

FAR NORTH HOLDINGS LIMITED
and
FAR NORTH DISTRICT COUNCIL

Boat Ramp Algal Cleaning
March 2022

2 Cochrane Drive, Kerikeri
127 Commerce Street, Kaitaia
PO Box 795
Kerikeri



P - [\[09\] 4075253](tel:094075253) ; E – info@bayplan.co.nz : W www.bayplan.co.nz

Northland Regional Council
Private Bag
Whangarei

Attention: Mr Paul Maxwell.

22 March 2022.

Dear Paul,

Re; Proposed Renewal of Discharge Consents : Far North Holdings Limited and Far North District Council Boat Ramps.

Our clients – Far North Holdings Limited [FNHL] and Far North District Council [FNDC] manage and own a number of boat ramps within the Far North. These ramps are utilised by trailer boat owners and in order to maintain a safe and accessible ramp the surface of the ramp is cleaned. This cleaning removes the build-up of algal.

Our clients hold a number of separate Discharge Permit consents which allows for –

To discharge contaminants to the coastal marine area associated with the removal of algal growth from a boat ramp in the coastal marine area.

All of the consents follow a common consent approval and expire on 30 June 2022.

The application is lodged with regard to Section 124 [2] [d] of the Act, which allows , at the discretion of Council , for the applicant to continue to give effect to the consents until such time as the new applications are determined. The applicants seeks Councils discretion to be applied to allow the activity until determined.

Please find attached the applicable resource consent application which for the avoidance of duplication is being applied to all the ramp locations.

Please do not hesitate to contact me should you require any further information.

A handwritten signature in blue ink, appearing to read 'Jeff Kemp', is written over a light blue rectangular background.

Yours faithfully,

Jeff Kemp.

Director

FNHL FNDC
Renewal of ramp cleaning NRC March 2022



PROPOSED RESOURCE CONSENTS [REAPPROVAL]

Far North Holdings Limited and Far North District Council – Boat Ramp Cleaning

1.0 INTRODUCTION

1.1 Our clients seek resource consents [renewal] to allow for the cleaning of boat ramps to remove algal from the surface of the ramps. This provides for the effective and safe use of the boat ramps through the removal of the algal which if left unattended creates a slippery surface.

1.2 The applicants are the holders of a number of consents across a range of ramps distributed within the Far North. These ramps enable access to the coastal waters for trailer craft as well as small craft including kayaks , dinghy and jet skis.

1.3 The existing discharge consents have been issued to Far North Holdings Limited [FNHL] and Far North District Council [FNDC] over a period of years and for administrative purposes have been issued with a collective expiry date of 30 June 2022.

1.4 The following information supports the granting of the discharge approvals for the various ramps in the Far North.

2.0 SITE AND LOCALITY DESCRIPTION

2.1 The existing information held by Council details the site and locality characteristics for each of the ramp locations and is not, for the avoidance of duplication , replicated.

2.2 The location of the ramps is summarised in the following table –

IRISID	Authorisation Name
AUT.005406.02.01	Far North District Council - CMA structure, Hihi, Mangonui Harbour
AUT.005445.03.01	Far North District Council - CMA structure, Whangaroa Harbour
CON20050526902	Far North District Council - CMA structure, Ratcliffes Bay
CON20050544503	Far North District Council - CMA structure, Totara North
AUT.005606.02.01	Far North District Council - Algal removal from CMA structure, Tapeka Point
AUT.005609.02.01	Far North District Council - Algal removal from CMA structure, Te Haumi
AUT.005611.02.01	Far North District Council - Algal removal from CMA structure, Opito Bay

AUT.005612.02.01	Far North District Council - Algal removal from CMA structure, Rangitane
AUT.005689.02.01	Far North District Council - CMA structure, Unahi, Rangaunu Harbour
AUT.005697.03.01	Far North District Council - CMA structure, Omapere, Hokianga Harbour
AUT.006542.02.01	Far North District Council - CMA structure, Rawene, Hokianga Harbour
CON20050534002	Far North District Council - CMA structure, Rangi Point, Hokianga Harbour
AUT.007680.02.01	Far North District Council - CMA structure, The Strand, Russell
CON20050536602	Far North District Council - Boat ramp CMA at Kohukohu, Hokianga Harbour
AUT.007682.03.01	Far North District Council - Ferry ramp CMA at Kohukohu, Hokianga Harbour
AUT.007683.03.01	Far North District Council - Ferry ramp in CMA at Rawene, Hokianga Harbour
AUT.006543.03.01	Far North Holdings Ltd : Removal of algal growth from boat ramp at Opononi, Hokianga
AUT.038235.01.01	Far North Holdings Limited - Removal of algal growth from boat ramp at Horeke, Hokianga Harbour
CON20050575702	Far North District Council - Algal removal from CMA structure, Waipapa Landing

2.3 Taking into account the nature and scale of the various ramps have not changed we ask the information held on Council files be adopted . Can you please advise if this approach is not appropriate.

3.0 DESCRIPTION OF THE ACTIVITY

3.1 The activity involves the removal of algal from the boat ramps through the application of diluted chemicals and use of a mechanical sweeper. The timing of the activity being undertaken at the end of the receding tide to enable the longest exposure period for the chemical and sweeping operations.

3.2 Three chemicals are currently approved and sit within the following % concentrates –

Chemical	Maximum Concentration
Calcium hypochlorite	60%
Hydrogen peroxide	60%
Sodium hypochlorite	15%

3.3 The chemical is typically applied by hand and sprinkled over the ramp surface, allowed to activate on the algal, and then mechanically swept off. The residue once scrubbed may remain on the ramp or run into the coastal waters, with all contaminate remaining in the coastal marine area. The cleaning is undertaken no more than once a month.

4.0 CONSENTING FRAMEWORK

4.1 The existing approvals were granted under the auspices of the Northland Regional Council Operative Regional Coastal Plan [ORCP] or authorised under the new Proposed Regional Plan [PRP] . While the ORCP remains valid it has effectively been replaced by Council's new PRP . As such for the purposes of this application only the PRP is assessed as relevant.

4.2 Whilst the PRP contains several marine zones it is understood these have no effect upon the activity status which applies to the ramp cleaning. In this regard the activity is subject to the following rule –

C.6.9.7 Other discharges – discretionary activity

The following discharges are discretionary activities:

- 1) the discharge of dust suppressant to land that is not permitted activity under Rule [C.6.9.1 Discharge of dust suppressants – permitted activity](#), and
- 2) the discharge of a tracer into water that is not permitted activity under Rule [C.6.9.2 Discharge of tracers – permitted activity](#), and
- 3) the discharge of [fertiliser](#), other than [farm wastewater](#), onto or into land where it may enter water that is not permitted activity under Rule [C.6.9.3 Discharge of fertiliser – permitted activity](#), and
- 4) the discharge of sluicing water, or water from a public or community water supply network or reservoir, into water or onto land where it may enter water that is not permitted activity under Rule [C.6.9.4 Discharge of sluicing water, water from a public water supply network or reservoir – permitted activity](#), and
- 5) the discharge of water, and biodegradable and organic matter, to coastal waters and the foreshore as a result of harvesting, washing and/or sorting farmed shellfish that is not a permitted activity under Rule [C.6.9.5 Discharges from shellfish harvesting, washing and sorting – permitted activity](#).

4.3 Section 104B specifies the following –

104B Determination of applications for discretionary or non-complying activities

After considering an application for a resource consent for a discretionary activity or non-complying activity, a consent authority—

- (a) may grant or refuse the application; and
- (b) if it grants the application, may impose conditions under [section 108](#).

4.4 Council may approval or refuse the application , and if approved may be subject to conditions of consent.

5.0 STATUTORY CONSIDERATIONS - RMA

5.1 The roadmap to determining the application sits within Section 104 –

104 Consideration of applications

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to [Part 2](#), have regard to—
 - (a) any actual and potential effects on the environment of allowing the activity; and
 - (ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and
 - (b) any relevant provisions of—
 - (i) a national environmental standard;
 - (ii) other regulations;
 - (iii) a national policy statement;
 - (iv) a New Zealand coastal policy statement;
 - (v) a regional policy statement or proposed regional policy statement;
 - (vi) a plan or proposed plan; and
 - (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.

5.2 Taking Section 104 into account the following commentary is provided. This assessment is restricted to only considering the change of the conditions and the effects , if any , therefrom.

(a) Actual and potential effects

5.3 The juxtaposition of the ramps within the coastal marine area is wide and varied with the immediate local environment for these applications typically comprises an existing concrete boat ramp set within the foreshore of the coastal marine area. The ramps are typically 3m - 6m in width and of variable length extending from above the high tide mark to sit within the seabed. The length at some locations extends to low water mark however this is dictated by the gradient of the seabed.

5.4 The chemical is applied to the algal by hand, let to activate and then removed using the mechanical scrubber . The algal is brushed onto the foreshore or may settle on the ramp to be moved upon an incoming tide.

5.5 The chemical is diluted to specific ratio's and applied at no more than monthly intervals.

5.6 In this context, potential effects arising from the activity can be listed as –

Presence of the chemical on the foreshore and coastal waters ;

Potential retention of the chemical on the ramp ;

Discharge of the chemical into the air;

Cultural and spiritual values ;

Health and safety ;

Cumulative effects.

5.7 The consideration of these effects is within the context this is not a new activity rather the re approval of an activity which has been in operation from at least 2005 with more recent approvals also becoming active. The effects which may result sit within the overall assessment made at the time of the original approval and are considered to not create any distinguishing factors which were not previously assessed at the time of granting approval.

5.8 Overall the physical changes to the seabed resulting from the removal of the material, effects on water movement, effects on biota which may be displaced or covered over by deposition of the algal, alteration of the nature of the seabed and its habitat value for re-establishment of biota, release of pollutants from the disturbance of the algal, effects on water clarity and effects on water quality are not considered to be adverse.

5.9 Monitoring of the consent conditions has not raised any effect or operational characteristic not otherwise contemplated within the assessment of the activity or the applicable consent conditions.

5.10 Operational effects would encompass the noise of the mechanical brusher , loss of public access along the foreshore and to the coastal marine area and the discharge of contaminants into air from the sprinkling of the chemical. These effects are temporary and abate very quickly. The noise of the scrubber unit is confined within the surrounds of the motor unit and the noise created between the ramp surface and the scrubbing pad. This noise is less than the sound of an out board motor.

5.11 The use of the ramp during the operation may be closed temporarily but only for a short period of time and the public can still cross the ramp above the high water line.

5.12 The activity will enhance the safe and efficient operation of these existing facilities which already contribute to the social and economic components of the local and wider environment. The existing facilities have been authorised and established for a considerable time and the re approval will bring about continued social and economic well-being.

5.13 Activities of this nature can raise issues of concern to tangata whenua which may encompass water quality in terms of consequent effects on biodiversity and the ability to collect kai moana.

5.14 Due to timing no formal consultation has been undertaken with Iwi and hapū . The applicants do however receive requests from local Iwi and hapū to clean the ramps as they are eyes on the ground who regularly use the ramps. The applicant is know to Iwi and hapu who have been consulted on other application.

5.15 Cumulative adverse effects occur when the effects of an approved activity combine with effects of other existing activities and /or other effects likely to arise over time to create an overall adverse effect.

5.16 For this proposal there are a number of conclusions and facts which support the opinion that adverse cumulative effects will not arise. Firstly this assessment has not identified any adverse effects which are more than minor that have not already been assessed under the original consent approval. The activity has a functional need to be located in the coastal marine area and has been demonstrated as being appropriate at the locations in regard to the underlying approvals.

5.17 The analysis above gives confidence that potential cumulative and long term effects will not be adverse, and that compatibility with adjacent uses will be achieved, in the same manner as originally approved.

5.18 Cumulative adverse effects are not therefore anticipated.

Summary

5.19 The actual and potential effects of the proposed changes to the conditions of consent are assessed to be either beneficial or no more than minor.

(ab) Positive effects on the environment

5.20 The renewal of the activity is considered to maintain positive effects on the environment with no known additional effects arising from that which existed at the time of the original approvals.

(b)(i) National Environmental Standard ;

(b) (iii) National Policy Statement.

5.21 The current operative national environmental standards include the following:

- National Environmental Standards for Air Quality 2004
- National Environmental Standards for Sources of Human Drinking Water 2007
- National Environmental Standards for Electricity Transmission Activities 2009
- National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
- National Environmental Standards for Telecommunications Facilities 2016
- National Environmental Standards for Plantation Forestry 2017
- National Environmental Standards for Freshwater 2020
- National Environmental Standards for Marine Aquaculture 2020
- National Environmental Standards for Storing Tyres Outdoors (awaiting gazette notice August 2021)

5.22 None of the regulations contained in these standards apply to this proposal.

5.23 The current operative national policy statements include:

- New Zealand Coastal Policy Statement 2010
- National Policy Statement for Renewable Electricity Generation 2011
- National Policy Statement on Urban Development 2020
- National Policy Statement for Freshwater Management (and the associated National Environmental Standards) 2020
- National Policy Statement on Electricity Transmission 2008

5.24 Other than the New Zealand Coastal Policy Statement [NZCPS] , none of these policy statements are directly applicable to this proposal.

5.25 Given the nature and scale of the activity and the associated effects therefrom, there is nothing to suggest this renewal application is inconsistent with the objectives and policies of the NZCPS.

Northland Regional Policy Statement

5.26 Similarly, the assessment of the Northland Regional Policy Statement (NRPS) within the original application set out the manner in which the activities sit within the policy framework and this document has now been replaced by a new RPS promulgated [2016] under the RMA. In the same context as the NZCPS the renewal application is not considered to raise any matters which would make it inconsistent with this document.

Operative Coastal and Regional Water and Soils Plan for Northland

5.27 The applicable PRPN objectives, policies and rules that apply to this proposal are now operative. The Coastal and Water and Soils Plans are therefore assessed as no longer being relevant to this application.

Proposed Regional Plan for Northland (Appeals Version - March 2022) (PRPN)

5.28 The PRPN has evolved since the approval of the original application. A number of Objectives and Policies are applicable to this proposal.

Policies

D.1 Tangāta whenua¹²⁸

D.1.1 When an analysis of effects on tangāta whenua and their taonga is required

A resource consent application must include in its assessment of environmental effects an analysis of the effects of an activity on tangāta whenua and their taonga¹²⁹ if one or more of the following is likely:

- 1) adverse effects on mahinga kai¹³⁰ or access to mahinga kai¹³¹, or
- 2) any damage, destruction or loss of access to wāhi tapu, sites of customary value and other ancestral sites and taonga with which Māori have a special relationship¹³², or
- 3) adverse effects on indigenous biodiversity in the beds of waterbodies or the coastal marine area where it impacts on the ability of tangāta whenua to carry out cultural and traditional activities¹³³, or
- 4) the use of genetic engineering and the release of genetically modified organisms to the environment, or
- 5) adverse effects on tāiapure, mataitai or Māori non-commercial fisheries,¹³⁴ or
- 6) adverse effects on protected customary rights,¹³⁵ or
- 7) adverse effects on sites and areas of significance to tangāta whenua mapped in the Regional Plan (refer I Maps | Ngā mahere matawhenua).

5.29 Given the location of the various boat ramps and the number of Iwi involved it is difficult to actively consult on the application within the current timeframe. That being said and without disrespect to Iwi we would ask that the circulation of the application to the various Iwi be adopted as part of the consultation. The applicants are well known to local Iwi and have a number of other applications on which engagement has taken place.

D.2.2 Social, cultural and economic benefits of activities

Regard must be had to the social, cultural and economic benefits of a proposed activity, recognising significant benefits to local communities, Māori and the region including local employment and enhancing Māori development, particularly in areas of Northland where alternative opportunities are limited.

5.30 The application will give effect to this Policy through facilitating the implementation of the underlying approvals. The renewal enables the long term and safe use of the ramps which are now embodied within and part of the local communities they serve.

Objectives

F.1.8 Use and development in the coastal marine area¹³³

Use and development in the coastal marine area:

- 1) makes efficient use of space occupied in the common marine and coastal area, and
- 2) is of a scale, density and design compatible with its location, and
- 3) recognises the need to maintain and enhance public open space and recreational opportunities, and
- 4) is provided for in appropriate places and forms, and within appropriate limits.

5.31 This planning report and background information is considered to give effect to all of these factors. Objective 1) is attained through the continued opportunity to use the facilities which sit within an area which embodies marine related activities, and 2) is realised through the design and setting of each ramp remaining unchanged. Objective 3) is attained as the facilities enable and provide for public access and do enhance the recreational opportunities within the adjoining coastal waters through creating facilities that allow access to the water. Overall it is considered the facilities are appropriately located and at a scale which sits within the local environment – Objective 4).

F.1.12 Natural character, outstanding natural features, historic heritage and places of significance to tangāta whenua

Protect from inappropriate use and development:

- 1) the characteristics, qualities and values that make up:
 - a) outstanding natural features in the coastal marine area and in fresh waterbodies, and
 - b) areas of outstanding and high natural character in the coastal marine area and in fresh waterbodies within the coastal environment, and
 - c) natural character in fresh waterbodies outside the coastal environment, and
 - d) outstanding natural landscapes in the coastal marine area, and
- 2) the integrity of historic heritage in the coastal marine area, and
- 3) the values of places of significance to tangāta whenua in the coastal marine area and freshwater bodies.

5.32 The renewal is not considered to be abhorrent as to require the protection of the matters within the Objective. The opportunity for safe and effective use of the facilities is considered to be an appropriate use and development at the various locations.

5.33 Overall it is considered this review of the PRPN does not raise factors that have not been previously assessed. Collectively it is concluded the activity gives effect to the applicable policy framework.

(c) Any other matters

5.34 The ability to make use of the ramps is enhanced through the removal of the algal. Unless this is removed it creates a health and safety factor and effectively renders use of the ramps inoperative. The application is not seeking to introduce any new activities which have not been present at the ramp locations. The application is considered to sit within the overall nature, scale and character of the underlying approvals.

6.0 ASSESSMENT OF ENVIRONMENTAL EFFECTS

6.1 For completeness, as required by section 88 of the Act, an application for resource consent must contain an Assessment of Environmental Effects prepared in accordance with the Fourth Schedule. The effects to be considered are only those applicable to the changes of conditions being sought in this application.

6.2 The following Table therefore sets out the requirements for an Assessment of Environmental Effects as listed in the Fourth Schedule to the Resource Management Act and the manner in which these have been assessed.

Fourth Schedule Requirements

FOURTH SCHEDULE REFERENCE & REQUIREMENTS	COMMENTS & PAGE/PARAGRAPH REFERENCE
2 (1) Information required in all applications:	
a) a description of the activity:	The application of chemicals to remove algal as detailed within this application.
(b) a description of the site at which the activity is to occur:	The application sites are detailed with the application and all sit within the CMA.
(c) the full name and address of each owner or occupier of the site:	Refer to the Form 9.
d) a description of any other activities that are part of the proposal to which the application relates	N/a.
e) a description of any other resource consents required for the proposal to which the application relates	No other resource consents are required.
f) an assessment of the activity against the matters set out in Part 2	This is provided within the following under separate headings.
g) an assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b).	The relevant documents have been identified in 2(2) a) below.
2(2) Assessment under 2 (1) (g) against:	
a) any relevant objectives, policies, or rules in a document;	The NZCPS, Northland Regional Council Regional Policy Statement, Coastal Plan and Proposed Regional Plan are considered to be the only relevant documents. These have been assessed in the body of the planning report and AEE.
b) any relevant requirements, conditions, or permissions in any rules in a document; and	Not applicable
c) any other relevant requirements in a document (for example, in a national environmental standard or other regulations).	None are known.
2(3) An assessment of the activity's effects on the environment that:	
a) includes the information required by clause 6;	Assessed within the body of the planning report and AEE.
b) addresses the matters specified in clause 7;	
c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.	
3 Additional information required in some applications:	

FOURTH SCHEDULE REFERENCE & REQUIREMENTS	COMMENTS & PAGE/PARAGRAPH REFERENCE
a) if any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)):	The application does not involve a Permitted Activity.
b) if the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)):	Not applicable.
c) if the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).	Not applicable.
4 Additional information required in application for subdivision consent:	
	Not applicable.
5 Additional information required in application for reclamation:	
	This has already been assessed under the current approvals.
6 Information required in assessment of environmental effects:	
1) An assessment of the activity's effects on the environment must include the following information:	
Items (a) to (h)	Items (a) to (h) are included in the planning report and the Assessment of Environmental Effects.
7 Matters that must be addressed by assessment of environmental effects:	
1) An assessment of the activity's effects on the environment must address the following matters:	
Items (a) to (f)	Items (a) to (h) are included in the planning report and the Assessment of Environmental Effects.

7.0 PART II MATTERS

7.1 The purpose of the RMA as stated in section 5 of the Act is the sustainable management of natural and physical resources through managing their use, development and protection in a way that enables people and communities to provide for their social, cultural and economic well-being while sustaining those resources for future generations, protecting the life supporting capacity of ecosystems, and avoiding, remedying or mitigating adverse effects on the environment.

7.2 The definition of natural and physical resources encompasses land, water, air, soil, minerals, energy, plants and animals and structures.

7.3 The proposal is considered to attain the overall purpose described above. The resources at the ramp locations are being maintained and allows the efficient use of the facilities in an appropriate and accessible location without adversely affecting the environment or community values. The community as a whole benefits from the social, cultural and economic opportunities created by maintaining the facilities at the district and regional scale while avoiding significant adverse effects on the environment.

7.4 With respect to s.6 matters, those of potential relevance are protection of the coastal environment, public access to the Coastal Marine Area, and relationships of Maori with land and water . The activity has

been assessed to be capable of being undertaken without adverse effects. Maori cultural matters are a significant element which maintains the land and water relationship.

7.5 Within s.6 is (d), maintenance and enhancement of public access to and along the coastal marine area is attained. The activity will facilitate public access to the CMA resulting in benefits for individual local residents and visitors.

7.6 Section 7 accords values held by tangata whenua along with ensuring the maintenance and enhancement of both amenity values and the quality of the environment. These factors are not affected by the proposal. The earlier discussion demonstrated how the project provides benefits for the community as a whole without adverse effects on the environment.

7.7 With respect to the principles of the Treaty of Waitangi in terms of Section 8 , participation of tangata whenua has been limited due to the timing constraints associated with this application.

7.8 To summarise the above, the proposal is considered to provide for sustainable management of the resources affected by the proposed activities. These contribute to sustainable management of the wider district environment through providing improved facilities and services for locals and visitors which generate socio-economic benefits within the District.

7.9 Based on the above analysis, the proposals are considered to achieve the provisions of Part II of the Act.

8.0 CONCLUSIONS

8.1 The proposal has been assessed against the provisions applicable to a discretionary activity with the conclusion that these can be met. It is therefore considered that Council can grant consent to the proposed variation as the other conditions of consent will continue to apply.

8.2 The Assessment of Environmental Effects concluded that the effects of the proposed changes would be less than minor.

8.3 The application has also been assessed as not being in conflict with the statutory provisions of the Act in respect of section 127, the assessment of discretionary activities under section 104 and the overall purpose of the Act as contained in Part II. The application is therefore considered to pass the statutory tests of the RMA.

8.4 As effects on the environment were assessed as being less than minor, no persons are considered to be adversely affected. On this basis the application can be processed without public or limited notification.

We therefore look forward to a favourable response from Council.



Jeff Kemp
MNZPI.