

Application for a Resource Consent – Resource Management Act 1991

This application form must be provided with applications to the council for new and replacement resource consents, and changes to the conditions on an existing resource consent.

If you would like to talk or meet with a consents officer to discuss your application prior to lodging with the council, please phone **0800 002 004** or email request to info@nrc.govt.nz.

PART 1: Administration Matters

1 Full Name of Applicant(s) *(the name(s) that will be on the resource consent document)*

Surname:

First Names:

OR

If the application is being made on behalf of a trust, the Trustee(s) who has/have signing authority for the trust must be named.

Trust Name:

Trustee's Name(s):

OR

Company Name: Far North Holdings Limited and Far North District Council

Contact Person: Aimee Page

Email address: aimee@fnhl.co.nz

Please Note: *If an email address is provided, then all correspondence for this application will be via email.*

Postal address:

Telephone: *(please tick preferred contact number)*

Residential 09 402 5659

Business

Mobile

2 Details of the Address for Service of documents if different from the Applicant (e.g. Consultant). This address will be used for all documents if completed.

Company Name: Bay of Islands Planning Limited

Contact Person: Jeff Kemp

Email address: jeff@bayplan.co.nz

Please Note: *If an email address is provided, then all correspondence for this application will be via email.*

Postal address:

Telephone: *(please tick preferred contact number)*

Residential Business

Mobile 0274457136

3 Invoices

Charges relating to the processing of this resource consent application should be sent to:

Applicant Address for service

Charges relating to the ongoing monitoring of a resource consent should be sent to:

Applicant Address for service

4 Name and Address of all Owners/Occupiers of the Site relating to Application if different from the Applicant

Owner(s): The Crown - Coastal Marine Area

Postal Address:

Telephone: *(please tick preferred contact number)*

Residential Business

Mobile

Occupier(s):

Postal Address:

Telephone: *(please tick preferred contact number)*

Residential Business

Mobile

Please Note: *If the applicant is not the owner of the land to which the activity relates, then it is good practice to submit the application with written approval from the landowner.*

5 Extending Timeframes

The Resource Management Act 1991 (RMA) specifies timeframes for processing resource consent applications (e.g. 20 working days for a non-notified application); however, these timeframes can be extended, if necessary, with the Applicant's agreement. If the council does not meet these timeframes, then it is required to refund 1% of the total processing cost of the application for each day it exceeds the timeframe up to a maximum of 50%.

Do you agree to the council extending RMA resource consent processing timeframes?

- Yes**, provided that I can continue to exercise my existing resource consent until processing of this application is completed.
(Replacement application only. No refund is required to be paid until after the existing resource consent expires.)
- Yes**, provided that the extension is for the specific purpose of discussing and trying to agree on resource consent conditions.
- Yes**, provided that the application process is completed before this date (dd/mm/yy):
- No**.

6 Deposit Fee

An initial minimum fee is payable with this application. These fees can be found on the council's website www.nrc.govt.nz – [Schedule of Minimum Estimated Initial Fees](#) information. Please contact council consents staff if you need assistance with determining the correct minimum initial fee.

Unless agreed to prior to lodging your application, the council will not commence processing your resource consent application until payment of the minimum initial fee is received (i.e. the statutory processing time for the application will not start).

This minimum initial fee may be paid online, by cheque, or by EFTPOS at one of the council's offices.

Instructions for paying online can be found on the council's website at "[Pay online](#)". Please use either the first six numbers of your resource consent (e.g. CONXXXXXX or AUT.XXXXXX), if known, or the Applicant's name as the Reference/Customer number when paying online.

If you do pay online, then please enclose evidence of payment so that the council is aware that the payment has been made.

If the costs of processing the resource consent application are greater than the minimum estimated initial fee, then the applicant will be required to pay the additional actual and reasonable costs of processing the application.

Note: Annual User Charges for Resource Consent Holders

Holders of resource consents will in most cases be required to pay a "Minimum Annual Charge" for administration of the resource consent once issued. There is also likely to be additional annual charges for the monitoring of the resource consent, which will be dependent on the type of activity the resource consent is for. These charges are detailed on the council's website www.nrc.govt.nz in the Annual Charges section of the council's [Charging Policy](#).

7 Applications for Activities within the Coastal Marine Area (CMA)

Prior to lodging an application with the council to undertake any activity in the coastal marine area (CMA), the applicant is required under the Marine and Coastal Area (Takutai Moana) Act 2011 to notify the application to all groups who have applied for customary marine title in that location, and seek their view on the application. This notification should, as a minimum, include a summary of the application that provides sufficient detail for a group to understand what is being proposed

The council cannot accept an application to undertake an activity in the CMA unless the applicant for the resource consent provides evidence of this notification occurring. A response from customary marine title groups is not required by the council.

To ensure you meet the above requirement, you are advised to contact council consents staff to obtain a list of all of the current customary marine title applicant groups within the area where you are proposing to apply for a resource consent.

Information on customary marine titles is available on the [Ministry of Justice/Marine and Coastal Area Applications](#) website.

8 Consultation

The RMA does not require any person, including the applicant or council, to consult with anyone. It is, however, best practice to do so and will allow the council to make a more informed decision.

It is important to remember that consultation does not require reaching an agreement – it is to allow you and the council to be informed about a person’s views. If you do consult, and there are concerns raised that cannot be resolved and you still want to go ahead with your application, then you should have made a genuine attempt to consult with that person(s) in an open and honest manner. Their views should be recorded so they can be taken into account by the council when considering your resource consent application.

PART 2: Application Details

1 Description of Activity

Please describe in detail the activity for which resource consent is being sought.

Resource consent for the discharge of contaminates to the Coastal Marine Area from the removal of algal off boat ramps as detailed in the application documents.

.....

.....

2 Location Description of Activity

Site Address: Various locations within the Far North District.

.....

Legal Description: Coastal Marine Area

.....

(Legal description can be obtained from your Certificate of Title, valuation notice, or rates demand)

3 Site Plan

On a separate page (*minimum A4 size*), please provide a site plan showing the location of the activity, site layout, and surrounding environment in relation to property boundaries. Please include any buildings or developments on the site.

These plans should be provided electronically and be of good quality, to enable use in resource consent documentation.

If you do not have access to mapping software, we recommend you use the council's "[Property and Boundaries](https://localmaps.nrc.govt.nz/LocalMapsGallery/)" map available on our website <https://localmaps.nrc.govt.nz/LocalMapsGallery/>.

This council map contains aerial photography and shows property boundaries and details. You can carry out a property search and print maps of aerial photography.

4 Resource Consent(s) being Applied for

Coastal Permit

Mooring

Marine Farm

Structure

Pipeline/Cable

Other (*specify*)

Land Use Consent

Quarry

Earthworks

Dam Structure

Vegetation Clearance

Construct/Alter a Bore

Structure in/over Watercourse

Other (*specify*)

Water Permit

- Stream/Surface Take Damming Groundwater Take
- Diverting Water Other (specify)

Discharge Permit

- Domestic Effluent to Land General Discharge to Land Farm Dairy Effluent to Land/Water
- Air Water Other (specify) Discharge to the CMA.....

5 Is this application to replace an existing or expired resource consent(s)? Yes No

If Yes:

(a) Please state the resource consent number(s):

Refer to attached application for existing consents......
.....

(b) Do you agree to surrender the existing resource consent once a new one has been issued:

- Yes No

6 Is this application to change a condition of an existing resource consent? Yes No

If Yes, please state the resource consent number(s):

Refer to attached application for existing consents.

.....

7 Please specify the duration sought for your resource consent(s) –

Only for new or replacement applications.

35 years months

8 Do you also require consent(s) from a district council? Yes No

If Yes, please complete the following:

Type of consent required?

Has it been applied for? Yes No

Has it been granted? (If Yes, please attach) Yes No

PART 3: Assessment of Environmental Effects (AEE)

1 An AEE must be provided with your application that has been completed in accordance with the requirements of [Schedule 4 of the RMA](#).

As a minimum, your AEE must include the following:

- Description of the environmental effects of the activity.
- Description of ways in which adverse environmental effects can be avoided, remedied or mitigated.
- Names of people affected by the proposal.
- Record of any consultation you have undertaken, including with affected persons (if any).
- Discussion of any monitoring of environmental effects that might be required.
- An assessment of the activity against any relevant objectives, policies, or rules in the Regional Plans.
- For a coastal permit, an assessment of your activity against any relevant objectives and policies of the New Zealand Coastal Policy Statement.
- An assessment of effects on tangata whenua and their taonga.

This AEE needs to be provided in a separate document attached to this application form.

Any activity needing a resource consent will have some environmental effects. The council will not accept an AEE that says there are no environmental effects from the activity.

You will need to complete the AEE at a level that corresponds with the scale and significance of the effects that the activity may have on the environment. Depending on the scale of the activity, you may need to get help from an expert(s) to prepare your AEE.

The council has a set of standard AEE forms for a selection of common activities. These AEE forms do not cover the relevant objectives, policies, or rules in the Regional Plans nor effects on tangata whenua. If you use one of these forms, then you will need to provide a separate assessment of these matters. These AEE forms can be found on the council's website www.nrc.govt.nz – “Forms and Fees”.

It is important that you provide the council with a complete and well-prepared AEE, otherwise the council may not accept your application.

If your application is for a change to a condition of resource consent under Section 127 of the RMA, then your AEE only needs to cover the effects of the change being requested.

2 Assessment of Effects on tangata whenua and their taonga

The Regional Plan for Northland requires that an AEE must also include an assessment of the effects on tangata whenua and their taonga if one or more of the following is likely:

- Adverse effects on [mahinga kai](#) or access to [mahinga kai](#); or
- Any damage, destruction or loss of access to [wāhi tapu](#), sites of customary value and other ancestral sites and [taonga](#) with which Māori have a special relationship; or

- Adverse effects on indigenous biodiversity in the beds of waterbodies or the coastal marine area where it impacts on the ability of tangata whenua to carry out cultural and traditional activities; or
- Adverse effects on [taiāpure](#), [mātaītai](#) or Māori non-commercial fisheries; or
- Adverse effects on protected customary rights; or
- Adverse effects on sites and areas of significance to tangata whenua mapped in the Regional Plan for Northland (refer [Maps | Ngā mahere matawhenua](#)).

Your AEE must include an assessment of whether any of the above affects are likely to occur.

If they are likely to occur, then you will need to complete a Cultural Impact Assessment (CIA) and provide this with your resource consent application. The Regional Plan for Northland provides details of what must be included in this CIA, and should be referred to.

The best way to find out what the effects of your proposal may be on tangata whenua is to contact local iwi/hapū groups (who represent tangata whenua) and discuss your proposal with them. Council consents staff can provide a list of contact details for local iwi/hapū groups in the area of your proposal. You can then send a copy of your proposal to these groups and seek feedback from them prior to lodging your application. Some iwi/hapū have also developed iwi/hapū Environmental Management Plans that are useful documents that can assist to identify issues of concern to those iwi/hapū for activities occurring in their rohe. The iwi/hapū Environmental Management Plans can be obtained directly from the iwi/hapū or from the council upon request.

3 Assessment of Affected Persons

If the adverse effects of your activity on a person are likely to be minor, or more than minor, then that person is deemed to be an “affected person” for your resource consent application.

An affected person may include neighbouring land owners and occupiers, and/or organisations such as the Department of Conservation, Land Information New Zealand (LINZ), Fish and Game Council, Iwi and Hapū, and community groups.

If you do not think there will be any affected persons for your resource consent application, then you do not need to provide any details on this matter in your AEE. However, the council will still undertake an assessment of whether there are any affected persons as part of processing the resource consent application.

If there are persons you have identified who may be affected, and you have discussed your proposal with these persons, please record any comments made by them and your response, and include this information with your application. If you have written approvals from these parties, then these should be provided as well. The council has a written approval form that can be used for this purpose.

Iwi Settlement Acts

If there is an **Iwi Settlement Act** that covers the area of your application, then there may be “Statutory Acknowledgement” areas which could be adversely affected by your activity. If the location of your activity is within, adjacent to, or may have an adverse effect on, a Statutory Acknowledgement area, then you will need to assess whether the trustees of the Statutory Acknowledgement are affected persons. Information about Statutory Acknowledgements in Northland can be found on the council’s webpage at [“Statutory Acknowledgements in Northland”](#).

Checklist

The following information **must** be included in your application to ensure that is not returned as incomplete under Section 88 of the RMA.

- All applicable application form details have been completed.
 - Assessment of Environmental Effects in accordance with Schedule 4 of the RMA.
 - Assessment of effects on tangata whenua and their taonga.
 - Site plan(s). These are required to be of good quality, and preferably electronically, to enable use in resource consent documentation.
 - Evidence of payment of the required minimum estimated initial fee.
 - If you are applying for a coastal permit, evidence that you have provided notice of your application to all groups who have applied for customary marine title in the location of your application and that you have sought their view on the application. The council cannot legally accept an application without evidence of this.
-

Information Privacy Issues

The information you provide in this application is regarded as official information. It is required under the provisions of the Resource Management Act 1991 to process this application. The information will be held by the council and is subject to the provisions of the Local Government Official Information and Meetings Act 1987, and the Privacy Act 1993. The information you provide in this application will generally be available to the public.

Under Section 88 and/or 127 of the Resource Management Act 1991 (RMA), the undersigned makes this application for resource consent(s).

- 1 I/We confirm that I have authority to sign on behalf of the person(s) named as the applicant(s) for this application for resource consent.**
- 2 I/We have read, and understand, all of the information contained within this application form, including the requirement to pay any additional actual and reasonable costs for the processing of the application.**
- 3 I/We confirm that all of the information provided is true and correct and I understand that any inaccurate information provided could result in my resource consent (if granted) being cancelled.**

Signature(s):

Date: 23/03/2022

Signature(s):

Date:

Signature(s):

Date:

Please note that a signature is not required if submitting application electronically.

FAR NORTH HOLDINGS LIMITED
and
FAR NORTH DISTRICT COUNCIL

Boat Ramp Algal Cleaning
July 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.

19 July 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 of shore property owners who do not have road access. 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 over these ramps 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.

By letter dated 22 March 2022 we lodged a composite application seeking to renew the consents and at the same time sought Councils discretion under Section 124 [2] [d] of the Act, which allows , for the applicant to continue to give effect to the consents until such time as the new applications are determined. The applicants seek Councils discretion to be applied to allow the activity until determined.

Subsequent to lodging the application Council sought additional information with reference to the potential implications of the NES Freshwater in relation to the activities sought along with a location plan for each of the relevant ramps.

For completeness we have revised the application held by Council to incorporate the matters requested and ask this revised application is used for processing purposes. Again for the avoidance of duplication this application 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 be 'Paul Maxwell', is written over a light blue horizontal line.

Yours faithfully,

FNHL FNDC
Renewal of ramp cleaning NRC July 2022



Jeff Kemp.

Principal Consultant

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 that can render the ramp unusable.

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. This includes the collection of kaimoana.

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. For clarification the following snipped location map depicts the various ramps –



2.2 The specific location of the ramps are summarised in the following table –

IRISID	Authorisation Name
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FNHL FNDC
 Renewal of ramp cleaning NRC July 2022

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 that 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 runs 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 which applies to a Discretionary Activity 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 approve or refuse the application , and if approved may be subject to conditions of consent.

4.5 In addition, consideration is required with regard to the NES Freshwater by reason recent legal proceedings have affirmed this Standard has applicability within the Coastal Marine Area. In this regard some of the ramp locations sit within 100m of mangroves , and none are known to sit within 100m of seagrass and saltmarsh areas.

4.6 To assist in the consideration of this aspect attached are a series of photographs for each of the ramps. This reveals the following ramps are within 100m of wetlands [mangroves] –

Ratcliffes Bay
Totara North
Te Haumi
Rangitane
Kohukohu
Kohukohu Ferry Ramp
Horeke
Waipapa Landing

4.7 Taking this situation into account it is concluded the cleaning activity would satisfy the Permitted Activity requirements within Clause 46 for those ramps where wetlands are not located and where wetlands do exist the application would fall for consideration under **Clause 47 Restricted Discretionary Activity**.

4.8 This conclusion is based on the following parameters –

The activity involves the maintenance of “other infrastructure”, which is not defined within the legislation. The boat ramps are considered to fulfil a functional need to enable access to the Coastal Marine Area as well as serving as a connection to land for those property owners who have no road access. In effect the ramps serve the same purpose as a road bridge that crosses a stream or river. Without this connection point between the banks of the stream or river there cannot be any traffic movement.

The activity is not undertaking any vegetation clearance. The algae is assessed to fall outside the definition of vegetation. This is concluded based upon the following analysis –

- Neither the RMA; NPSFM; or NES contain any definition for vegetation or plants ;
- The wetlands definition within the RMA refers to ‘...plants and animals...’, not vegetation.
- The Department of Conservation describes algae as ‘ *plant-like organisms* ’ but make no comment beyond that statement. <https://www.doc.govt.nz/nature/native-plants/freshwater-algae/>
- Biology LibreTexts describes algae as ‘ *Plantlike protists* ’. In addition the article states - *Why are algae considered plant-like? The main reason is that they contain **chloroplasts** and produce food through **photosynthesis**. However, they lack many other structures of true plants. For example, algae do not have roots, stems, or leaves. Some algae also differ from plants in being motile. They may move with pseudopods or flagella. Although not plants themselves, algae were probably the ancestors of plants.* [https://bio.libretexts.org/Bookshelves/Introductory_and_General_Biology/Book%3A_Introductory_Biology_\(CK-12\)/08%3A_Protists_and_Fungi/8.05%3A_Algae](https://bio.libretexts.org/Bookshelves/Introductory_and_General_Biology/Book%3A_Introductory_Biology_(CK-12)/08%3A_Protists_and_Fungi/8.05%3A_Algae)
- The article headed – **Why algae are not plants** refers to plant kingdoms: “*One thing is important to keep in mind: while the plants belong to a single Kingdom, the Plantae, the term "algae" encompasses many distinct taxonomic groups in the Kingdom Protista, including the Stramenopila (brown algae and diatoms), Rodophyta (red algae) and Chlorophyta (green algae) (Nybakken & Bertness, 2005).*”

<https://www.batepapocomnetuno.com/post/why-algae-are-not-plants>

And in addition the RMA ; NPSM; and NES refer to vegetation clearance , which has a number of definitions –

'all the plants or plant life of a place, taken as a whole' (dictionary.com) ;
'plant life or total plant cover (as of an area)' (Merriam-Webster – online) ;
'plants in general, or plants that are found in a particular area' (Cambridge Dictionary – online)

Based on the preceding analysis and the definitions above it is concluded vegetation relates to plants. The preceding analysis concludes algae are not plants.

4.9 Section 47 NES FW specifies the following –

47 Restricted discretionary activities

- (1) Vegetation clearance within, or within a 10 m setback from, a natural wetland is a restricted discretionary activity if it—
 - (a) is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and
 - (b) does not comply with any of the conditions in [regulation 46\(4\)](#).
- (2) Earthworks or land disturbance within, or within a 10 m setback from, a natural wetland is a restricted discretionary activity if it—
 - (a) is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and
 - (b) does not comply with any of the conditions in [regulation 46\(4\)](#).
- (3) The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a restricted discretionary activity if it—
 - (a) is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and
 - (b) does not comply with any of the conditions in [regulation 46\(4\)](#), but does comply with the conditions in subclause (5) of this regulation.
- (4) However, the conditions in subclause (5) of this regulation do not apply if the activity is for the purpose of maintaining or operating hydro-electricity infrastructure.

Conditions

- (5) The conditions are that—
 - (a) the activity must be undertaken only for as long as necessary to achieve its purpose; and
 - (b) before the activity starts, a record must be made (for example, by taking photographs) of the original condition of the natural wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (c) to be verified; and
 - (c) the bed profile and hydrological regime of the natural wetland must be returned to their original condition no later than 30 days after the start of the activity.
- (6) However, the condition in subclause (5)(c) does not apply to any part of the bed that is in direct contact with a part of the specified infrastructure or other infrastructure that was constructed for maintenance purposes.

Matters to which discretion restricted

- (7) The discretion of a consent authority is restricted to the matters set out in [regulation 56](#).

4.10 In this regard sub clauses (3); (5) and (7) are relevant –

- (3) The taking, use, damming, diversion, or discharge of water within, or within a 100 m setback from, a natural wetland is a restricted discretionary activity if it—
- (a) is for the purpose of maintaining or operating specified infrastructure or other infrastructure; and
 - (b) does not comply with any of the conditions in [regulation 46\(4\)](#), but does comply with the conditions in subclause (5) of this regulation.

Conditions

- (5) The conditions are that—
- (a) the activity must be undertaken only for as long as necessary to achieve its purpose; and
 - (b) before the activity starts, a record must be made (for example, by taking photographs) of the original condition of the natural wetland's bed profile and hydrological regime that is sufficiently detailed to enable compliance with paragraph (c) to be verified; and
 - (c) the bed profile and hydrological regime of the natural wetland must be returned to their original condition no later than 30 days after the start of the activity.

Matters to which discretion restricted

- (7) The discretion of a consent authority is restricted to the matters set out in [regulation 56](#).

4.11 In relation to Regulation 56 the matters for discretion fall within –

56 Restricted discretionary activities: matters to which discretion is restricted

The discretion of a consent authority is restricted to the following matters if an activity is a restricted discretionary activity under this subpart:

- (a) the extent to which the nature, scale, timing, intensity, and location of the activity may have adverse effects on—
 - (i) the existing and potential values of the natural wetland, its catchment, and the coastal environment; and
 - (ii) the extent of the natural wetland; and
 - (iii) the seasonal and annual hydrological regime of the natural wetland; and
 - (iv) the passage of fish in the natural wetland or another water body:
- (b) whether there are practicable alternatives to undertaking the activity that would avoid those adverse effects:
- (c) the extent to which those adverse effects will be managed to avoid the loss of the extent of the natural wetland and its values:
- (d) other measures to minimise or remedy those adverse effects:
- (e) how any of those adverse effects that are more than minor may be offset or compensated for if they cannot be avoided, minimised, or remedied:
- (f) the risk of flooding upstream or downstream of the natural wetland, and the measures to avoid, minimise, or remedy that risk:
- (g) the social, economic, environmental, and cultural benefits (if any) that are likely to result from the proposed activity (including the extent to which the activity may protect, maintain, or enhance ecosystems).

4.12 Section 104C applies to Restricted Discretionary Activities. Such application limits the matters over which Council can assess an application and can only decline an application on those matters. Furthermore any conditions of consent can only relate to those matters.

4.13 Overall the application is to be assessed as a **Discretionary Activity** by reason of the PRP activity status.

5.0 STATUTORY CONSIDERATIONS - RMA

FNHL FNDC

Renewal of ramp cleaning NRC July 2022

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 ratios 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 The chlorine-based products used to clean boat ramps are highly reactive and, therefore, short-lived in the environment. When used in appropriate quantities proposed, they would not be anticipated to have adverse effects on aquatic organisms after reasonable mixing (i.e., outside of a mixing zone of no more than 5–10m from the base or edge of the boat ramp). Algae on the ramp would be affected or near the base or edge of the ramp could potentially be affected by the runoff from these cleaning products. Overall, the effect on the environment of chlorine-based products used in appropriate quantities to clean a boat ramp would be considered low and likely negligible (less than minor) effect.

5.10 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.

5.11 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.

5.12 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.

5.13 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.

5.14 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.

5.15 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 known to Iwi and hapū who have been consulted on other applications.

5.16 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.

5.17 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.

5.18 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.

5.19 Cumulative adverse effects are not therefore anticipated.

Summary

5.20 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

5.21 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.

5.22 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 The only relevant regulation which would apply is NES FW for those ramps located within 100m of a wetland. Taking this into account the following analysis is concluded –

Regulation 47 :

(1) and (2) – there is no vegetation clearance or earthworks involved ;

(3) the activity takes place within the CMA and will result in the movement of coastal water across the boat ramp. This will involve the use and discharge of water which is accommodate within the Regulation by reason it is associated with maintaining other infrastructure and it cannot comply with one of the conditions in Regulation 46(4).

The activity can comply with subclause (5) as follows –

5(a) the activity is of a very short duration ;

5(b) photographs can be provided ;

5 (c) there is no change to the bed profile and hydrological regime upon completion of the activity.

(7) the matters for discretion are assessed as follows [**Regulation 56**] –

(a) The ramp clearing occurs around a four – six week cycle depending on the marine conditions i.e. algae build up. The cleaning process is confined to the ramp facility and undertaken with the minimum of cleaning concentrate. The activity of cleaning the ramp is not known t have created any effect upon the values within (i) nor to affect the adjoining wetland area (ii). The wetland is within the CMA and receives the same seasonal and hydrological regime as the ramp facility in relation to (iii) and the activity is not known to have any effect upon the passage of fish – (iv).

(b) Alternative chemical solutions could be used however these are more reactive to the local environment. As such these are not used. Water blasting on the ramp surface was considered and discounted due to the noise, sullage discharge and inability to inhibit the algae growth.

(c) There are not considered to be any adverse effects from the activity. The activity has been undertaken for a number of years and no known adverse effects have arisen. This ensures there is no loss of the extent of the wetland and its values.

(d) The activity is employing best practise to minimise any effects on the wetlands.

(e) The nature and scale of the activity and the effects therefore are not considered to warrant any offset or compensation.

(f) The activity has no effect upon flooding.

(g) As previously described the activity has positive social and economic effects.

5.23 Overall it is considered the activity gives effect to attaining the outcomes sought within the matters of discretion and sustains the management framework embodied within the NES FW.

5.24 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

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

5.26 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

5.27 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

5.28 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)

5.29 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).

5.30 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.

5.31 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.

5.32 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.

5.33 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.

5.34 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

5.35 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).	The NES Freshwater is applicable to some of the boat ramp locations. This higher order document has been assessed within the body of the application.
2(3) An assessment of the activity's effects on the environment that:	
a) includes the information required by clause 6;	

FOURTH SCHEDULE REFERENCE & REQUIREMENTS	COMMENTS & PAGE/PARAGRAPH REFERENCE
b) addresses the matters specified in clause 7;	Assessed within the body of the planning report and AEE.
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:	
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 restricted discretionary and discretionary activity with the conclusion that these can be met. It is therefore considered that Council can grant consent to the application based upon the existing conditions of consent.

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 104, the assessment of restricted discretionary and discretionary activities under section 104 C and D and the overall purpose of the Act as contained in Part II. In addition, fulfilling the management of effects promulgated through the NEW Freshwater. 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
Principal Consultant.

Location map of boat ramp cleaning consents being applied for

