environment concludes that the effects of artificial lighting can be managed through conditions of consent and are otherwise appropriate given the context of the surrounding environment.
- The amenity and character of the zone and surrounding environment can be maintained through appropriate conditions of consent.

Signs (SI)

The proposed expansion aligns with the SI provisions as no specific additional signage is proposed beyond essential signage for health and safety, and navigation purposes.

Riparian and Coastal Margins (Chapter 11)

The proposed expansion aligns with the Chapter 11 provisions for the following reasons:

- The proposed expansion is not located within a mapped natural character, landscape, or significant ecological area in the RPS, PRP, or the WDP.
- The proposal is located in an area where natural character values are compromised by existing activities in the immediate and surrounding environment.
- The landscape and natural character assessment concludes that the proposal is acceptable in natural character terms.
- Public access to the eastern side of the reclamation residual eastern beach area has been incorporated in the overall design, and a public park/reserve area and associated amenities will be developed at the eastern end of the expanded port to enhance the use of the space.
- Meaningful consultation has been undertaken with mana whenua and remains ongoing. It is expected that measures to address and, where necessary manage or mitigate, cultural effects and issues will be developed in conjunction with mana whenua.
- The proposal involves a range of measures to avoid and/or mitigate adverse effects on water quality.

- The proposal includes specific measures to avoid adverse effects on NZ dotterel and VOC, including beach renourishment to construct a bird roost area on the western side of the existing Port.

Waterbodies (WB)

The proposed expansion aligns with the WB provisions for the following reasons:

- The proposed eastern expansion is not located within a mapped natural character or landscape area in the RPS, PRP, or the WDP.
- The proposal will not alter the natural character values of the wider Marsden Point coastline to a commensurate degree.
- The effects of activities on the harbour are not dissimilar to those associated with the existing Port operation, and other maritime operations in this location, and are overall minor or less in this context.
- Effects on natural character, cultural and ecological values will be mitigated to the greatest extent practical.
- Potential effects on water quality will be mitigated through best practice stormwater treatment and disposal.

Indigenous Vegetation and Habitat (Chapter 17)

The proposed expansion aligns with the Chapter 17 provisions for the following reasons:

- The loss of biodiversity on the eastern beach area will be mitigated (particularly for variable oystercatcher).
- None of the dune vegetation within the proposed Port footprint has been identified as significant, or habitat for indigenous fauna.
- The proposal does not affect any mapped areas of indigenous vegetation using the Schedule 17A criteria.
- Potential effects on tangata whenua and associated mitigation will be determined through ongoing consultation.

Natural Hazards (Chapter 19)

The proposed expansion aligns with the Chapter 19 provisions for the following reasons:

- Adverse effects related to natural hazards will be avoided as far as practicable and otherwise mitigated through the implementation of a wide range of design related measures and proposed conditions.

- The reclamation will be designed to take into account the effects of climate change.

Local Authority Cross Boundary Issues (Chapter 27)

The proposed expansion aligns with the Chapter 27 provisions for the following reasons:

- It is recognised that the potential effects of the proposal fall within the jurisdiction of both the NRC and the WDC. Where appropriate, the effects have been considered and addressed in a holistic manner notwithstanding the different jurisdiction, and an integrated approach to mitigation has been employed in accordance with this objective.

Coastal Area (CA.1)

The proposed expansion aligns with the CA.1 provisions for the following reasons:

- There are no natural character features or areas within the expansion footprint identified in either the district or regional plans.
- There are no significant adverse effects on natural character, natural features, and natural landscapes in the vicinity of the port.
- The proposal maintains access to and along the coast to the greatest extent practicable, whilst providing for the safe and efficient operation of the port.
- The proposal includes enhancement and rehabilitation measures to mitigate potential adverse effects as encouraged by these provisions.
- Northport is regionally significant infrastructure that has a clear functional and operational need to be located in the Coastal Area.
- The proposal incorporates measures that are specifically designed to protect the values and attributes of indigenous biodiversity in the vicinity of the port.
- The proposed development is appropriate in this location.

Landscapes and Features (LAN.1)

The proposed expansion aligns with the LAN.1 provisions for the following reasons:

- The proposal does not directly affect an ONF or ONLA mapped within the Operative District Plan, and ONFs and ONLs in the vicinity will not be adversely affected by the proposed expansion.

Tangata Whenua (Chapter 7)

The proposed expansion aligns with the Chapter 7 provisions for the following reasons:

- Both a CVA and CEA have been prepared in respect of the proposal.
- The impacts of the proposal on tangata whenua continue to be interpreted and understood through ongoing consultation and engagement.

- There will be conditions of consent related to mitigation of cultural effects, with these developed in consultation with mana whenua.

Noise and Vibration (NAV)

The proposed expansion aligns with the NAV provisions for the following reasons:

- Port noise will be managed in accordance with conditions developed under the NZS 6809:1999, which is considered best practice for the management of port noise.

6.14 Strategic plans

6.14.1 Whangarei District Growth Strategy (2021)

The Whangarei District Growth Strategy (2021) (WDGS) sets out the vision for how the District will grow and develop over the next 30 years. It sets out the actions which will help ensure that planning, infrastructure investments, and decision making are coordinated.

The WDGS contains nine “strategic drivers” described as the key issues that the District will face over the next 30 years. Driver 8 “Projects to support prosperity” identifies the expansion of Northport inter alia stating that it “has the potential to transform the economy and deliver new jobs and training opportunities”. More specifically the document states:

The long-term expansion of Northport will play an important role in meeting future freight needs of New Zealand. The role of Northport is also crucial to support the needs of businesses across Northland.

The port is a key piece of infrastructure. Any decision around expansion or moving some Ports of Auckland’s activities to Northport will have impacts on the wider freight network. Therefore, we are advocating that these major decisions are not made in isolation. The Upper North Island Strategic Alliance Group (UNISA) are advocating that any future decision should be focused on freight logistics rather than the future Port location.

Regardless of any future decision made by Central Government on any potential relocation of the Ports of Auckland, through Northport’s Vision for Growth, total freight capacity is going to expand over the next 30-40 years. The future growth vision is focused towards building a larger footprint allowing for new opportunities to expand its freight volumes.

The value of Northport for the Whangārei and the Northland economy are the opportunities it brings about for new industries, new business and employment for our people. Northport have been, and will continue to be, an important contributor to expanding on the economic and social opportunities for our District.

Continued port expansion will have medium to long-term planning and implementation timeframes. It is important that we recognise these opportunities in our Growth Strategy as well as in place-specific planning for Marsden Point/Ruakākā and Port Nikau.

The WDGS is a document prepared under the consultative principles and procedures of the Local Government Act 2002.

6.14.2 Regional Land Transport Plan for Northland (2021-27)

The Regional Land Transport Plan 2021-2027 (RLTP) is prepared by the Regional Transport Committee under the provisions of the Regional Land Transport Amendment Act 2003. Like the WDGS, the RLTP is a document prepared under the consultative principles and procedures of the Local Government Act 2002.

The plan contains strategic elements, a proposed programme of works, and financial forecasting. The RLTP is, in effect, a programme of works, through which Northland Regional Council, Far North District Council, Whangārei District Council, Kaipara District Council and Waka Kotahi NZ Transport Agency jointly bid for funding assistance from the National Land Transport Fund.

The RLTP is cognisant of the importance of Northport to the regional economy (and potentially the national economy). It refers to the potential expansion of the port and the need to be cognisant of the inter-relationship the port, roading, and rail networks have in providing efficient, reliable connections to support productive economic activity in Northland. It also recognises that expansion of the port will have flow on effects for the roading and rail networks, and strongly supports the development of a rail line connecting Northport to the Auckland Northland rail line.

6.15 Section 89A RMA

Section 89A of the RMA requires that the local authority must send a copy of the application to Maritime New Zealand. Any subsequent recommendations from Maritime New Zealand will be taken into account by the local authority in the consideration of the application.

6.16 Section 105 RMA

6.16.1 Section 105 – General

The proposal includes an application for a reclamation, and stormwater discharge permits for discharges during construction and from the port operations area on the reclamation and new wharves. Therefore, Section 105 of the RMA is relevant.

Section 105 outlines additional matters than must be considered by consent authorities for reclamations and discharge permits in addition to the matters in section 104(1).

6.16.2 Section 105(1) – Discharges to the CMA

Construction

During construction of the reclamation, there will be discharges to the Whangarei Harbour. This will largely involve the discharge of decanted dredge material from the reclamation footprint.

The expert assessments are that the effects of the discharges will be acceptable subject to adherence to best practice construction management (and specifically sediment control).

Best practice methodology will be employed to minimise effects on people and the environment, particularly given works are in close proximity to high value ecological areas.

Once a contractor is appointed, the contractor will confirm the proposed methodology for construction and will develop detailed procedures for management of construction related effects, including discharges to water.

Operation

Port operations on the completed reclamation will generate new (stormwater) discharges to the CMA. Stormwater falling on these areas will be collected and treated in the Northport can and pond-based system and/or proprietary devices prior to discharge. The pond-based system has a proven track record of achieving the coastal water quality standards in the Proposed Regional Plan. Proprietary devices can be configured to achieve the same standards.

The existing pond-based method, potentially augmented by proprietary devices depending on the final design, is the most appropriate in the circumstances.

6.16.3 Section 105(2) – Reclamation

Due to port operational and health and safety requirements, including the need to ‘future proof’ port operations – including to provide for rail access – it is not practicable for any part of the area to be set aside as an esplanade reserve or esplanade strip.

Accordingly, it is not proposed that any condition is necessary pursuant to s 108(2)(g) requiring an esplanade reserve or esplanade strip be set aside or created.

6.17 Section 107 RMA

The NRC cannot grant a discharge permit if the discharge is likely to result in certain effects specified being:

- (c) the production of any conspicuous oil or grease films, scums, or foams, or floatable or suspended materials:
- (d) any conspicuous change in the colour or visual clarity:
- (e) any emission of objectionable odour:
- (f) the rendering of fresh water unsuitable for consumption by farm animals:
- (g) any significant adverse effects on aquatic life.

The technical assessments indicate that these effects are not expected to occur. Section 107(2) also states that a consent authority may grant a discharge permit which gives rise to these effects if it is satisfied –

- (a) That exceptional circumstances justify the granting of the permit; or

- (b) That the discharge is of a temporary nature; or
- (c) That the discharge is associated with necessary maintenance work— and that it is consistent with the purpose of this Act to do so.

The assessments in this AEE and in the technical reports demonstrate that the discharges pass the tests within Section 107(2)(b) because:

- The discharges will be short term and any effects will occur at limited times, though not necessarily consistently, over the duration of construction
- Measures will be put in place to manage and minimise discharges during construction, which will avoid significant adverse effects on aquatic life.
- There will be no ongoing adverse effects once construction has been completed.

In summary, the project is assessed as meeting the tests outlined in section 107 of the RMA.

6.18 Part 2 RMA

6.18.1 General

As outlined above, the applicable planning framework (including the recent Proposed Regional Plan and Whangarei District Plan) has been prepared having regard to Part 2 and has coherent sets of objectives and policies designed to achieve clear environmental outcomes. To the extent that it provides high level context, the proposal is addressed against Part 2 below.

6.18.2 Section 5 - Purpose

The proposal will enable people and communities to provide for their social, economic, and cultural wellbeing and for their health and safety, by facilitating value added economic and employment benefits.

Mitigation measures are being developed to assist with cultural wellbeing.

Regarding the matters in Section 5(2)(a), (b), and (c):

- As outlined above, the effects of the project have been carefully assessed. In summary, the proposal appropriately avoids, remedies, or mitigates effects and will sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations.
- The proposal will help to meet the predicted demand for port services in Northland and in the upper North Island generally. It will also support the growth of value added industrial and commercial activities in Northland, with associated employment benefits.
- The proposal safeguards the life supporting capacity of air, water, soil, and ecosystems, including by:
 - Avoiding and mitigating discharges to air during the construction and operation phases.

- Avoiding or minimising sediment and other discharges to the CMA during construction.
- Ensuring that stormwater discharges from operations areas are treated to maintain coastal water quality standards.
- Avoiding certain adverse effects on the harbour ecosystem, and otherwise mitigating effects.
- Managing nuisance effects (such as noise) on people during the construction and operational phases of the project.

6.18.3 Section 6 – Matters of National Importance

The proposal recognises and provides for the matters in Section 6 of the RMA. Specifically:

- The proposal is an appropriate use and development of the coastal environment in this locality, noting that it is located within a port zone in an area already containing an existing port and the CINZL facility. While there are some adverse effects on natural character, these effects have been assessed as not being significant in the context of the existing modified environment and there are no identified natural character areas affected by the proposal (Section 6(a)).
- There are no outstanding natural features or landscapes affected by the proposal (Section 6(b)).
- The proposal achieves the planning framework requiring the avoidance of effects on areas of significant indigenous vegetation/significant habitats of indigenous fauna (Section 6(c)).
- While the reclamation will result in the loss of inter-tidal and subtidal habitat in the CMA, including habitat frequented by endangered bird species, the effects on avifauna will be minor or less subject to careful management. Accordingly, the proposal recognises and provides for the protection of indigenous biodiversity (Section 6(c)).
- The proposal recognises and provides for public access to the CMA to the greatest extent practicable (Section 6(d)).
- The proposal recognises and provides for the relationship of iwi with their ancestral lands, water, and other taonga through early and ongoing engagement (Section 6(e)).
- The proposal avoids adverse effects on historic heritage, including scheduled heritage sites (Section 6(f)).
- The proposal incorporates design elements to manage the risk of natural hazards to the greatest extent practicable (Section 6(g)).

6.18.4 Section 7 – Other matters

The proposal has had particular regard to the matters in section 7 of the RMA. In particular:

- The kaitiakitanga of Mana Whenua has been recognised through engagement at all stages of the project development and this will continue through construction and operation (Section 7(a)).
- The ethic of stewardship has been recognised through the engagement with, and participation of, community groups who have a specific interest in the exercise of stewardship over particular resources Section 7(aa)).
- The proposal will enable the efficient use and development of the existing port (a physical resource), thereby avoiding new ports in other areas of the CMA (Section 7(b)).
- The proposal incorporates design elements to maintain residential amenity values to the extent practicable including:
 - Implementation of a noise management plan to manage port noise and sensitive receivers.
 - Measures to minimise light spill.
 - Retention of public access where practicable (Section 7(c)).
- The proposal recognises the intrinsic values of ecosystems and seeks to maintain the quality of the surrounding marine environment by incorporating management measures to avoid discharges of contaminants and sediment to water, and dust discharges to air (Sections 7(d) and (f)).
- The proposal has been designed to respond to the effects of climate change. Specifically, the port will be designed to accommodate sea level rise (Section 7(i)).

6.18.5 Section 8 – Treaty of Waitangi

Northport has formed a relationship with mana whenua in respect to the existing and expanded port. It continues to work with mana whenua in the formulation of cultural mitigation measures consistent with the principles of the Treaty.