

# 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](mailto: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: Sullivan .....

First Names: Mike .....

**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: Kingfish Lodge 2016 Ltd .....

Contact Person: .....

Email address: mike.sullivan@clearwaterconstruction.co.nz .....

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

Postal address: PO Box 3, Whitford 2149 .....

Telephone: *(please tick preferred contact number)*

☐ Residential .....

☐ Business .....

☐ Mobile .....

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**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:** Northland Planning and Development .....

**Contact Person:** Rochelle Jacobs .....

**Email address:** info@northplanner.oc.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 09 408 1866 .....

☐ Mobile .....

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**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

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

**Owner(s):** .....

**Postal Address:** .....

**Telephone:** (please tick preferred contact number)

☐ Residential .....

☐ Business .....

☐ Mobile .....

**Occupier(s):** Owner occupied .....

**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.*

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## 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](http://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](http://www.nrc.govt.nz) in the Annual Charges section of the council's [Charging Policy](#).

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## **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.

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## **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.

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## PART 2: Application Details

### 1 Description of Activity

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

Consent is sought for the renewal of existing consents. See application for full details.

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### 2 Location Description of Activity

**Site Address:** Kingfish Point, Whangaroa

**Legal Description:** Lot 1 DP788895

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

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### 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.

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### 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) .....

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**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):

5424.01.05, 5424.02.04, 5424.03.04, 5424.04.04, 5424.06.03, 5424.09.05, 5424.10.05,  
5424.11.03, 32185.01.01, 32187.01.01, 32189.01.01, 34906.01.01, 34904.01.01

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

☒ Yes      ☐ No

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

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

.....  
.....

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**7 Please specify the duration sought for your resource consent(s) –**  
*Only for new or replacement applications.*

35 years      ..... months

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**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](http://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.

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### 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.

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### 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”](#).



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## 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.
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## 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.

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**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:** .....

**Signature(s):** .....

**Date:** .....

**Signature(s):** .....

**Date:** .....

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

**Renewal of Consents for  
Kingfish Lodge (2016) Limited  
South Head, Whangaroa Harbour**

Date: 3/08/2022

Attention: Paul Maxwell and Adam Phillips

Please find attached an application for the renewal of the existing consents

- AUT.005424.01.05,
- AUT.005424.02.04,
- AUT.005424.03.04,
- AUT.005424.04.04,
- AUT.005424.06.03,
- AUT005424.09.05.
- AUT005424.10.05,
- AUT005424.11.03,
- AUT032189.01.01, and,
- AUT034901.01.01.

The above consents all relate to the existing operation of a traveller's accommodation facility located at the South Head of the Whangaroa Harbour. These consents have an expiry date of 30<sup>th</sup> September 2022 and in accordance with Section 124 of the Resource Management Act we are making application prior to the consent expiry. It is noted that this application is being lodged within 3 months of the consent expiring and as such approval is given to Council to extend the necessary timeframes under the act.

This application also includes consent to authorise an existing mooring which is located within Ratcliffes Bay, Whangaroa that the owner utilises when not at Kingfish Lodge. Consent is required for this as it appears that the existing mooring is located only just outside of the mooring zone.

If you require further information, please do not hesitate to contact me.

Regards,

Alex Billot





Resource Planner

Reviewed by:

Rochelle Jacobs



Director/Senior Planner

**NORTHLAND PLANNING & DEVELOPMENT 2020 LIMITED**

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## Attachments

1. Application Form - *NRC*
2. AUT 005424 – *NRC*
3. AUT 032185 – *NRC*
4. AUT 032187 – *NRC*
5. AUT 032189 – *NRC*
6. AUT 034901 – *NRC*
7. AUT 034904 – *NRC*
8. Discharge Report - *Ecogent*
9. Updated Mooring Plan & Details – *Seanorth*
10. M79 Inspection Sheet – *Robert Burling*
11. Fishing Reserve Research – *Lara Burkhardt*
12. CMT Emails – *Northland Planning & Development 2020 Limited*
13. Email Correspondence – *Hapu of Kaitangata*
14. Email Correspondence – *Te Whanau Whero*
15. Email Correspondence – *Kahukuraariki Trust*



## Assessment of Environment Effects Report

### 1.0 Renewal of Consents

1.1. This application is seeking the renewal of the following consents in relation to the Kingfish Lodge:

- AUT.005424.01.05 – Coastal Permit – Use and occupy space in the coastal marine area (CMA) with conference room deck, and recreation deck
- AUT.005424.02.04 – Water Take Permit – Take groundwater for water supply purposes
- AUT.005424.03.04 – Discharge to Land Permit – Discharge treated wastewater to land
- AUT.005424.04.04 – Discharge to Air Permit – Discharge contaminants to air (primarily odour) from a wastewater treatment disposal system
- AUT.005424.06.03 – Coastal Permit – Use and occupy space in the CMA with seawalls
- AUT.005424.09.05 – Coastal Permit – Use and occupy space in the CMA with a jetty facility including jetty, gangway, pontoon and two mooring piles
- AUT.005424.10.05 – Coastal Permit – Use and occupy space in the CMA with a boat ramp
- AUT.005424.11.03 – Coastal Permit – Use and occupy space in the CMA with three Mediterranean type berthing moorings associated with the jetty facility (AUT.005424.09.05)
- AUT.032189.01.01 – Swing Mooring
- AUT.034901.01.01 – Swing Mooring

1.2. AUT.032185.01.01, AUT.032187.01.01 & AUT.034904.01.01 are also existing consents for swing moorings 159, 160 & 2595, which are due for renewal. These moorings are no longer in place or being utilised and as such we are not seeking consent for these facilities.

1.3. Consent is also being sought for an existing mooring within Ratcliffes Bay, Whangaroa. This mooring registration number is M79. This mooring is also utilised and owned by Kingfish Lodge as a space to store visitor vessels when undertaking activities outside of Kingfish Lodge. The location of this mooring in relation to Kingfish Lodge is shown below. This mooring is located just on the outskirts of the designated Mooring Zone. While this appears to be an oversight when establishing the mooring zone maps, we seek to tidy this up as part of the one application since they are all interrelated.

1.4. The NRC website states that in relation to renewal consents:



*Figure 1: M79 (indicated by red circle) in relation to Kingfish Lodge*

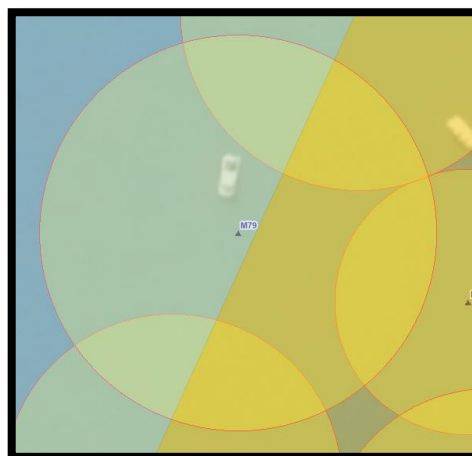
*If you are applying to renew a resource consent, then you are still required to complete the standard application form and include an assessment of environmental effects (AEE). The only difference is that if nothing has changed in the activity you are applying for, then you don't need to provide the following details, as the council will have them:*

- *description of the proposal*
- *description of the site and locality*
- *site plan that is drawn to scale*

- 1.5. While this is the case, given the site history, the number of applicable consents and variations some of this information has been included to provide clarity and confirm what is still in place and relevant.

## 2.0 Site location

- 2.1. The site is located at Kingfish Point at the entrance to the Whangaroa Harbour. Under the proposed regional plan maps – appeals version, the site is zoned as general marine. It has coastal overlays of Enclosed Water areas 'Whangaroa – exception' where there is an exception to the anchorage limit. It is mapped as a significant marine mammal and sea bird area, is mapped as having marine pollution limited where it's labelled that no untreated discharges inside this line and is within an aquaculture exclusion area.
- 2.2. As described further within this report, a number of the Coastal rules are still subject to appeals, and as such consideration of the Regional Coastal plan forms part of the relevant assessments. Within the Regional Coastal Plan, the site is located within the Marine 2 (Conservation) Management Area. The existing Jetty/Wharf structure is also annotated.
- 2.3. As noted, ME79 is also subject to consent within Ratcliffs Bay which will form part of this global consent. The mooring is physically located just outside of the mooring zone within the general marine zone as shown below. This site is also subject to the same coastal overlays of significant marine mammal and sea bird area, aquaculture exclusion area, marine pollution limited, and in addition is within areas shown as Coastal In-Water Cleaning zone, Enclosed Waters Whangaroa. This site is not within an area of high natural character.



**Figure 2 - Location of Mooring 79 in relation to the mooring zone (yellow)**



## 3.0 Regional Consent History

3.1. The table below runs through the known consent history of the site.

*Table 1 - NRC Consent History*

RC Number	Description	Date Issued
5424	Water take, discharge effluent to ground via deep bore and discharge contaminants to air.	5 <sup>th</sup> August 1997
97 5424	Consent to regularise the existing jetty and pontoon, recreation and conference room decks with connecting walkways.	30 <sup>th</sup> September 1997
95 5424	Consent to regularise the existing jetty and pontoon, occupy and use existing recreation and conference room decks with connecting walkways.	28 <sup>th</sup> October 1997
95 5424	Water take, discharge wastewater into a deep bore system, discharge contaminants to air,	2 <sup>nd</sup> June 1998
5424	Joint application with FNDC. Part approved reclamation. Coastal Permit for seawall with swimming pools declined. Coastal Permit for seawall along coastline approved with associated earthworks. Discharge of seawater from the proposed saltwater pools. Earthworks. Extension to Jetty and pontoon. Dinghy ramp access and associated reclamation.	8 <sup>th</sup> October 1998
5424	Decision from Minister of Conservation declining the seawall Restricted Coastal Activity made as part of the previous application where decline was recommended.	24 <sup>th</sup> November 1998
97 5424	Seawalls & associated earthworks. Discharge seawater to coastal marine from swimming pools. Earthworks. Upgrade Jetty and pontoon. Construct Dinghy access and reclamation.	1 <sup>st</sup> December 1998
00 5424 11	To place 3 Mediterranean type moorings for the purpose of providing berthage for up to 3 vessels.	6 <sup>th</sup> December 2000
02 5424	Replacement consent on site and within crown land:  To occupy and use conference room decks and walkways. Take ground water for water supply. Discharge contaminants to land. Discharge contaminants to air.	19 <sup>th</sup> November 2002
04 5424	Delete condition 1 of previous application relating to the jetty and pontoon.	31 <sup>st</sup> August 2004



AUT.005424	Coastal Permit and Landuse Consent for seawalls and associated earthworks, discharge seawater from saltwater pools at the lodge, upgrade the existing jetty and pontoon and to construct a dinghy ramp and associated reclamation.	30 <sup>th</sup> September 2004
AUT.032185.01.01	Mooring No: 159 Length of vessel 10.5m (max)	12 <sup>th</sup> March 2012
AUT.032187.01.01	Mooring No: 160 Length of vessel 10.5m (max)	12 <sup>th</sup> March 2012
AUT.032189.01.01	Mooring No: 161 Length of vessel 10.5m (max)	12 <sup>th</sup> March 2012
AUT.034901.01.01	Mooring No: 2594 Length of vessel 15m (max)	12 <sup>th</sup> March 2012
AUT.034904.01.01	Mooring No: 2595 Length of vessel 15m (max)	12 <sup>th</sup> March 2012
AUT.005424	<p>Consent covers the following: Coastal Permit for conference room deck, recreational deck, walkways and boat ramp. Water take Permit to take groundwater for water supply, Discharge to Land for treated wastewater, Discharge to Air associated with odour from the wastewater system, coastal permits for the seawalls, jetty and associated facilities, boat ramp and moorings.</p> <p>Landuse consent under a transfer of powers for the portions of boat ramps above mean high water springs.</p> <p>Coastal Permits to alter the jetty facility and sea wall and extend the boat ramp.</p>	25 <sup>th</sup> October 2016
AUT.005424	<p>Slight variation to above mentioned consent to delete reference and conditions relating to the dinghy ramp and replace with reference and conditions relating to boat ramps. Consent covers the following: Coastal Permit for conference room deck, recreational deck, walkways and boat ramp. Water take Permit to take groundwater for water supply, Discharge to Land for treated wastewater, Discharge to Air associated with odour from the wastewater system, coastal permits for the seawalls, jetty and associated facilities, boat ramp and moorings.</p> <p>Landuse consent under a transfer of powers for the portions of boat ramps above mean high water springs.</p>	6 <sup>th</sup> December 2016



	Coastal Permits to alter the jetty facility and sea wall and extend the boat ramp.	
AUT.005424	<p>Variation to 2016 consent to alter the seawall height. Consent covers the following: Coastal Permit for conference room deck, recreational deck and walkways. Water take Permit to take groundwater for water supply, Discharge to Land for treated wastewater, Discharge to Air associated with odour from the wastewater system, coastal permits for the seawalls, jetty and associated facilities, boat ramp and moorings.</p> <p>Landuse consent under a transfer of powers for the portions of boat ramps above mean high water springs.</p>	21 <sup>st</sup> June 2017
AUT.005424	<p>Consent varied previous approval for the seawall to include the stairs adjacent to the recreational deck, removal of walkways and incorporated all other Regional consents into one document. Consent covers the following: Coastal Permit for conference room deck and recreational deck, Water take Permit to take groundwater for water supply, Discharge to Land for treated wastewater, Discharge to Air associated with odour from the wastewater system, coastal permits for the seawalls, jetty and associated facilities, boat ramp and moorings.</p> <p>Landuse consent under a transfer of powers for the portions of boat ramps above mean high water springs.</p>	30 <sup>th</sup> September 2019.

- 3.2. The structures in their most up to date consented locations are shown in the following locations. The Mediterranean Berthing structures consented under 5424.11 have slightly moved locations, which will be discussed further in this report. Some of the outer moorings have also shifted slightly for various reasons. This will also be updated and covered within this report.

#### **Jetty Facilities, Boat Ramp, Decks and Mediterranean Berthing Moorings**



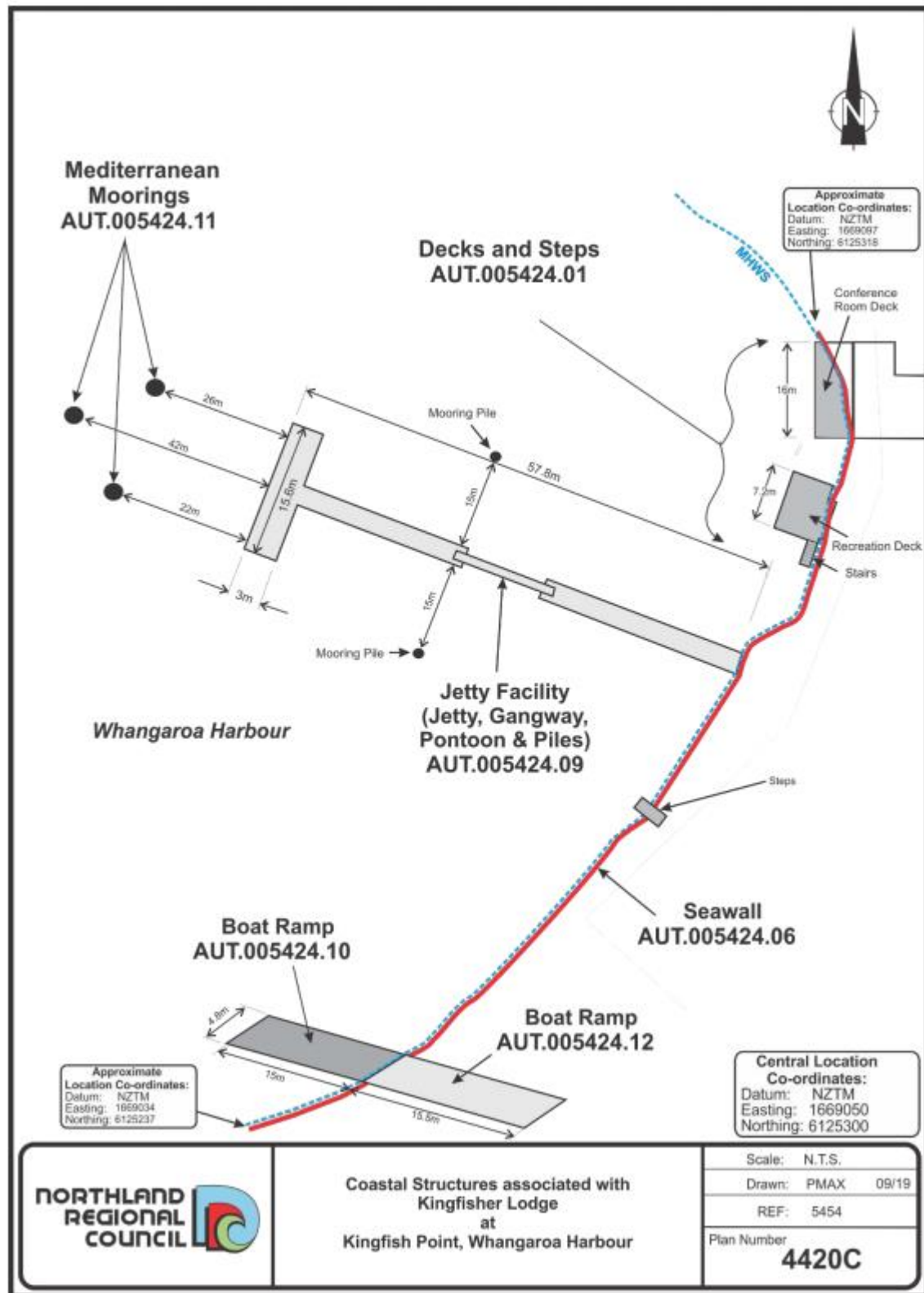


Figure 3 - Structures consented under AUT 5424





*Figure 4 - Location of Outer moorings some of which will be renewed as part of this application*

## 4.0 Activity Status of the Application

- 4.1. The new Regional Plan for Northland is currently under appeal, with the most recent version of the plan being released in March 2022. Where a rule in the Proposed Regional Plan has not been appealed, in accordance with Section 86F of the RMA, it must be treated as operative (and any previous rule as inoperative). The assessment below will indicate where there are appeals and whether an assessment of the Operative Plan is required.

NORTHLAND REGIONAL COUNCIL CONSENTS		
Proposed Plan (Air, Land, Water and Coastal)		
Rule Reference	Description	Performance of Proposal
<b>General Structures – C.1.1.1 Existing structures – permitted activity (under appeal).</b>	<p>The occupation of the common marine and coastal area by the following structures that:</p> <ul style="list-style-type: none"> <li>1) existed at 30 June 2004, or</li> <li>2) were previously authorised, or are permitted activities:</li> <li>3) outlet pipes, and</li> </ul>	<p>Structures are defined as:</p> <p><i>A building, equipment, device, pipeline or other facility which is fixed to land. It includes a structure which is fixed to another structure, which is fixed to land.</i></p> <p>This definition is also under appeal.</p>



	<p>4) road and railway culverts, and</p> <p>5) bridges, and</p> <p>6) aerial and submarine electricity line and telecommunications line structures, including any support structures, and</p> <p>7) suspended and submarine pipelines, and</p> <p>8) jetties up to 10 square metres in area, and</p> <p>9) hard protection structures in the coastal marine area within enclosed waters (I Maps   Ngā mahere matawhenua), and</p> <p>10) boat ramps and concreted slipways less than 15 metres in length and less than four metres in width, and</p> <p>11) dinghy skids used solely for private boat launching and retrieval, and</p> <p>12) steps, and</p> <p>13) wharves, jetties, boat ramps, concrete spillways and mooring dolphins in the Coastal Commercial Zone and Marsden Point Port Zone, and</p> <p>14) non-habitable buildings and structures on and attached to wharves and jetties in the Coastal Commercial Zone and Marsden Point Port Zone</p> <p>provided:</p> <p>15) the structure complies with all relevant conditions of C.1.8 Coastal works general conditions, and</p> <p>16) the structure is not within a Marina Zone, and</p> <p>17) the structure owner can provide, if requested by the</p>	<p>The definition of mooring under the PRP does not include provision for the three Mediterranean Berthing Moorings. Discussion has been had with Paul Maxwell of NRC who confirmed that the Mediterranean Berthing Moorings/structures were to be assessed as a structure used in association with the jetty facilities. As such, assessment of the Mediterranean Berthing Moorings will be had against this rule.</p> <p>The structures covered by this rule include:</p> <ul style="list-style-type: none"> <li>- <b>Conference room deck</b> – This structure was recently removed as part of necessary works on the sea wall and is yet to be reconstructed while we await the DoC concession. Some minor amendments mainly its configuration and layout were covered by the 2019 variation to the 5424 consent. As this structure was previously authorised, we have assessed this as a <u>permitted activity</u> insofar as this rule. While this is the case, the rule is under appeal and as such an assessment under the Operative Coastal Plan is required.</li> <li>- <b>Recreation Deck</b> - This structure existed at 30<sup>th</sup> June 2004 and has been refurbished recently with the upgrade of the seawall. The structure is located within the same location as previously approved with some minor amendments which were covered by the 2019 variation to the 5424 consent. As this structure was previously authorised, was in existence at 30<sup>th</sup> June 2004 and is regularly maintained and is good condition we have assessed this as a <u>permitted activity</u> insofar as this rule. While this is the case, the rule is under appeal and as such an assessment</li> </ul>
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	<p>Regional Council: a) clear written or photographic evidence the structure existed at 30 June 2004, or b) a copy of the necessary authorisation(s) for the structure.</p>	<p>under the Operative Coastal Plan is required.</p> <ul style="list-style-type: none"> <li>- <b>Seawall</b> – The seawall existed at 2004, however has recently been reconstructed. During reconstruction works there were some amendments to the seawall location and height which have been authorised by consent. The seawall is located within the Whangaroa enclosed waters area complying with regulation 9. The seawall is therefore a <u>Permitted Activity</u> insofar as this rule. While this is the case, the rule is under appeal and as such an assessment under the Operative Coastal Plan is required.</li> <li>- <b>Boat Ramp</b> – The boat ramp was constructed as an alteration to the consented dingy ramp. The boat ramp resulted in an increase in width from 4 metres to 4.8 metres and reduction of length below the MHWS mark from 17m to 15m, and increasing the length above the MHWS from 2m to 15.5m. The alteration was approved in 2016. The Coastal Permit which relates to this is AUT.005424.10.05. Due to the width of the boat ramp, it is unable to comply with the permitted provisions. As per Rule C.1.1.21, the boat ramp activity will be assessed as a <b>Discretionary Activity</b>. C.1.1.21 is also under appeal and therefore assessment of the Regional Coastal Plan will be undertaken.</li> <li>- <b>Jetty facilities (jetty, gangway, pontoon)</b> – The jetty facilities were in existence at 2004, however there has been upgrading and maintenance of the jetty and facilities since, which were authorised by consent. The jetty is larger than 10m<sup>2</sup> in area and therefore cannot comply with Regulation 8. The jetty facilities will be assessed as a <b>Discretionary Activity</b></li> </ul>
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		<p>under the PRP. Assessment of the Regional Coastal Plan will also be undertaken.</p> <ul style="list-style-type: none"> <li>- <b>Mediterranean Berthing Moorings (x3)</b> – The Mediterranean berthing structures were in existence prior to 2004 and were previously authorised. The structures are able to comply with the relevant conditions of C.1.8. In regards to this rule, the Mediterranean Berthing Structures are a permitted activity. While this is the case, the rule is under appeal and as such an assessment under the Operative Coastal Plan is required.</li> </ul>
<p><b>C.1.1.7</b></p> <p><b>Reconstruction, replacement, maintenance or repair of a structure – permitted activity (under appeal).</b></p>	<p>The reconstruction, replacement, maintenance or repair of a structure, or part of a structure, in the coastal marine area is a permitted activity, provided:</p> <ol style="list-style-type: none"> <li>1) the structure is authorised, and</li> <li>2) there is no increase in the authorised structure's footprint, other than that resulting from routine maintenance or repair activities, and</li> <li>3) there is no change to the authorised location of the structure, and</li> <li>4) it is not a reconstruction of a Historic Heritage Site (refer I Maps   Ngā mahere matawhenua), and</li> <li>5) in the case of maintenance and repair of a Historic Heritage Site (refer I Maps   Ngā mahere matawhenua), work must be within scope of what is defined in this Plan as Historic Heritage Site Repair and Historic Heritage Site Maintenance and must not result in any of the following:</li> </ol>	<p><b>Permitted Activity</b></p> <p>The eventual reconstruction of the conference room deck will fall within the scope of this rule.</p> <p>The structure is authorised, there will be no change in the footprint or location, it is not a historic heritage site and it will comply will all relevant conditions of C.1.8.</p> <p>While this activity is Permitted under this rule, this is under appeal and as such an assessment under the Operative Coastal Plan is required.</p>





	<p>a) changes to the existing surface treatment of fabric,<sup>14</sup> painting of any previously unpainted surface, or the rendering of any previously unrendered<sup>15</sup> surface, or</p> <p>b) the use of abrasive or high-pressure cleaning methods, such as sand or water blasting, or</p> <p>c) the affixing of scaffolding to the building or structure, or</p> <p>d) changes to the extent, floor levels, location of internal walls, form, proportion and scale of the building or structure, or</p> <p>e) the use of materials in the fabric other than those that are the same as the original or their closest equivalent, or</p> <p>f) disturbance of the foreshore or seabed where there is a registered archaeological site and no archaeological authority has been granted, and</p> <p>6) the reconstruction, replacement, maintenance or repair complies with all relevant conditions of C.1.8 Coastal works general conditions.</p>	
<b>C.1.1.21 Structures in Mooring and General Marine Zones – Discretionary activity (Subject to Appeal)</b>	<p>The erection, reconstruction, placement, alteration, extension, maintenance, repair, removal, or demolition of a structure in a Mooring Zone or the General Marine Zone and any occupation of the common marine and coastal area by the structure that is not a permitted, controlled, restricted discretionary or non-complying activity in Section C.1.1 of this Plan, and the use of the structure are discretionary activities, provided:</p>	<p><b>Discretionary Activity</b></p> <p>The existing boat ramp and jetty facilities are unable to comply with the permitted activity standards of rule C.1.1.1 above.</p> <p>The site is not within an area of a Nationally significant Surfbreak, regionally significant anchorage, Outstanding natural feature, area of Outstanding Natural Character or Area of Significance to tangata whenua. It is also not a Historic Heritage Area.</p>



	<p>1) it is not in a mapped (refer I Maps   Ngā mahere matawhenua):</p> <ul style="list-style-type: none"> <li>a) Nationally Significant Surfbreak, or</li> <li>b) Regionally Significant Anchorage, or</li> <li>c) Outstanding Natural Feature, or</li> <li>d) Area of Outstanding Natural Character, or</li> <li>e) Site or Area of Significance to tāngata whenua, or</li> <li>f) Historic Heritage Area, and</li> </ul> <p>2) there is no removal, demolition, partial demolition or replacement of a mapped Historic Heritage Site or part of a Historic Heritage Site (refer I Maps   Ngā mahere matawhenua), and</p> <p>3) the structure has a functional need to be located in the coastal marine area.</p>	<p>The structures are not to be demolished or replaced and are not part of a historic heritage site.</p> <p>Both the boat ramp and the jetty facilities have a functional need to be established within the Coastal Marine area.</p>
<p><b>C.1.2.5 Existing swing mooring outside a Mooring Zone – permitted activity (under appeal).</b></p> <p><b>Refer to Rule 31.4.9 of the Regional Coastal Plan</b></p>	<p>The occupation of the common marine and coastal area with a swing mooring and a vessel using the mooring is a permitted activity, provided:</p> <ul style="list-style-type: none"> <li>1) the mooring is not in a Mooring Zone, and</li> <li>2) the mooring existed at 6 September 2017 or the erection or placement of the mooring was authorised, and</li> <li>3) the activity complies with all relevant conditions of C.1.8 Coastal works general conditions, and</li> <li>4) the owner of the mooring holds a current mooring licence for the mooring, and</li> </ul>	<p><b>Consent required – Discretionary Activity</b></p> <p>This application includes two swing moorings, 161 &amp; 2594, associated with the jetty at Kingfish Lodge and one additional mooring, M79, which is located in Ratcliffes Bay, Whangaroa.</p> <p>The two swing moorings at Kingfish Lodge were authorised via reference numbers, 032189.01.01 and 034904.01.01, which were approved on 12<sup>th</sup> March 2012. The swing mooring at Ratcliffe's Bay does not have an existing consent as it was assumed it was located within the mooring zone. Assessment in relation to these moorings against C.1.2.5 has been undertaken below.</p>



	<p>5) the mooring is the only mooring associated with a property, and</p> <p>6) there is no change in size of the existing mooring block, and</p> <p>7) no part of the mooring or moored vessel is within the following mapped areas (I Maps   Ngā mahere matawhenua):</p> <p>a) Regionally Significant Anchorage, or</p> <p>b) Site or Area of Significance to tāngata whenua, or</p> <p>c) Marina Zone.</p>	<p>The moorings are not located within a Mooring Zone under the PRP Maps.</p> <p>Moorings 161, 2595 &amp; 79 were in existence prior to 2017.</p> <p>The existing activity complies with the relevant conditions of C.1.8.</p> <p>There is more than one mooring associated with the property.</p> <p>The maximum length of vessel moored at 161 and 2594 is proposed to increase. Works have been undertaken in recent years in conjunction with the harbour master and the regional council to upgrade the mooring block at 161 to cater for the larger vessels. This consent seeks to bring the resource consent documents in line with the current licences. 2594 is held with an engineered designed screw anchor.</p> <p>No part of the existing moorings or moored vessels are within the stated mapped areas.</p> <p>As there is more than one mooring associated with this property, the activity cannot comply with this rule.</p> <p>Under the PRP, rule C.1.2.11 does not appear to cover renewal of structures and as such, we have assessed that there is no applicable rule which classifies the activity as controlled, restricted discretionary, discretionary, or non-complying. Therefore, as per Section 87B of the Act, we have classified the as a <b>Discretionary Activity</b>.</p> <p>Section 87B of the Act states the following:</p> <p><b><i>87B Certain activities to be treated as discretionary activities or prohibited activities</i></b></p> <p><i>(1) An application for a resource consent for an activity must, with</i></p>
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		<p><i>the necessary modifications, be treated as an application for a resource consent for a discretionary activity if—</i></p> <p><i>(b) a plan or proposed plan requires a resource consent to be obtained for the activity, but does not classify the activity as controlled, restricted discretionary, discretionary, or non-complying under section 77A;</i></p> <p>C.1.2.5 of the PRP is under appeal and therefore the applicable rule/s under the Regional Coastal Plan will be assessed as part of this application. The relevant section of the Regional Coastal Plan is 31.4.9.</p>
<p><b>Water take –</b>  <b>C.5.1.1 – Minor</b>  <b>Takes – permitted</b>  <b>activity</b></p>	<p>The taking and use of water, and in the case of geothermal water any associated heat and energy, from a river, lake or aquifer is a permitted activity, provided:</p> <p>1) the take is not from a coastal aquifer or outstanding freshwater body unless the take and use was authorised at 1 September 2017, and</p> <p>2) the total daily take per property from all sources does not exceed:</p> <p>a) 10 cubic metres, or</p> <p>b) 30 cubic metres for the purposes of dairy shed wash down and milk cooling water existing at 1 September 2017, and</p> <p>3) if two or more properties are amalgamated after 1 September 2017, total daily takes authorised by conditions 2(a) and (b) that existed prior to</p>	<p><b>Consent Required</b></p> <p>The Lodge has an existing consented daily water take of 28m<sup>3</sup>. It is requested to renew this water take for the same amount.</p> <p>As the proposal includes a water take over 10m<sup>3</sup>, the activity cannot meet the permitted thresholds.</p> <p>The proposal is able to comply with Controlled provision C.5.1.9 as the water take was originally authorised in 1997. See controlled assessment below.</p>



	<p>the amalgamation do not need to be reduced, and</p> <p>4) the rate of take from a river does not exceed 30 percent of the instantaneous flow at the point and time of the take, and</p> <p>5) the maximum rate of geothermal heat take (without taking water) does not exceed 7500 megajoules per day, and</p> <p>6) the take does not cause any change to the seasonal or annual level of any natural wetland, and</p> <p>7) the take does not adversely affect the reliability of any existing authorised take, and</p> <p>8) for a surface water take, the water intake structure is designed, constructed, operated and maintained so that:</p> <p>a) the maximum water velocity into the entry point of the intake structure is not greater than 0.12 metres per second, and</p> <p>b) if the take is from a coastal river, outstanding river or lake, the intake structure has a fish screen with the intake screen mesh spacing not greater than 1.5 millimetres, or</p> <p>c) if the take is from a small river or large river, the intake structure has a fish screen with mesh spacing not greater than three millimetres, and</p> <p>9) any reticulation system and its components are maintained</p>	
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	<p>to minimise leakage and wastage, and</p> <p>10) at the written request of the Regional Council, the water user provides the Regional Council with the following information:</p> <p>a) the location of the water take, and</p> <p>b) the daily volume of the water taken and the maximum daily rate of take, and</p> <p>c) the purpose for which the water is used or is proposed to be used, and</p> <p>11) at the written request of the Regional Council, a water meter(s) is installed at the location(s) specified in the request and water use records are provided to the Regional Council in a format and at the frequency specified in the request.</p>	
<p><b>Water Takes – C.5.1.9 – Takes existing at the notification date of this plan – Controlled Activity</b></p>	<p>The taking and use of water from a river, lake or aquifer that existed at the notification date of this Plan, and the total daily volume per property taken from all sources exceeds a volume in Condition 2 of C.5.1.1, is a controlled activity, provided:</p> <p>1) the total daily volume from all sources does not exceed 50 cubic metres per property per day, and</p> <p>2) the take does not cause any change to the seasonal or annual level of any natural wetland, and</p> <p>3) an application for resource consent to authorise the activity is lodged within 12 months of</p>	<p><b>Consent required – Controlled Activity</b></p> <p>The water take is authorised for 28m<sup>3</sup> and existed prior to the notification date of this plan (has been in existence since 1997).</p>



	<p>the operative date of this rule, and</p> <p>4) the application contains evidence that the take existed at the notification date of the Plan.</p>	
<p><b>Onsite Domestic Wastewater Discharges</b></p> <p><b>C.6.1.1 Existing on-site domestic type wastewater discharge – permitted activity</b></p>	<p>The discharge of domestic type wastewater into or onto land from an on-site system that was a permitted activity at the notification date of this Plan, and the associated discharge of any odour into air from the on-site system, are permitted activities, provided:</p> <p>1) the discharge volume does not exceed:</p> <p>a) three cubic metres per day, averaged over the month of greatest discharge, and</p> <p>b) six cubic metres per day over any 24-hour period, and</p> <p>2) the following reserve disposal areas are available at all times:</p> <p>a) 100 percent of the existing effluent disposal area where the wastewater has received primary treatment or is only comprised of greywater, or</p> <p>b) 30 percent of the existing effluent disposal area where the wastewater has received at least secondary treatment, and</p> <p>3) the on-site system is maintained so that it operates effectively at all times and maintenance is undertaken in accordance with the manufacturer's specifications, and</p> <p>4) wastewater irrigation lines are at all times either installed at least 50 millimetres beneath the surface of the disposal area</p>	<p><b>Not applicable.</b></p> <p>Discharge of wastewater from this site is via deep bores. Consent was required for this system originally and as such this rule is not applicable to this application.</p>



	<p>or are covered by a minimum of 50 millimetres of topsoil, mulch, or bark, and</p> <p>5) the discharge does not contaminate any groundwater supply or surface water, and</p> <p>6) there is no surface runoff or ponding of wastewater, and</p> <p>7) there is no offensive or objectionable odour beyond the property boundary.</p>	
<p><b>Onsite Domestic Wastewater Discharges</b></p> <p><b>C.6.1.4</b></p> <p>Other on-site treated domestic wastewater discharge – permitted activity</p>	<p>An application for a resource consent to replace an existing resource consent for a discharge of <b>domestic-type wastewater</b> into or onto land, or to discharge treated <b>domestic-type wastewater</b> into water, from an on-site system, is a controlled activity, provided there will be no change to the nature of the <b>wastewater</b> discharge <b>authorised</b> by the existing resource consent.</p>	<p><b>Consent Required - Controlled Activity</b></p> <p>The discharge of wastewater on site is via deep bores (deep soakage system). The only changes which have been made is that via the new lodge application to the District Council, additional treatment of the wastewater is being sought prior to the waste being disposed of via the deep bores on site. Further, less people will be accommodated as a result of the redevelopment. This is an improved situation.</p>
<p><b>Discharge to Air</b></p> <p><b>C.7.2.8</b></p>	<p>The discharge of a contaminant into air that is not the subject of any other rule in this Plan is a permitted activity, provided: 1) the discharge is not from an industrial or trade premises and, other than for discharges from motor vehicles, aircraft, trains, or vessels, the discharge does not result in any noxious, dangerous, offensive or objectionable odour, smoke, dust, or any noxious or dangerous levels of airborne contaminants beyond the boundary of the subject property or in the coastal marine area, and 2) the discharge is not from dry abrasive blasting, except as provided for by Rule C.7.2.12.</p>	<p><b>Permitted Activity</b></p> <p>Under the Air Quality Plan consent was required in accordance with rule 9.1.6 where a wastewater system was discharging more than 3m<sup>3</sup> per day, averaged out over the month of the greatest discharge and/or the maximum effluent discharge volume does not exceed 6 cubic meters over any 24 hour period. Consent for the wastewater system was given for 10 cubic meters which exceeded this standard.</p> <p>Under the new Proposed Regional Plan, the requirement to not have an objectionable odour beyond the boundary now forms part of the assessment for a wastewater system.</p> <p>In other rules a reference to air discharges is located at the bottom of the rules. This</p>





		is not apparent within this standard. For the purposes of clarity we would like to retain air discharge consent for this activity.
<b>Regional Coastal Plan</b>		
<b>Rule Reference</b>	<b>Description</b>	<b>Performance of Proposal</b>
<b>Recreational Activity - 31.4.2(a) Permitted Activity</b>	<p>All recreational activity on foreshore areas, including the use of recreational vehicles and the launching and retrieval of boats and other craft, that does not</p> <ul style="list-style-type: none"> <li>(i) endanger public safety; or</li> <li>(ii) require associated structures; or</li> <li>(iii) require exclusive occupation of space; or</li> <li>(iv) result in any discharge or deposition of contaminants onto the foreshore, seabed or into adjacent coastal waters.</li> </ul> <p>on the condition that the activity does not:</p> <ul style="list-style-type: none"> <li>(i) cause permanent physical damage to the foreshore or seabed; or</li> <li>(ii) result in the destruction of indigenous vegetation, including mangroves, eelgrass or saltmarsh, or beds of edible shellfish; or</li> <li>(iii) disturb the roosting, feeding, or breeding of indigenous or migratory bird species;</li> </ul>	<p><b>Permitted Activity</b></p> <p>The existing and future tourism activities at Kingfish Lodge are considered to be in compliance with this rule.</p>



	The activity shall comply with all relevant standards listed in section 31.4.13	
<b>Structures – 31.4.4(b) – Controlled Activity</b>	The occupation of space for and use of all existing authorised structures listed in Schedule 2 and which occur within the Marine 2 Management Area.	<b>Consent required - Controlled Activity</b>  The structures at Kingfish Point are listed in Schedule 2 of the Plan as Jetty (with pontoon) J025 & Decking J026.
<b>Structures 31.4.4(c) – Discretionary Activity</b>	The occupation of space for and use of existing structures listed in Schedule 3 or otherwise authorised by resource consent (excluding those structures listed in Schedule 2) and suspended and submarine pipelines carrying liquid or gas other than water that were fully completed at the time of the 92/93 coastal survey and in good order and repair and which occur within Marine 2 Management Areas.	<b>Consent required – Discretionary Activity</b>  The boat ramp and Mediterranean berthing structures are not listed in Schedule 2 of the Plan nor in Schedule 3. However, the structures are authorised by existing resource consent 5424. As noted above, the Mediterranean Moorings are being treated as structures.
<b>Moorings and Marinas 31.4.9(a) – Permitted Activity</b>	<p>The anchorage of recreational or commercial vessels, to the foreshore or seabed provided the following standards and terms are met:</p> <p>(i) The anchored vessel is in a position which does not interfere with the safe navigation of other vessels or other authorised uses of the coastal marine area; and</p> <p>(ii) The craft does not remain at anchor for a period of more than 14 consecutive days within the same embayment, inlet, or estuary except where anchorage for a longer period is made necessary by reason of bad weather, accident, or emergency.</p>	<b>Consent required – Discretionary Activity</b>  <p>The existing swing moorings are not in a position which interferes with the safe navigation of other vessels or other authorised uses of the CMA. In fact mooring 161 was relocated to ensure this would not be the case.</p> <p>While it is anticipated that most craft will not be anchored for more than 14 consecutive days, Kingfish Lodge is accessed via water only and as such there will be certain craft which will require anchorage for longer periods.</p> <p>The same also applies for mooring 79 within Ratcliffes Bay.</p> <p>Therefore, the activity cannot meet the permitted requirements and assessment of 31.4.9(b) has been undertaken below.</p>



<b>Moorings and Marinas</b>  <b>31.4.9(b) – Discretionary Activity</b>	The anchorage of recreational or commercial vessels, to the foreshore or seabed for more than 14 consecutive days within the same embayment, inlet, or estuary except where anchorage for a longer period is made necessary by reason of bad weather, accident, or emergency	<div style="background-color: #00FF00; padding: 2px;"><b>Consent required – Discretionary Activity</b></div> <p>The vessels are anchored for more than 14 consecutive days in some instances.</p> <p>The activity is therefore considered a <b>Discretionary Activity</b> under the Regional Coastal Plan.</p>
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### National Environmental Standards

- 4.2. There are currently nine National Environmental Standards in force. These are as follows:
- National Environmental Standards for Plantation Forestry 2017
  - National Environmental Standards for Air Quality 2004
  - National Environmental Standard for Sources of Drinking Water 2007
  - National Environmental Standards for Telecommunication Facilities 2016
  - 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 Freshwater 2020
  - National Environmental Standard for Marine Aquaculture 2020
  - National Environmental Standard for Storing Tyres Outdoors 2021
- 4.3. The NES for Freshwater is the only NES of relevance to this application.
- 4.4. Along the coastline of Kingfish Lodge there are no mangroves or sea grass which would define the foreshore as a wetland. Along the sides of the stream which runs through the site, there are no boggy areas which would be defined as wetlands also. For this reason, we have concluded that there are no wetlands within 100m of this development.
- 4.5. No reclamation of any rivers is being sought and the passage of fish is not being impacted by any works.
- 4.6. The proposal is considered permitted insofar as this National Environmental Standard.

### Other National Environmental Standards

- 4.7. It is considered that there are no other above-mentioned documents that are applicable to this proposal and therefore no assessment under the National Environmental Standards has been completed as part of this application.



## Duration of Consent Renewal

- 4.8. In determining duration, regard has been had to Section 37.5 of the RWSP and Policy D.2.14 of the PRP. The duration of the consent/coastal permit renewals is requested to be 35 years, as is permitted under Section 123(c) of the Act. For the land and air discharge consents, a 15-year timeframe is sought. Sections 123A and 13 of the Act relates to activities on the beds of lakes and rivers and is therefore not applicable to this application. Section 125 relates to lapsing of consents.

### *Duration of consent*

#### **123 Duration of consent**

Except as provided in [section 123A](#) or [125](#)—

- (a) the period for which a coastal permit for a reclamation, or a land use consent in respect of a reclamation that would otherwise contravene [section 13](#), is granted is unlimited, unless otherwise specified in the consent:
- (b) subject to paragraph (c), the period for which any other land use consent, or a subdivision consent, is granted is unlimited, unless otherwise specified in the consent:
- (c) the period for which any other coastal permit, or any other land use consent to do something that would otherwise contravene [section 13](#), is granted is such period, not exceeding 35 years, as is specified in the consent and if no such period is specified, is 5 years from the date of commencement of the consent under [section 116](#):
- (d) the period for which any other resource consent is granted is the period (not exceeding 35 years from the date of granting) specified in the consent and, if no such period is specified, is 5 years from the date of commencement of the consent under [section 116](#).

Section 123: amended, on 1 October 2011, by [section 30](#) of the Resource Management Amendment Act (No 2) 2011 (2011 No 70).

- 4.9. For the purposes of clarity, the 35-year tenure is sought for the following:
- AUT.005424.01.05 – Coastal Permit for the Conference Room and Recreation Room Decks.
  - AUT.005424.06.03 – Coastal Permit for the Sea Wall
  - AUT005424.09.05 - Coastal Permit for the Jetty, gangway, pontoon and two mooring piles.
  - AUT005424.10.05 - Coastal Permit for the Boat Ramp
  - AUT005424.11.03 – Coastal Permit for the three Mediterranean moorings
  - AUT032189.01.01 - Coastal Permit for Swing Mooring 161
  - AUT034901.01.01 - Coastal Permit for Swing Mooring 2594
  - Mooring M79 located within Ratcliffes Bay, Whangaroa
- 4.10. No changes are proposed from what is existing, other than the rebuild of the conference room deck, which will replace the previous deck, once the concession has been granted by DOC. Monitoring of the activities can be carried out at timeframes determined reasonable by the NRC, which can be imposed as a condition of consent.
- 4.11. It is therefore considered reasonable and practical to issue the consent for a duration of 35 years.
- 4.12. For the Discharge to Land consent and the associated Discharge to Air Consent it is appropriate to seek a 15-year consent as this is standard across both the District and Regional Councils within Northland. For clarity, these two consents are listed below.



- AUT.005424.03.04 – Discharge to Land Permit
- AUT.005424.04.04 – Discharge to Air Permit

## 5.0 Statutory Assessment

### Section 104B of the Act

- 5.1. Section 104B governs the determination of applications for Discretionary and Non-Complying Activities. With respect to these activities, a consent authority may grant or refuse the application and if it grants the application, it may impose conditions under Section 108.

### Section 104(1) of the Act

- 5.2. Section 104(1) of the Act states that when considering an application for resource consent –

*“the consent authority must, subject to Part II, 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 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.”*

- 5.3. Actual and potential effects arising from the development as described in 104(1)(a) can be both positive and adverse (as described in Section 3 of the Act). Positive effects arising from this application are that the existing operation of the Kingfish Lodge can remain as well as the use of the associated facilities by guests and the public. The location will continue to be able to be accessed by sea, since access by land is not available. The activity provides a unique situation which will provide for the social, economic and cultural benefit of the area and surrounding environment. Potential adverse effects relate to cumulative effects from the associated moorings and effects on the CMA from the activities, which can be controlled via conditions of consent, as will be discussed further in this report.

- 5.4. Section 104(1)(ab) requires that the consent authority consider ‘any measure proposed or agreed to by the applicant for the purposes 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'. In this case, the activity is not of a scale or nature that would require specific offsetting or environmental compensation measures to ensure positive effects on the environment.

- 5.5. Section 104(1)(b) requires that the consent authority consider the relevant provisions of the above listed documents. An assessment of the relevant statutory documents that corresponds with the scale and significance of the effects that the activity may have on the environment has been provided in Section 6 below.
- 5.6. Section 104(1)(c) states that consideration must be given to 'any other matters that the consent authority considers relevant and reasonable, necessary to determine the application.' There are no other matters relevant to this application.

## 6.0 Environmental Effects Assessment

### AUT.005424.01.05 – Coastal Permit

- 6.1. This permit is associated with the conference room deck and recreation deck. Both decks were historic and were connected via old boardwalks. Given their age, the decks were in a state of disrepair and have subsequently been removed at the same time the seawall was being upgraded. Since this point in time the recreation deck has been reconstructed and is in good condition. This deck is located wholly within the coastal marine area. The conference room deck is yet to be reconstructed as part of the structure is located on land owned by the department of conservation. A concession for this structure has been sought, however given a number of historic items the concession is yet to be granted. The renewal is sought for both the conference room deck and recreation deck as per 5424.
- 6.2. As per the assessment above, the decks are now a permitted activity in terms of the Proposed Regional Plan. While this is the case, this applicable rule is still subject to an appeal and as such reliance on the Regional Coastal Plan remains. Within the coastal plan the application is a Controlled Activity. The matters over which the Council exercise its control are as follows:
- *The duration of the permit*
  - *The type of use of the structure*
  - *Measures to control any associated environmental effects including mitigation measures*
  - *The information and monitoring requirements*
  - *The Administrative Charges payable*
- 6.3. The duration of the permit is requested to be 35 years, as has been discussed earlier in this report. The type and use of the structures are for recreation use for the conference room and guests to the site. The public can also utilise the decks. The use of the structures will remain unchanged from what has previously been consented. Measures to control any associated environmental effects will be imposed as conditions of consent, as per the



existing consent. This includes maintaining the structures in good order as well as ensuring no debris or garbage enters the CMA from the activities. No specific monitoring is anticipated to be required. There are no specific monitoring conditions listed on the existing approved consent in relation to the decks and as such, it is considered that there will be no specific monitoring requirements. However, it is noted that any monitoring and administrative charges will be payable by the Consent Holder.

#### **AUT.005452.02.04 – Water Take Permit**

- 6.4. An existing water take consists for the Lodge which amounts to a daily intake of 28m<sup>3</sup>. The Lodge is currently not operating and is only occupied by the owner. Currently, no water take is occurring, with potable water supply being via rainwater harvesting from the collection of roof runoff to water tanks on site.
- 6.5. As will be discussed below, it is anticipated that any water take associated with the wastewater treatment and disposal system will be less than 28 cubic metres per day, as was shown in the estimate from the 2019 report, which estimated 6,565 litres per day. As the number of guests being accommodated will be decreasing from what was accounted for in 2019, it is anticipated that any water take will be well within 28,000 litres per day. However, to ensure that there is adequate allowance to ensure that the Lodge can operate at capacity, it is requested that the existing allowance of 28 cubic metres per day, remains. This can be revisited in the future, if required.
- 6.6. Conditions 19, 20 & 21 of the existing consent decision related to the previous approval for water take. Condition 19 stated that *‘the rate of taking shall not exceed 10 cubic metres per day until such time as the wastewater treatment and disposal system has been upgraded in accordance with Condition 23.’* Condition 20 required a water meter to be installed if the wastewater treatment and disposal system is to be upgraded and Condition 21 required the Consent Holder to keep a record of the weekly volume.
- 6.7. During this time the lodge has been decommissioned and some of the accommodation buildings have been removed. Recently they have started rebuilding and in the future will require the water take once again. It is anticipated that Condition 19 will be changed to state that *the rate of taking shall not exceed 28m<sup>3</sup> per day*, with remainder of the condition being removed as it is now no longer applicable. Installation of a water meter, as required by Condition 20, is anticipated to be a condition of consent. Given the decommissioning of the lodge we don’t believe one has been installed to date. Condition 21 requiring a weekly record of water take volume is also anticipated to remain. However, we note that this record will not be required until the water take begins to be utilised.
- 6.8. It is considered that with the monitoring of the water take via the water meter as well as weekly records, the proposal includes measures which ensure the reasonable and efficient use of water as well as ensuring consistency with industry good practice. The Lodge does not propose to take any more than what has been previously consented, with most of the water usage being for the existing consented wastewater system. It is considered that the renewal



of the existing water take will not create any adverse effects on the environment nor on Tangata Whenua.

#### **AUT.005424.03.04 – Discharge to Land Permit**

- 6.9. The site currently discharges wastewater from the property to deep bores located above the built development. In 2019 during the investigation to redevelop the site with a new lodge and boat house, the wastewater system on the site was re-investigated. Discharge via more conventional means i.e. dripper lines were explored. However, given the steep topography which exceeded 25 degrees, it was determined that this option would not be suitable for this site.
- 6.10. Further investigations of the site were undertaken, and it was determined that the continued discharging to the deep bores would be the most appropriate option. While this was the case it was proposed that the system be upgraded with new biolytix tanks which would capture all the wastewater from the facilities on site, treat the wastewater to a secondary treatment quality before pumping it up to the deep bores. The additional treatment of the wastewater was considered to be a big advantage and the new treatment system is not considered to create any objectionable odour beyond the site boundaries. Further to this, with the redevelopment of the site, the numbers of guests being accommodated is decreasing. The recently demolished barracks and accommodation wing had a total of 13 rooms. The replacement development has a total of 7 rooms. Consent was originally granted for 10,000 litres per day. The 2019 report estimates this to be around 6,565 litres per day.
- 6.11. Condition 23 of AUT.005424.03 anticipated that a new wastewater system would be installed on site. This is in the process of being installed, as per above and will result in positive outcomes with additional treatment being undertaken prior to the discharge taking place. For this reason, we believe conditions 23 & 24 may now be deleted, with a suitable alternative condition imposed relating to monitoring and maintenance.

#### **AUT.005424.04.04 – Discharge to Air Permit**

- 6.12. As assessed above, the proposal is compliant with the air discharge rules within the plan. While this is the case, there is a catch all within the discharge section of the plan requiring that there is no objectionable odour beyond the site boundary. The system being installed on site is of a high standard as detailed within the wastewater report and it is not anticipated to cause any odour issues beyond the site boundary.
- 6.13. As detailed in the rules assessment above, we do believe that air discharge consent is still needed. We are happy to discuss this in detail with the processing planner if the opinion differs.





### AUT.005424.06.03 – Coastal Permit

- 6.14. As per the assessment above, the seawalls are now a permitted activity in terms of the Proposed Regional Plan. While this is the case, this applicable rule is still subject to an appeal and as such reliance on the Regional Coastal Plan remains. Within the coastal plan the application is a Controlled Activity. The matters over which the Council exercise its control are as follows:

- *The duration of the permit*
- *The type of use of the structure*
- *Measures to control any associated environmental effects including mitigation measures*
- *The information and monitoring requirements*
- *The Administrative Charges payable*

As mentioned above, the duration of the permit is requested to be 35 years. The type and use of the structure is a seawall which is classified as a hard protection structure and provides a form of coastal defence from the sea, preventing erosion to the landform. The seawall has been in existence since 2004 with some minor amendments occurring in later years. No change to the existing seawall is proposed as part of this application nor are any changes anticipated in the foreseeable future. Measures to control any associated environmental effects will be imposed as conditions of consent, as per the existing consent. This includes maintaining the structures in good order and repair as well as ensuring no debris or garbage enters the CMA from the activities. No specific monitoring is anticipated to be required. There are no specific monitoring conditions listed on the existing approved consent in relation to the decks and as such, it is considered that there will be no specific monitoring requirements. However, it is noted that any monitoring and administrative charges will be payable by the Consent Holder

### AUT.005424.09.05 – Coastal Permit

- 6.15. This permit authorised the use and occupation of the CMA with jetty facilities including jetty, gangway, pontoon and mooring piles as well as the 3x Mediterranean Berthing Moorings. The jetty and pontoon have been in existence for many years and our research of the consent history appears that they may have been first regularised in 1997 under consent 5454. An extension and upgrading of the jetty and pontoon were undertaken in 1998 as well as 2004, and more recently in 2018.

- 6.16. The jetty facilities are assessed as a Discretionary Activity in terms of the Proposed Regional plan. However, the applicable rule is still subject to appeal and therefore assessment of the Regional Coastal Plan is required. Within the Coastal Plan, the application is a Controlled Activity. The matters over which the Council exercise its control are as follows:

- *the duration of the permit*
- *the type of use of the structure*
- *measures to control any associated environmental effects including mitigation measures*
- *the information and monitoring requirements*
- *the Administrative Charges payable*



- 6.17. The duration of the permit is proposed to be the standard duration. The structure includes jetty facilities including jetty, gangway, pontoon and mooring piles, with no changes to what is currently in existence. The use of the structures will remain unchanged which is for the use of the owners, guests and the public to access land from the moored boats (Kingfish Lodge is a landlocked site with no alternative vehicular access available). The jetty facilities can also be utilised for recreational purposes. The activity is not considered to create any adverse environmental effects. It is anticipated that the existing conditions of consent will be brought forward on to the new titles which stipulates that no oil, noxious liquids, sewage or garbage is to be discharged into coastal waters as well as the CMA being free of debris. The structures are to be maintained in good order and repair to prevent any debris entering the CMA and also ensuring that the use of the structures remains. It is considered the above-mentioned conditions will continue to ensure that no adverse effects are created on the environment or on the CMA. No specific monitoring is anticipated to be required as the structures are existing, and as can be seen from the site history are regularly updated and maintained. There are no specific monitoring conditions listed on the existing approved consent in relation to the jetty facilities and as such, it is considered that there will be no specific monitoring requirements in relation to the jetty facilities. However, it is noted that any monitoring and administrative charges will be payable by the Consent Holder.

#### **AUT.005424.10.05 – Coastal Permit**

- 6.18. This permit authorised the use and occupation of space in the CMA with a boat ramp. As mentioned, the boat ramp is 4.8 metres wide and has a length of 15 metres within the CMA. The length of boat ramp above the MHWS mark is 15.5 metres. The boat ramp is utilised for the loading and unloading of materials, goods and facilities associated with the construction and operation of the Lodge activities. The requirement for suitable vehicle access in regard to this particular property is emphasised as it is land locked with sea access being the only legal access to provide for the transit of goods, materials and machinery.
- 6.19. No significant adverse effects have arisen or are anticipated to arise from the boat ramp. It is neither practical nor attainable to provide for such access in an alternative location.
- 6.20. In regards to landscape and visual effects, the boat ramp reflects the maritime facilities within the bay. The presence of this structure and similar structures are not out of the ordinary within the CMA. It is noted that the maritime facilities sit within an area identified as part of the High Natural Character in terms of the Regional Policy Statement. The boat ramp is not considered to compromise these values and features.
- 6.21. Cumulative effects are not anticipated to arise, due to the unique situation and the fact that there is no other alternative for access to the site. The boat ramp can provide access for multiple types of vehicles including septic tank cleaning, construction vehicles, and side by sides associated with on-site maintenance. The boat ramp provides safe, practical and functional access to the property for the applicant, guests and those who utilise this part of the Harbour.



- 6.22. The structure will facilitate public access to the site and surrounding area. The natural character of this location has been assessed as not being affected due to the existing facilities and the nature and scale of the boat ramp.
- 6.23. Overall, it is considered that the boat ramp is necessary to provide access to the Lodge, with no other alternatives being practical or functional. The boat ramp is of a size that can safely and effectively provide access to multiple vehicle types. The boat ramp is not considered to create any adverse visual or landscape effects as it is not out of character with the additional existing maritime facilities in the bay or within the CMA in general. The boat ramp was originally consented in 2016, with no further changes to the ramp being proposed. It is considered that any effects are less than minor, with no additional mitigation measures being proposed nor considered required. The existing conditions noted on Consent 5424 are anticipated to be brought forward to the renewed consent.

### **AUT.005424.11.03 Coastal Permit - Mediterranean Type Moorings**

- 6.24. There are currently three Mediterranean Berthing Structures (MBS) associated with the jetty facilities. The MBS are considered a permitted activity under the PRP, but as the relevant rule is under appeal, the MBS are assessed as a Discretionary Activity under the Coastal Plan, due to not being listed within Schedule 2.
- 6.25. As mentioned, the locations of the Mediterranean Berthing Structures have changed slightly as well as the maximum length of vessels moored for all moorings. The current locations and maximum length of vessels moored are shown in the image below. Note that this differs from the approved documents within 5424.



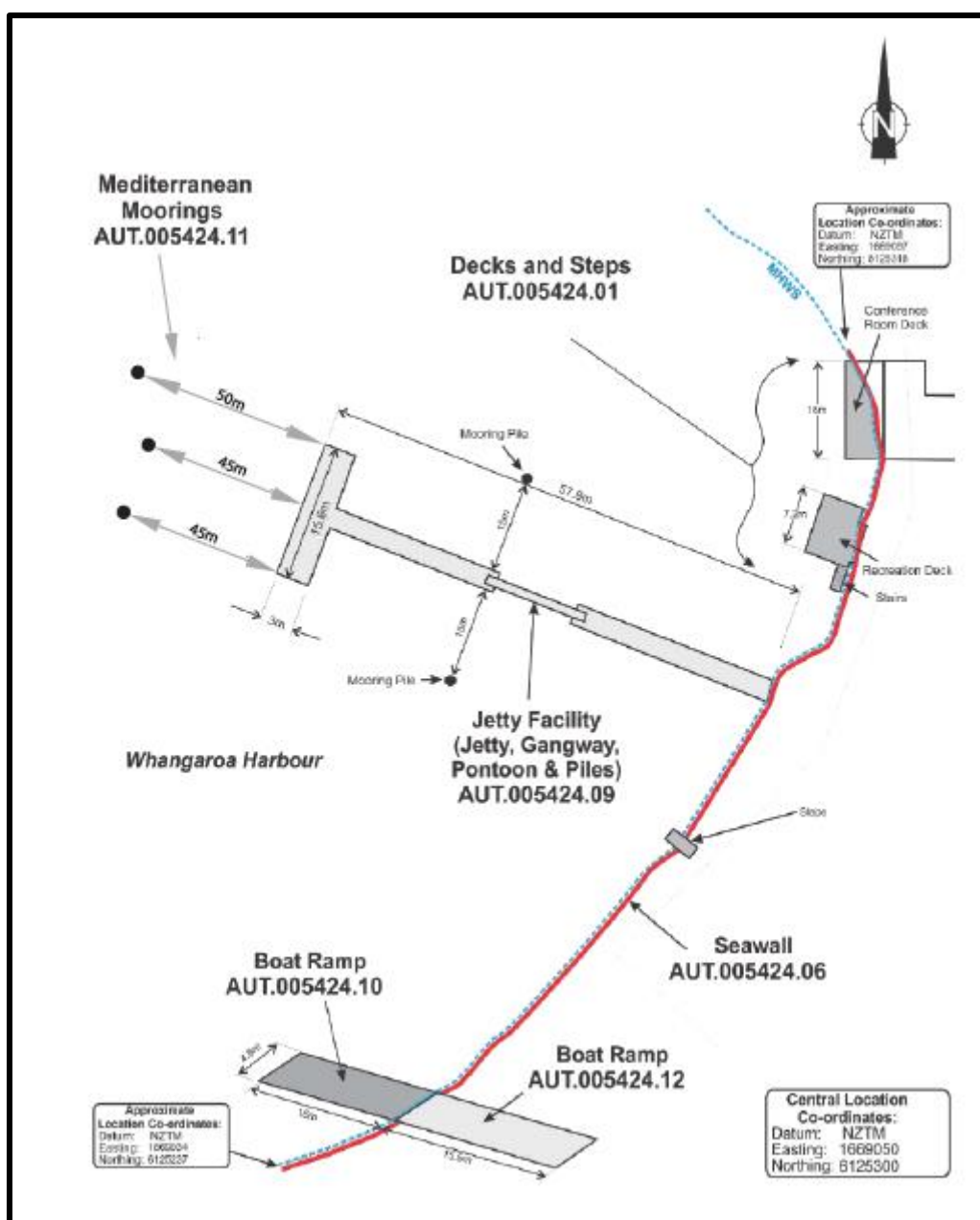


Figure 5: Current locations of Mediterranean Berthing Structures

	number	physical position	lat	long	length	
	1	54242	50m from pontoon	35 00.737 S	173 45.366 E	25m screw anchor
	1b	5424	45m from pontoon	35 00.744 S	173 45.367 E	22m screw anchor
	2	54243	45m from pontoon	35 00.749 S	173 45.366 E	22m screw anchor
		heavy weather hold back 54242, 54243	has been more effective using combinations of 1, 1b , 2 stopping chafe	35 00.760 S	173 45.364 E	screw anchor
	3	2594		35 00.724 S	173 45.348 E	22m screw anchor
	4	161		35 00.751 S	173 45.340 E	16m 4 ton concrete block

Figure 6: Current locations of MBS (1, 1b and 2) and maximum length of vessel moored

6.26. As is shown in the table above, the locations of the MBS have altered. This is largely due to the increase in size of the vessels that are associated with the structures. Due to the clientele

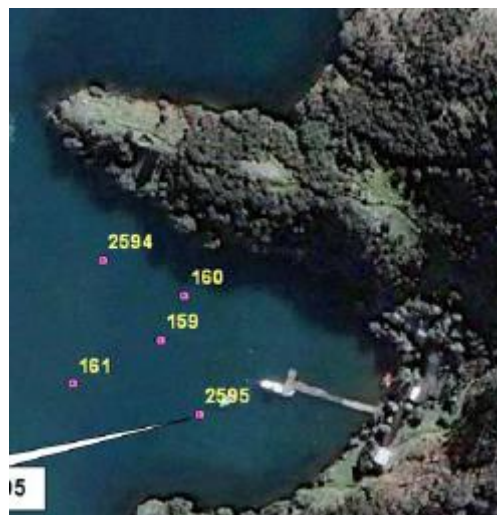


which will utilise Kingfish Lodge (including clients who will arrive from overseas on their boats), larger vessels are often moored which can accommodate the recreational activities that they wish to do while at Kingfish Lodge, such as deep-sea fishing. It was found that the majority of the vessels were over 20 metres long, and as such, the maximum length of the vessels moored at each mooring has been increased to reflect this. The moorings have been engineered designed such that each mooring is capable of accommodating the increased tonnage associated with the maximum length of vessels. The client has advised that this information has been provided to Council and the harbour master previously and has been considered as acceptable.

- 6.27. A heavy weather hold has also been introduced which is utilized in the event of bad weather. This provides added security during storms and rough seas to ensure that the vessels are moored safely and reduce the risk of damage as well as debris within the CMA.
- 6.28. The change to the MBS locations as well from what was approved as the increased maximum vessel length are not considered to create any more than minor effects. The MBS have been designed to cater for the proposed vessel length, which will provide for the clientele that wish to access Kingfish Lodge.

### **AUT.032189.01.01 and AUT.034904.01.01 – Swing Moorings**

- 6.29. There are currently five swing moorings authorised at the site, with the location of these shown below. Only two of these swing moorings are to be renewed, moorings 161 & 2594, with the other three no longer being in existence. The swing moorings have specified registration tags which are authorised to hold vessels of certain lengths, as shown in the table below. As per the previously approved consents, the moorings were constructed in accordance with the Council's minimum requirement guidelines as per the Mooring Arrangement for Recreational Vessels sheet, for each mooring.



*Figure 7: Image of existing swing moorings*

	number	physical position	lat	long	length	
1	54242	50m from pontoon	35 00.737 S	173 45.366 E	25m	screw anchor
1b	5424	45m from pontoon	35 00.744 S	173 45.367 E	22m	screw anchor
2	54243	45m from pontoon	35 00.749 S	173 45.366 E	22m	screw anchor
	heavy weather hold back 54242, 54243	has been more effective using combinations of 1, 1b, 2 stopping chafe	35 00.760 S	173 45.364 E		screw anchor
3	2594		35 00.724 S	173 45.348 E	22m	screw anchor
4	161		35 00.751 S	173 45.340 E	16m	4 ton concrete block

*Figure 8: New locations of moorings 161 and 2595 and maximum length of vessels*

6.30. The previously approved locations and maximum length of vessel moored is shown below:

RC Number	Registration Tag	Location	Maximum length of vessel moored
AUT.032185.01.01	159	168955E 6125327N	10.5 metres
AUT.032187.01.01	160	168969E 6125353N	10.5 metres
AUT.032189.01.01	161	168969E 6125353N	10.5 metres
AUT.034904.01.01	2595	1668921E 6125374N	15 metres
AUT.034901.01.01	2594	1668978E 6125283N	15 metres

6.31. As is shown in the tables above, the locations of the swing moorings have altered. This is largely due to the increase in size of the vessels that are associated with the moorings. The moorings have been engineered designed such that each mooring is capable of accommodating the increased tonnage associated with the maximum length of vessels. Mooring 2594 has been upgraded to a screw anchor as opposed to a 3 tonne concrete block. Mooring 161 has been upgraded to a 4 tonne concrete block. The client has advised that this information has been provided to Council previously for licencing. Mooring number 161 has also changed position as it was found that where it was previously consented was not practical, due to the location being close to the line of traffic entering the harbour. The location of this mooring was therefore moved to a safer position, where it has been for some time.

6.32. The lodge itself provides the necessary shore-based facilities associated with the vessels utilising the moorings. The moorings are not used for permanent accommodation and are utilised for mooring of vessels associated with bringing guests, employees, and other such personnel to the Lodge.

6.33. The moorings are located within the same bay, however, the moorings are associated with the Kingfish Lodge which is only legally accessible by water. The moorings are necessary to provide for the safety of people and the moored vessels, as this is the only way to access the Lodge.

6.34. The existing mooring locations are deemed the most practical, due to these being located within the bay which provides access to the Kingfish Lodge facilities. The closest Mooring



Zone under the PRP is located over three kilometres away, and therefore mooring within a designated Mooring zone is not practical. As mentioned, the site is only accessible by water, and the vessels which utilise the moorings bring guests, employees and other required personnel to the Lodge and therefore the mooring locations need to be in close proximity to the Lodge itself and easily accessible.

- 6.35. Vessels are at times moored at the moorings for longer than 14 consecutive days. The length of time that a vessel is moored is dependent on the personnel who are utilising the lodge and the timeframe they will be located at the Lodge for. Generally, most people staying would not occupy the moorings for more than the 14-day timeframe with the exception to this being the lodge owner who permanently stores his boat on site and the caretaker. As mentioned, the moorings are not utilised for permanent accommodation, as accommodation is at the lodge on site.
- 6.36. The existing moorings are not located within an area of outstanding natural character, historic heritage area, Nationally Significant Surf Breaks, outstanding natural feature, regionally significant anchorage or site or area of significance to tangata whenua. The area where the moorings are located is within an area of High Natural Character under the RPS, however, the moorings are for public benefit, enhance public access as well as provide access to the lodge which is only accessible by water.
- 6.37. The moorings are only utilised for the operation associated with the Kingfish Lodge and are not utilised on a permanent basis for vessels (with the exception of the lodge owner and caretaker). On occasion, the vessels are moored for longer than 14 consecutive days, however this is dependent on the personnel utilising the lodge. The general location, size and maximum vessel length is proposed to be altered to reflect the current positions which reflect the vessels which utilise the site as well as provide safer, more practical locations for such vessels. It is considered that the proposal does not create any more than minor effects on the environment.

### **Mooring M79 – Ratcliffes Bay**

- 6.38. As mentioned, M79 is existing and is utilised by visitors to Kingfish Lodge, when undertaking activities outside of Kingfish Lodge. The location of this mooring is within Ratcliffes Bay, Whangaroa and is located on the outskirts of the Mooring Zone, as shown below:







*Figure 9: Location of M79 on the cusp of the Mooring Zone (shaded yellow)*

- 6.39. As per the Mooring Inspection Service Record, which is attached with this application, the mooring has a coordinates 35 02.521S ; 173 44.744E and has a 4 tonne concrete weight which can hold a vessel of a maximum length of 18 metres. The date of last inspection was 09/09/2020, with the next inspection due on 09/09/2022.
- 6.40. As mentioned, this mooring is utilised by visitors if they are wanting to do activities outside of Kingfish Lodge during their stay. Due to Kingfish Lodge only being accessible by water, the visitors need somewhere to moor their vessel while they are away from the Lodge. The location of the mooring is within very close proximity to other moorings, although being located on the cusp of the Mooring zone.
- 6.41. All necessary shore-based facilities are provided for on land. The mooring is not located within a navigation channel nor the Coastal Commercial Zone or Marsden Point Zone. Land based vessel storage is not considered practical due to the nature of use of the vessels. The visitors need the vessels to access Kingfish Lodge and the time spent moored at this mooring will vary significantly, depending on what errands/activities are being completed by the users outside of Kingfish Lodge. It is deemed most practical for the boats to be moored during this time.
- 6.42. Overall, the mooring is not considered to create any more than minor effects. The mooring is located on the cusp of the Mooring zone and has been in existence for an extensive period of time. The mooring is of good order and will be maintained/inspected to ensure it is maintained as such. The mooring is utilised on an occasional basis by visitors to Kingfish Lodge.





## Conclusion of the Assessment of Effects

- 6.43. This application involves the renewal of existing consents and permits as well as the addition of an existing mooring which is located just outside of a mooring zone. The existing physical and environmental values associated with the application site are considered to be maintained as part of the renewal of consents. The effects of the activities on the environment are considered to remain no more than minor. Any effects that do arise, are capable of avoidance, remediation or mitigation, which can be controlled and monitored through conditions of consent.
- 6.44. The mooring locations have slightly altered, however no additional effects are anticipated, with all effects considered to be less than minor.
- 6.45. It is therefore considered that the activity will result in no more than minor actual or potential environmental effects given the mitigation measures presented are adhered to.

## 7.0 Policy Documents

- 7.1. In accordance with Section 104(1)(b) of the Act, the following documents are considered relevant to this application.

### National Environmental Standards

- 7.2. As mentioned earlier, it is considered that the National Environmental Standard for Freshwater is of relevance to this application, however there are no known wetlands within 100 metres of the facilities, such that the proposal is deemed to be permitted in terms of this regulation.
- 7.3. It is considered that there are no other National Environmental Standards applicable to this application.

### National Policy Statements

- 7.4. There are currently 5 National Policy Statements in place. These are as follows:
- National Policy Statement on Urban Development.
  - National Policy Statement for Freshwater Management.
  - National Policy Statement for Renewable Electricity Generation.
  - National Policy Statement on Electricity Transmission.
  - New Zealand Coastal Policy Statement.

### National Policy for Freshwater Management

- 7.5. As discussed, it is considered that the subject activities do not fall under the jurisdiction of the National Environmental Standards for Freshwater and as a result, the National Policy Statement for Freshwater Management is also considered to not be applicable to this proposal.



## New Zealand Coastal Policy Statement 2010

- 7.6. The New Zealand Coastal Policy Statement 2010, is relevant to the application as the subject site is located within the coastal environment under the NRC Regional Policy Statement. The relevant objectives and policies are noted below:

### **Objective 1**

*To safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including marine and intertidal areas, estuaries, dunes and land, by:*

- *maintaining or enhancing natural biological and physical processes in the coastal environment and recognising their dynamic, complex and interdependent nature;*
- *protecting representative or significant natural ecosystems and sites of biological importance and maintaining the diversity of New Zealand's indigenous coastal flora and fauna; and*
- *maintaining coastal water quality, and enhancing it where it has deteriorated from what would otherwise be its natural condition, with significant adverse effects on ecology and habitat, because of discharges associated with human activity.*

- 7.6.1. The activity is not considered to adversely affect the natural biological and physical processes of the coastal environment. The structures have been in existence for many years, with no adverse effects being created during this time. The structures are all maintained to a high standard to ensure that they remain in good order and repair.
- 7.6.2. Coastal water quality is maintained by ensuring that there is no debris from the structures entering the CMA nor any oil, noxious liquid substance sewage or garbage being discharged from moored vessels. It is anticipated the above will remain as conditions of consent on the decision document to ensure that coastal water quality is maintained. The activities are not considered to have deteriorated from what would otherwise be its natural condition, due to water quality being maintained through the mitigation measures above.

### **Objective 2**

*To preserve the natural character of the coastal environment and protect natural features and landscape values through:*

- *recognising the characteristics and qualities that contribute to natural character, natural features and landscape values and their location and distribution;*
- *identifying those areas where various forms of subdivision, use, and development would be inappropriate and protecting them from such activities; and*
- *encouraging restoration of the coastal environment*

- 7.6.3. The maritime facilities within the CMA are noted as being within an area of High Natural Character, however the land-based facilities are not within such areas. The activity has recognised the characteristics and qualities that contribute to natural character, features and landscape values, and has provided facilities which are not objectionable with this. The



site is only accessible by water and therefore such facilities are necessary to ensure the functioning of the site and the surrounding environment.

- 7.6.4. The activity does not result in a change of use of any other areas, with the activities being confined to the existing locations.
- 7.6.5. Restoration of the coastal environment will be promoted by ensuring that the existing facilities are kept in good working order.

### **Objective 3**

*To take account of the principles of the Treaty of Waitangi, recognise the role of tangata whenua as kaitiaki and provide for tangata whenua involvement in management of the coastal environment by:*

- *recognising the ongoing and enduring relationship of tangata whenua over their lands, rohe and resources;*
  - *promoting meaningful relationships and interactions between tangata whenua and persons exercising functions and powers under the Act;*
  - *incorporating mātauranga Māori into sustainable management practices; and*
  - *recognising and protecting characteristics of the coastal environment that are of special value to tangata whenua.*
- 7.6.6. The applicant works closely with Te Runanga o Whaingaroa and continues to consult with them on the new lodge development. We have spoken with Eljon Fitzgerald from Te Ukaipo which is the Resource Management Unit for Te Runanga o Whaingaroa and we have sent him through a copy of the full application. Post receiving the application, a meeting was held with a number of local people who represent local marae and hapu located on the southern side of the Whangaroa Harbour. While supportive of the applications at Kingfish Lodge in general it was highlighted that there may be an old Maori fishing reserve within proximity to the structures, and some of the local representatives were seeking a copy of this document and the associated research from Kingfish Lodge. Concerns were also raised around the water take proposed for renewal.
- 7.6.7. As part of the DoC concession application, research into the Maori fishing reserve was undertaken by Lara Burkhardt on behalf of Kingfish Lodge as a result of an action point from a meeting in January 2021 with the Department of Conservation and local people representing Ngati Kahu ki Whangaroa and Ngati Kawau. Ngati Kahu ki Whangaroa is associated with the land on the northern side of the Whangaroa harbour and have a statutory acknowledgement area over the harbour. A copy of Lara's report is attached as an appendix to this consent application. This research concluded that *'it does appear that two Maori Oyster fisheries may still exist as follows:*

*(a) all that part of the foreshore surrounding the area of land known as Jones Peninsula in Whangaroa Harbour; and*



- (b) all that part of the foreshore of Whangaroa Harbour commencing at a point approximately 0.8 km from the easternmost point of Middle Head; then following the coastline in a northerly and westerly direction for approximately 1.6 km; then in an easterly direction for approximately 0.8 km'.

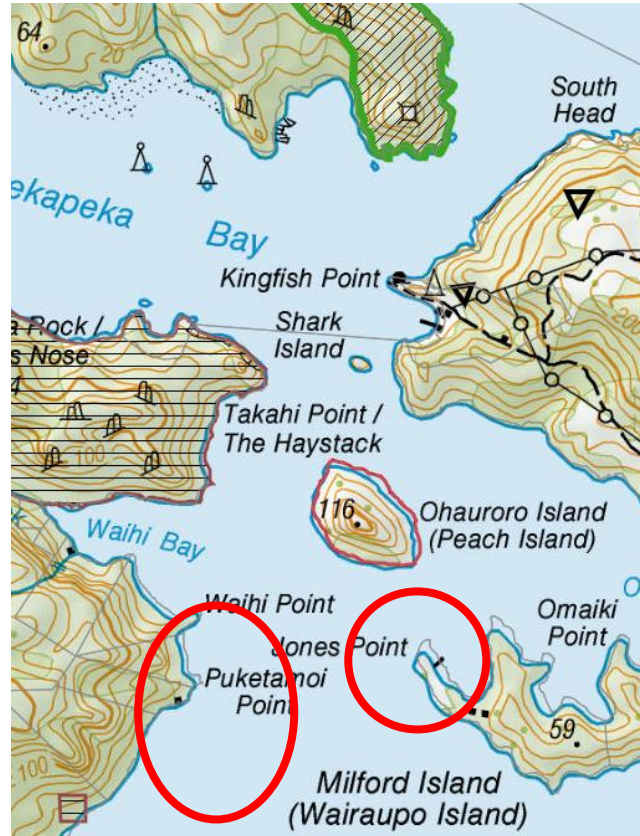


Figure 10 - Location of Jones Point/Peninsula and Middle Head (ref as Puketamoi Point in relation to Kingfish Lodge)

- 7.6.8. Upon receiving Lara's research, the applicant met with a number of locals to confirm the locations of the two fishing reserve areas described above. As depicted on the figure above both of these areas are outside of the areas where the renewal of the coastal structures and moorings are sought in this application.
- 7.6.9. In regards to the water take, as discussed above, we have sought that the volume will be the same as previously consented. However, with the number of people being accommodated reducing, which in turn reduces the volume being consumed but also the volume required for the wastewater disposal area and given further that the type of accommodation being provided will see sporadic occupancy, we do not anticipate that the volume of water being taken will be anywhere near this especially on a regular basis.
- 7.6.10. We also sent through the full application to Roger Kingi for review and comment as Roger has also been involved with various discussions involving development at Kingfish Lodge. An objection from Roger has been received on behalf of the *hapu of Kaitangata for and on behalf of the iwi and the marae of Te Komanga as well as Karangahape*. I understand that



this objection comes in the form of a Coastal and Marine Areas objection. No further details regarding the reasons for this objection were contained within the email.

- 7.6.11. We have also had various discussions with staff from the regional council and from the Department of Conservation and have been advised to contact Kahukuraariki Trust as the mandated response to the Statutory Acknowledgement Area (Whangaroa Harbour). A copy of the email which was sent through to Kahukuraariki Trust has also been included within the application. It is noted that we are seeking a hui to engage with all interested parties regarding not just this application but the Doc Concession application which has a direct correlation with this application.
- 7.6.12. This proposal is for the renewal of existing consents and permits with very little changes proposed to existing conditions, and better environmental outcomes sought to what was previously consented. As a result, the effects of the proposals are well known and are considered no more than minor on the surrounding environment. Our research to date leads us to believe that the renewal of these resource consents will continue to not adversely affect the relationship of Maori with their lands, rohe and resources. However, as discussed above given the objection that has been received and the concerns raised about the fishing reserve and the water take we are making attempts to consult with all local iwi and hapu groups to ensure that this remains the case.
- 7.6.13. The applicable Marine and Coastal Groups have also been contacted as part of this application process. Other than the response received from Roger Kingi only one other response was received indicating that this was not an area they covered.

#### **Objective 4**

*To maintain and enhance the public open space qualities and recreation opportunities of the coastal environment by:*

- *recognising that the coastal marine area is an extensive area of public space for the public to use and enjoy;*
  - *maintaining and enhancing public walking access to and along the coastal marine area without charge, and where there are exceptional reasons that mean this is not practicable providing alternative linking access close to the coastal marine area; and*
  - *recognising the potential for coastal processes, including those likely to be affected by climate change, to restrict access to the coastal environment and the need to ensure that public access is maintained even when the coastal marine area advances inland.*
- 7.6.14. The existing structures are available for use by the public. The structures facilitate access for the public to an area which is not accessible by land. Due to the nature of the structures, it is considered that climate change has been accounted for within the design and will be maintained even if the CMA area advances inland.



### **Objective 5**

*To ensure that coastal hazard risks taking account of climate change, are managed by:*

- *locating new development away from areas prone to such risks;*
- *considering responses, including managed retreat, for existing development in this situation; and protecting or restoring natural defences to coastal hazards.*

7.6.15. Some of the structures are located within the coastal marine area and some are located in close proximity to the CMA and therefore coastal hazard risk and climate change have an impact on the structures. The structures physically have the need to be located within the coastal marine area, due to the nature of the structures. It is considered that climate change was accounted for within the design and recent upgrade of these structures.

### **Objective 6**

*To enable people and communities to provide for their social, economic, and cultural wellbeing and their health and safety, through subdivision, use, and development, recognising that:*

- *the protection of the values of the coastal environment does not preclude use and development in appropriate places and forms, and within appropriate limits;*
- *some uses and developments which depend upon the use of natural and physical resources in the coastal environment are important to the social, economic and cultural wellbeing of people and communities;*
- *functionally some uses and developments can only be located on the coast or in the coastal marine area;*
- *the coastal environment contains renewable energy resources of significant value;*
- *the protection of habitats of living marine resources contributes to the social, economic and cultural wellbeing of people and communities;*
- *the potential to protect, use, and develop natural and physical resources in the coastal marine area should not be compromised by activities on land;*
- *the proportion of the coastal marine area under any formal protection is small and therefore management under the Act is an important means by which the natural resources of the coastal marine area can be protected; and*
- *historic heritage in the coastal environment is extensive but not fully known, and vulnerable to loss or damage from inappropriate subdivision, use, and development.*

7.6.16. The activity is considered to protect the values of the coastal environment. Works of this nature will provide ongoing employment and economic prosperity for local people involved in the project. No renewable energy resources will be adversely affected by this activity. No historic heritage will be impacted. No formal protection of the coastal marine areas are proposed.





### **Objective 7**

*To ensure that management of the coastal environment recognises and provides for New Zealand's international obligations regarding the coastal environment, including the coastal marine area.*

- 7.6.17. NZ international obligations regarding the coastal environment will not be compromised by this development.

### **Policy 2: The Treaty of Waitangi, tangata whenua and Māori**

*In taking account of the principles of the Treaty of Waitangi (Te Tiriti o Waitangi), and kaitiakitanga, in relation to the coastal environment:*

- a) recognise that tangata whenua have traditional and continuing cultural relationships with areas of the coastal environment, including places where they have lived and fished for generations;*
- b) involve iwi authorities or hapū on behalf of tangata whenua in the preparation of regional policy statements, and plans, by undertaking effective consultation with tangata whenua; with such consultation to be early, meaningful, and as far as practicable in accordance with tikanga Māori;*
- c) with the consent of tangata whenua and as far as practicable in accordance with tikanga Māori, incorporate mātauranga Māori<sup>1</sup> in regional policy statements, in plans, and in the consideration of applications for resource consents, notices of requirement for designation and private plan changes;*
- d) provide opportunities in appropriate circumstances for Māori involvement in decision making, for example when a consent application or notice of requirement is dealing with cultural localities or issues of cultural significance, and Māori experts, including pūkenga<sup>2</sup>, may have knowledge not otherwise available;*
- e) take into account any relevant iwi resource management plan and any other relevant planning document recognised by the appropriate iwi authority or hapū and lodged with the council, to the extent that its content has a bearing on resource management issues in the region or district; and*
  - where appropriate incorporate references to, or material from, iwi resource management plans in regional policy statements and in plans; and*
  - consider providing practical assistance to iwi or hapū who have indicated a wish to develop iwi resource management plans;*
- f) provide for opportunities for tangata whenua to exercise kaitiakitanga over waters, forests, lands, and fisheries in the coastal environment through such measures as:*
  - bringing cultural understanding to monitoring of natural resources;*
  - providing appropriate methods for the management, maintenance and protection of the taonga of tangata whenua;*
  - having regard to regulations, rules or bylaws relating to ensuring sustainability of fisheries resources such as taiāpure, mahinga mātaimai or other non commercial Māori customary fishing;*
- g) in consultation and collaboration with tangata whenua, working as far as practicable in accordance with tikanga Māori, and recognising that tangata whenua have the*



*right to choose not to identify places or values of historic, cultural or spiritual significance or special value:*

- *recognise the importance of Māori cultural and heritage values through such methods as historic heritage, landscape and cultural impact assessments; and*
- *provide for the identification, assessment, protection and management of areas or sites of significance or special value to Māori, including by historic analysis and archaeological survey and the development of methods such as alert layers and predictive methodologies for identifying areas of high potential for undiscovered Māori heritage, for example coastal pā or fishing villages.*

7.6.18. The activity is located within the coastal environment and coastal marine area, as has been discussed throughout this report. The area where the structures are located are not known to be classified as a site or area of historic or cultural significance. As discussed in the sections above, research into whether the bay was a historic fishing reserve has been undertaken. While our research suggests that this is not the case we are hoping to have a hui with local iwi and hapu to ensure there is no further documents which may indicate otherwise.

#### **Policy 6: Activities in the coastal environment**

##### **1. In relation to the coastal environment:**

- a. *recognise that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities;*
- b. *consider the rate at which built development and the associated public infrastructure should be enabled to provide for the reasonably foreseeable needs of population growth without compromising the other values of the coastal environment;*
- c. *encourage the consolidation of existing coastal settlements and urban areas where this will contribute to the avoidance or mitigation of sprawling or sporadic patterns of settlement and urban growth;*
- d. *recognise tangata whenua needs for papakāinga<sup>3</sup>, marae and associated developments and make appropriate provision for them;*
- e. *consider where and how built development on land should be controlled so that it does not compromise activities of national or regional importance that have a functional need to locate and operate in the coastal marine area;*
- f. *consider where development that maintains the character of the existing built environment should be encouraged, and where development resulting in a change in character would be acceptable;*
- g. *take into account the potential of renewable resources in the coastal environment, such as energy from wind, waves, currents and tides, to meet the reasonably foreseeable needs of future generations;*
- h. *consider how adverse visual impacts of development can be avoided in areas sensitive to such effects, such as headlands and prominent ridgelines, and as far as practicable and reasonable apply controls or conditions to avoid those effects;*





- i. *set back development from the coastal marine area and other water bodies, where practicable and reasonable, to protect the natural character, open space, public access and amenity values of the coastal environment; and*
  - j. *where appropriate, buffer areas and sites of significant indigenous biological diversity, or historic heritage value.*
- 2. *Additionally, in relation to the coastal marine area:*
  - a. *recognise potential contributions to the social, economic and cultural wellbeing of people and communities from use and development of the coastal marine area, including the potential for renewable marine energy to contribute to meeting the energy needs of future generations;*
  - b. *recognise the need to maintain and enhance the public open space and recreation qualities and values of the coastal marine area;*
  - c. *recognise that there are activities that have a functional need to be located in the coastal marine area, and provide for those activities in appropriate places;*
  - d. *recognise that activities that do not have a functional need for location in the coastal marine area generally should not be located there; and*
  - e. *promote the efficient use of occupied space, including by:*
    - i. *requiring that structures be made available for public or multiple use wherever reasonable and practicable;*
    - ii. *requiring the removal of any abandoned or redundant structure that has no heritage, amenity or reuse value; and*
    - iii. *considering whether consent conditions should be applied to ensure that space occupied for an activity is used for that purpose effectively and without unreasonable delay.*

7.6.19. Subsection 1 of Policy 6 is not applicable to this application as it relates to built, development such as housing rather than coastal structures.

7.6.20. This application involves the maintenance and enhancement of public open space by providing access to a site which is not accessible by land.

7.6.21. As detailed in this application, it is considered that the existing structures have a functional need to be located within the coastal marine area, due to the nature of the Kingfish Lodge. The associated facilities all play an integral part to the operation of the Kingfish Lodge, specifically due to the site being only accessible by water.

7.6.22. The structures are available for public use, with ongoing maintenance of the structures being provided for to ensure that they are kept in good working order and repair. It is anticipated that the existing consent conditions on the current consent will be brought forward on to the renewed consent to ensure that the activities are utilised for the intended purpose.

### ***Policy 7: Strategic planning***

1. *In preparing regional policy statements, and plans:*



- a. *consider where, how and when to provide for future residential, rural residential, settlement, urban development and other activities in the coastal environment at a regional and district level; and*
  - b. *identify areas of the coastal environment where particular activities and forms of subdivision, use, and development:*
    - i. *are inappropriate; and*
    - ii. *may be inappropriate without the consideration of effects through a resource consent application, notice of requirement for designation or Schedule 1 of the Resource Management Act process; and provide protection from inappropriate subdivision, use, and development in these areas through objectives, policies and rules.*
2. *Identify in regional policy statements, and plans, coastal processes, resources or values that are under threat or at significant risk from adverse cumulative effects. Include provisions in plans to manage these effects. Where practicable, in plans, set thresholds (including zones, standards or targets), or specify acceptable limits to change, to assist in determining when activities causing adverse cumulative effects are to be avoided.*
- 7.6.23. The subject area is zoned General Marine under the PRP and was previously within Marine Management Area 2. The structures are existing and have been previously consented and are not considered inappropriate in the surrounding environment. The activities are not considered to create any adverse effects and the consenting and renewal process history of the site has been such that any effects have been thoroughly assessed and adequate mitigation measures proposed.

**Policy 11: Indigenous biological diversity (biodiversity)**

*To protect indigenous biological diversity in the coastal environment:*

- a. *avoid adverse effects of activities on:*
  - i. *indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists;*
  - ii. *taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened;*
  - iii. *indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare;*
  - iv. *habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare;*
  - v. *areas containing nationally significant examples of indigenous community types; and*
  - vi. *areas set aside for full or partial protection of indigenous biological diversity under other legislation; and*
- b. *avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on:*
  - i. *areas of predominantly indigenous vegetation in the coastal environment;*
  - ii. *habitats in the coastal environment that are important during the vulnerable life stages of indigenous species;*
  - iii. *indigenous ecosystems and habitats that are only found in the coastal environment and are particularly vulnerable to modification, including estuaries, lagoons, coastal wetlands, dunelands, intertidal zones, rocky reef systems, eelgrass and saltmarsh;*



- iv. *habitats of indigenous species in the coastal environment that are important for recreational, commercial, traditional or cultural purposes;*
- v. *habitats, including areas and routes, important to migratory species; and*
- vi. *ecological corridors, and areas important for linking or maintaining biological values identified under this policy.*

7.6.24. The existing structures are not uncommon in the CMA. The structures have been in existence for many years, with no known effects on biological diversity arising. The structures are maintained and kept in good working order to ensure that the biological diversity and coastal water quality is maintained and enhanced.

***Policy 13: Preservation of natural character***

1. *To preserve the natural character of the coastal environment and to protect it from inappropriate subdivision, use, and development:*
  - a. *avoid adverse effects of activities on natural character in areas of the coastal environment with outstanding natural character; and*
  - b. *avoid significant adverse effects and avoid, remedy or mitigate other adverse effects of activities on natural character in all other areas of the coastal environment; including by:*
  - c. *assessing the natural character of the coastal environment of the region or district, by mapping or otherwise identifying at least areas of high natural character; and*
  - d. *ensuring that regional policy statements, and plans, identify areas where preserving natural character requires objectives, policies and rules, and include those provisions.*
2. *Recognise that natural character is not the same as natural features and landscapes or amenity values and may include matters such as:*
  - a. *natural elements, processes and patterns;*
  - b. *biophysical, ecological, geological and geomorphological aspects;*
  - c. *natural landforms such as headlands, peninsulas, cliffs, dunes, wetlands, reefs, freshwater springs and surf breaks;*
  - d. *the natural movement of water and sediment;*
  - e. *the natural darkness of the night sky;*
  - f. *places or areas that are wild or scenic;*
  - g. *a range of natural character from pristine to modified; and*
  - h. *experiential attributes, including the sounds and smell of the sea; and their context or setting.*

7.6.25. The activity is not considered to create any adverse effects on the natural character in areas of the coastal environment with outstanding or high natural character, as has been detailed within this report.

7.6.26. The application has taken into account the natural elements, processes and patterns; ecological aspects; natural landforms and the natural movement of water and sediment and found that the activity will have less than minor effects on these matters.

***Policy 15: Natural features and natural landscapes***



*To protect the natural features and natural landscapes (including seascapes) of the coastal environment from inappropriate subdivision, use, and development:*

- a. avoid adverse effects of activities on outstanding natural features and outstanding natural landscapes in the coastal environment; and*
- b. avoid significant adverse effects and avoid, remedy, or mitigate other adverse effects of activities on other natural features and natural landscapes in the coastal environment; including by:*
- c. identifying and assessing the natural features and natural landscapes of the coastal environment of the region or district, at minimum by land typing, soil characterisation and landscape characterisation and having regard to:*
  - i. natural science factors, including geological, topographical, ecological and dynamic components;*
  - ii. the presence of water including in seas, lakes, rivers and streams;*
  - iii. legibility or expressiveness – how obviously the feature or landscape demonstrates its formative processes;*
  - iv. aesthetic values including memorability and naturalness;*
  - v. vegetation (native and exotic);*
  - vi. transient values, including presence of wildlife or other values at certain times of the day or year;*
  - vii. whether the values are shared and recognised;*
  - viii. cultural and spiritual values for tangata whenua, identified by working, as far as practicable, in accordance with tikanga Māori; including their expression as cultural landscapes and features;*
  - ix. historical and heritage associations; and*
  - x. wild or scenic values;*
- d. ensuring that regional policy statements, and plans, map or otherwise identify areas where the protection of natural features and natural landscapes requires objectives, policies and rules; and*
- e. including the objectives, policies and rules required by (d) in plans.*

7.6.27. The activity is not considered to create any adverse effects on any outstanding natural features or landscapes or other natural features and landscapes. The activity has taken into consideration the natural features and landscapes within the area and has found that there will be no adverse effects on this area.

**Policy 18: Public open space**

*Recognise the need for public open space within and adjacent to the coastal marine area, for public use and appreciation including active and passive recreation, and provide for such public open space, including by:*

- a. ensuring that the location and treatment of public open space is compatible with the natural character, natural features and landscapes, and amenity values of the coastal environment;*
- b. taking account of future need for public open space within and adjacent to the coastal marine area, including in and close to cities, towns and other settlements;*
- c. maintaining and enhancing walking access linkages between public open space areas in the coastal environment;*
- d. considering the likely impact of coastal processes and climate change so as not to compromise the ability of future generations to have access to public open space; and*



- e. *recognising the important role that esplanade reserves and strips can have in contributing to meeting public open space needs.*

7.6.28. The existing activities are considered to enhance the public access and use of the environment. This area is not accessible by land, and the existing facilities are available for public use. Due to the nature of the structures, the likelihood of impact from coastal processes and climate change is high. More recently works have been undertaken to combat this and upgrades have been made. It is considered that the impact of coastal processes will not hinder future generations to have access to public open space, as the structures will be maintained and kept in good working order.

**Policy 19: Walking access**

1. *Recognise the public expectation of and need for walking access to and along the coast that is practical, free of charge and safe for pedestrian use.*
2. *Maintain and enhance public walking access to, along and adjacent to the coastal marine area, including by:*
  - a. *identifying how information on where the public have walking access will be made publicly available;*
  - b. *avoiding, remedying or mitigating any loss of public walking access resulting from subdivision, use, or development; and*
  - c. *identifying opportunities to enhance or restore public walking access, for example where:*
    - i. *connections between existing public areas can be provided; or*
    - ii. *improving access would promote outdoor recreation; or*
    - iii. *physical access for people with disabilities is desirable; or*
    - iv. *the long-term availability of public access is threatened by erosion or sea level rise; or*
    - v. *access to areas or sites of historic or cultural significance is important; or*
    - vi. *subdivision, use, or development of land adjacent to the coastal marine area has reduced public access, or has the potential to do so.*
3. *Only impose a restriction on public walking access to, along or adjacent to the coastal marine area where such a restriction is necessary:*
  - a. *to protect threatened indigenous species; or*
  - b. *to protect dunes, estuaries and other sensitive natural areas or habitats; or*
  - c. *to protect sites and activities of cultural value to Māori; or*
  - d. *to protect historic heritage; or*
  - e. *to protect public health or safety; or*
  - f. *to avoid or reduce conflict between public uses of the coastal marine area and its margins; or*
  - g. *for temporary activities or special events; or*
  - h. *for defence purposes in accordance with the Defence Act 1990; or*
  - i. *to ensure a level of security consistent with the purpose of a resource consent; or*
  - j. *in other exceptional circumstances sufficient to justify the restriction.*
4. *Before imposing any restriction under (3), consider and where practicable provide for alternative routes that are available to the public free of charge at all times.*



7.6.29. Walking access is currently provided for along the marginal strip between the coastal marine area and Kingfish Lodge. Directly in front of the lodge the walking access is practical, free of charge and safe for pedestrian use. It is noted that only the marginal strip directly outside of the lodge is accessible for walking with other areas being too steep to physically access. The marginal strip directly in front of the lodge which provides for the renewal of the structures and mooring facilities sought as part of this consent will continue to be maintained and provided for on an ongoing basis.

7.6.30. Items within subsection 3 of this policy are not considered relevant to this application.

**Policy 20: Vehicle access**

1. *Control use of vehicles, apart from emergency vehicles, on beaches, foreshore, seabed and adjacent public land where:*
  - a. *damage to dune or other geological systems and processes; or*
  - b. *harm to ecological systems or to indigenous flora and fauna, for example marine mammal and bird habitats or breeding areas and shellfish beds; or*
  - c. *danger to other beach users; or*
  - d. *disturbance of the peaceful enjoyment of the beach environment; or*
  - e. *damage to historic heritage; or*
  - f. *damage to the habitats of fisheries resources of significance to customary, commercial or recreational users; or*
  - g. *damage to sites of significance to tangata whenua; might result.*
2. *Identify the locations where vehicular access is required for boat launching, or as the only practicable means of access to private property or public facilities, or for the operation of existing commercial activities, and make appropriate provision for such access.*
3. *Identify any areas where and times when recreational vehicular use on beaches, foreshore and seabed may be permitted, with or without restriction as to type of vehicle, without a likelihood of any of (1)(a) to (g) occurring*

7.6.31. Vehicle access to the site is by vessel only, with no land-based access available. The boat ramp provides access to the land-based structures for any land-based vehicles. This limits and restricts access to only one portion of the site, ensuring the protection of the remainder of the foreshore.

**Policy 22: Sedimentation**

1. *Assess and monitor sedimentation levels and impacts on the coastal environment.*
2. *Require that subdivision, use, or development will not result in a significant increase in sedimentation in the coastal marine area, or other coastal water.*
3. *Control the impacts of vegetation removal on sedimentation including the impacts of harvesting plantation forestry.*
4. *Reduce sediment loadings in runoff and in stormwater systems through controls on land use activities.*





- 7.6.32. As there are no further proposed works, it is considered that the sedimentation levels will not be altered.

**Policy 23: Discharge of contaminants**

1. *In managing discharges to water in the coastal environment, have particular regard to:*
  - a. *the sensitivity of the receiving environment;*
  - b. *the nature of the contaminants to be discharged, the particular concentration of contaminants needed to achieve the required water quality in the receiving environment, and the risks if that concentration of contaminants is exceeded; and*
  - c. *the capacity of the receiving environment to assimilate the contaminants; and*
  - d. *avoid significant adverse effects on ecosystems and habitats after reasonable mixing;*
  - e. *use the smallest mixing zone necessary to achieve the required water quality in the receiving environment; and*
  - f. *minimise adverse effects on the life-supporting capacity of water within a mixing zone.*
2. *In managing discharge of human sewage, do not allow:*
  - a. *discharge of human sewage directly to water in the coastal environment without treatment; and*
  - b. *the discharge of treated human sewage to water in the coastal environment, unless:*
    - i. *there has been adequate consideration of alternative methods, sites and routes for undertaking the discharge; and*
    - ii. *informed by an understanding of tangata whenua values and the effects on them.*
3. *Objectives, policies and rules in plans which provide for the discharge of treated human sewage into waters of the coastal environment must have been subject to early and meaningful consultation with tangata whenua.*
4. *In managing discharges of stormwater take steps to avoid adverse effects of stormwater discharge to water in the coastal environment, on a catchment by catchment basis, by:*
  - a. *avoiding where practicable and otherwise remedying cross contamination of sewage and stormwater systems;*
  - b. *reducing contaminant and sediment loadings in stormwater at source, through contaminant treatment and by controls on land use activities;*
  - c. *promoting integrated management of catchments and stormwater networks; and*
  - d. *promoting design options that reduce flows to stormwater reticulation systems at source.*
5. *In managing discharges from ports and other marine facilities:*
  - a. *require operators of ports and other marine facilities to take all practicable steps to avoid contamination of coastal waters, substrate, ecosystems and habitats that is more than minor;*
  - b. *require that the disturbance or relocation of contaminated seabed material, other than by the movement of vessels, and the dumping or storage of dredged material does not result in significant adverse effects on water quality or the seabed, substrate, ecosystems or habitats;*
  - c. *require operators of ports, marinas and other relevant marine facilities to provide for the collection of sewage and waste from vessels, and for residues from vessel maintenance to be safely contained and disposed of; and*



- d. consider the need for facilities for the collection of sewage and other wastes for recreational and commercial boating.*

7.6.33. No discharge of contaminants to water are proposed. Appropriate conditions of consent have been imposed to ensure no debris or noxious liquids enter the water.

***Policy 25: Subdivision, use, and development in areas of coastal hazard risk***

*In areas potentially affected by coastal hazards over at least the next 100 years:*

- a. avoid increasing the risk<sup>10</sup> of social, environmental and economic harm from coastal hazards;*
- b. avoid redevelopment, or change in land use, that would increase the risk of adverse effects from coastal hazards;*
- c. encourage redevelopment, or change in land use, where that would reduce the risk of adverse effects from coastal hazards, including managed retreat by relocation or removal of existing structures or their abandonment in extreme circumstances, and designing for relocatability or recoverability from hazard events;*
- d. encourage the location of infrastructure away from areas of hazard risk where practicable;*
- e. discourage hard protection structures and promote the use of alternatives to them, including natural defences; and*
- f. consider the potential effects of tsunami and how to avoid or mitigate them*

7.6.34. The structures are existing and as such the proposal is not considered to increase the risk of social, environmental and economic harm. The structures are not out of the ordinary within the coastal environment.

7.6.35. Due to the nature of the structures, location of the structures away from the areas of hazard risk are not practicable.

7.6.36. No hard protection structures are proposed.

7.6.37. The structures are located within the CMA and therefore any effects of tsunami would most likely result in the destruction of the structures and the area around the structures.

**Relevant provisions of any Regional Policy Statement**

7.7. The relevant policy statement applicable to the application is the Operative Regional Policy Statement for Northland (RPS) and the Regional Coastal Plan. The maritime facilities are located within an area of High Natural Character, however this does not extend to the land based facilities.

7.8. The relevant objectives relate to Tangata Whenua and natural hazard risk as well as natural character. The relevant policies relate to water quality management, coastal environment and effects on natural character and the efficient use of coastal water space.

7.9. As per the assessment above, the existing activities are not considered to create any adverse effects in relation to the coastal or natural environment. Water quality will be maintained





and enhanced by ensuring that no liquids or debris enters the coastal waters. The structures are considered to have a functional need to be located within the coastal marine area, as has been discussed throughout this report. The application has been sent to various local hapu and groups for comment. Marine and Coastal Area parties have also been contacted.

- 7.10. It is considered that with the imposition of the recommended conditions of consent the activity is not contrary to the relevant RPS policies.

## Relevant provisions of any relevant Plan

### Proposed Northland Regional Plan (Air, Land, Water and Coastal)

- 7.11. The proposed combined Regional Plan for Northland was notified in September 2017 with the latest appeals version being released in March 2022. The relevant policies are noted below:

#### Section D.1 Tangata Whenua

##### ***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 taonga if one or more of the following is likely:*

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

- 7.11.1. The development will not have an adverse impact on Mahinga Kai or access to Mahinga Kai as the activity will remain as per the status quo. In fact, some moorings will no longer be consented which results in a better situation than currently exists. No access or loss of any sites of waahi tapu are anticipated. No indigenous biodiversity will be impacted, and the ability of tangata whenua to undertake cultural and traditional activities such as the gathering of kaimoana will remain as per the status quo. No genetic engineering is proposed. No fisheries operations are sought. There will be no impact on customary rights. From our research to date there are no sites of significance. No other policies within D.1 are considered applicable to the application.



***Policy D.2.1 Rules for managing natural and physical resources***

*Include rules to manage the use, development and protection of natural and physical resources that:*

- 1) are the most efficient and effective way of achieving national and regional resource management objectives, and*
- 2) are as internally consistent as possible, and*
- 3) use or support good management practices, and*
- 4) minimise compliance costs, and*
- 5) enable use and development that complies with the Regional Policy Statement for Northland and the objectives of this Plan, and*
- 6) focus on effects and, where suitable, use performance standards.*

- 7.11.2. It is anticipated that the conditions listed on the current consent will be brought forward to ensure the continued protection of natural and physical resources. This will also ensure that the renewed consent is as consistent as possible with previous consents. By assessing the renewal of all consents as a whole, this will help to reduce compliance costs. As assessed above, the proposal is considered consistent with the RPS. No adverse effects are anticipated.

**Section D.2 General*****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.*

- 7.11.3. The structures are considered to have social, cultural and economic benefits, by providing access to the area that is not accessible by land. The Lodge and associated facilities are considered to be a good use of the land and provides insight into the historic and cultural background of the area.

***D.2.3 Climate change and development***

*Particular regard must be had to the potential effects of climate change on a proposed development requiring consent under this Plan, taking into account the scale, type and design-life of the development proposed and with reference to the latest national guidance and best available climate change projections.*

- 7.11.4. The activity is existing and not proposed. It is considered climate change was taken into account during the recent upgrade of the structures. The structures are maintained and kept in good order which will ensure that any effects which arise from climate change are acted on efficiently and effectively such that no adverse effects will arise. Due to the nature of the structures, some are built within the CMA however, these are normal structures which are seen in many areas of the CMA and have a functional need to be located as such.



**D.2.14 Resource consent duration**

*When determining the expiry date for a resource consent, have particular regard to:*

- 1) security of tenure for investment (the larger the investment, then generally the longer the consent duration), and*
- 2) the administrative benefits of aligning the expiry date with other resource consents for the same activity in the surrounding area or catchment, and*
- 3) certainty of effects (the less certain the effects, the shorter the consent duration), and*
- 4) whether the activity is associated with regionally significant infrastructure (generally longer consent durations for regionally significant infrastructure), and*
- 5) the following additional matters where the resource consent application is to re-consent an activity:*
  - a) the applicant's past compliance with the conditions of any previous resource consent or relevant industry guidelines or codes of practice (significant previous non-compliance should generally result in a shorter duration), and*
  - b) the applicant's voluntary adoption of good management practice (the adoption of good management practices that minimise adverse environmental effects could result in a longer consent duration).*

7.11.5. It is considered that the duration of the majority of consents/permits be 35 years, as no changes are proposed to the existing structures and any effects can be controlled via ongoing monitoring and compliance with the consent conditions.

7.11.6. The duration of the discharge consents is sought at 15 years which is in line with Northland standards.

7.11.7. The applicant has provided voluntary adoption of good management practices which will minimise adverse environmental effects as well as showing compliance with the conditions of the previous consent conditions.

**D.2.17 Managing adverse effects on natural character, outstanding natural landscapes and outstanding natural features**

*Manage the adverse effects of activities on natural character, outstanding natural landscapes and outstanding natural features by:*

- 1) avoiding adverse effects of activities as follows:*



**Table 15: Adverse effects to be avoided**

Place / value	Location of the place	Effects to be avoided
Areas of outstanding natural character Outstanding natural features Outstanding natural landscapes	Coastal marine area and fresh water bodies in the coastal environment.	Adverse effects on the characteristics, qualities and values that contribute to make the place outstanding.
Natural character (incl. high natural character) Other natural features and landscapes	The coastal marine area and fresh water bodies in the coastal environment.	Significant adverse effects on the characteristics, qualities and values that contribute to natural character or other natural features and landscapes.
Natural character Outstanding natural features Outstanding natural landscapes	Fresh water bodies outside the coastal environment.	Significant adverse effects on the characteristics, qualities and values that contribute to natural character or which make the natural character or landscape outstanding.

2) recognising that, in relation to natural character in water bodies and the coastal environment (where not identified as outstanding natural character), appropriate methods of avoiding, remedying or mitigating adverse effects may include:

a) ensuring the location, intensity, scale and form of activities is appropriate having regard to natural elements and processes, and

b) in areas of high natural character in the coastal environment, minimising to the extent practicable indigenous vegetation clearance and modification (seabed and foreshore disturbance, structures, discharges of contaminants), and

c) in fresh water, minimising to the extent practicable modification (disturbance, structures, extraction of water and discharge of contaminants), and

3) recognising that, in relation to outstanding natural features in water bodies outside the coastal environment, appropriate methods of avoiding, remedying or mitigating adverse effects may include:

a) requiring that the scale and intensity of bed disturbance and modification is appropriate, taking into account the feature's scale, form and vulnerability to modification of the feature, and

b) requiring that proposals to extract water or discharge contaminants do not significantly adversely affect the characteristics, qualities and values of the outstanding natural feature, and

4) recognising that uses and development form part of existing landscapes, features and water bodies and have existing effects.

- 7.11.8. The structures are not considered to create any adverse effects. The structures are not out of the ordinary within the CMA or the surrounding environment and provide access to a site which is only accessible by water. Appropriate consent conditions will be imposed to ensure that no noxious liquids or debris enters the coastal waters, therefore maintaining and enhancing the water quality. No bed disturbance or modification is proposed as part of this application.



#### ***D.2.19 Managing adverse effects on land-based values and infrastructure***

*When considering an application for a resource consent for an activity in the coastal marine area or in, on or under the bed of a freshwater body, recognise that adverse effects may extend beyond the coastal marine area or the freshwater body to:*

*1) areas and values including:*

- a) Areas of outstanding and high natural character, and*
- b) Outstanding natural landscapes, and*
- c) Outstanding natural features, and*
- d) Historic heritage, and*
- e) Areas of significant indigenous biodiversity, and*
- f) Places of significance to tangāta whenua, and*

*2) land-based infrastructure including:*

- a) toilets, and*
- b) car parks, and*
- c) refuse facilities, and*
- d) boat ramps, and*
- e) boat and dinghy storage, and*

*3) decision-makers should have regard to:*

- a) the nature and scale of these effects when deciding whether or not to grant consent for activities in the coastal marine area or on the beds of freshwater bodies, and*
- b) the need to impose conditions on resource consents for those activities in order to avoid, remedy or mitigate these adverse effects.*

7.11.9. The activity is not considered to create any adverse effects on the features listed in Section 1 of this policy. The structures have been in existence for many years and have a functional need to be located within the CMA, especially given that the site is landlocked with no physical or legal access available.

7.11.10. No effects on land-based infrastructure are anticipated as no public infrastructure facilities are proposed.

7.11.11. Conditions of consent have been recommended throughout this application, to ensure that the activity does not create any adverse effects on the environment. With the inclusion and compliance of these conditions of consent, it is anticipated that there will be no adverse effects created on the surrounding environment.

### **Section D.4 Land and Water**

#### ***D.4.15 Reasonable and efficient use of water - other uses***

*An application for resource consent to take water for any use of water other than that addressed under D.4.13 or D.4.14 must include an assessment of reasonable and efficient use by, taking into account the nature of the activity, and identifying if water will potentially be wasted, and opportunities for reuse or conservation.*

7.11.12. The nature of the activity is for water take to supply potable water to the lodge as well as ensure the correct and ongoing operation of the existing consented wastewater system. No



water is considered to be wasted. A water meter has been offered to be installed as well as weekly monitoring of the water take to ensure that the consented 28m<sup>3</sup> is not exceeded. This will also provide reassurance that there are no issues with the wastewater system which will be captured by any fluctuations in water take from week to week. It is considered that the proposal has incorporated reasonable and efficient use of water.

#### **D.4.17 Conditions on water permits**

*Water permits for the taking and use of water must include conditions that:*

- 1) clearly define the take amount in instantaneous take rates and total volumes, including by reference to the temporal aspects of the take and use, and*
- 2) unless there are exceptional circumstances, or the water permit is for a temporary take or a non consumptive take, require that:
 
  - a) the water take is metered and information on rates and total volume of the take is provided electronically to the Regional Council, and*
  - b) for water permits for takes equal to or greater than 10 litres per second, the water meter to be telemetered to the Regional Council, and**
- 3) clearly define when the water take must be restricted or cease to ensure compliance with environmental flows and levels, and*
- 4) require the use of a backflow prevention system to prevent the backflow of contaminants to surface water or ground water from irrigation systems used to apply animal effluent, agrichemical or nutrients, and*
- 5) ensure intake structures are designed, constructed and maintained to minimise adverse effects on fish species in accordance with good practice guidelines, and*
- 6) specify when and under what circumstances the permit will be reviewed pursuant to Section 128(1) of the RMA, including by way of a common review date with other water permits in a catchment.*

7.11.13. The total take rate is requested to be 28m<sup>3</sup> per day, as has been previously consented. A water meter has been offered as a condition of consent. Total volume of water take has also been offered on a weekly basis once the lodge is operational. No restrictions on the water take are anticipated. No irrigation systems which relate to animal effluent, agrichemicals or nutrients are proposed. No effects on fish species are anticipated. Review dates are anticipated to be at the discretion of the Council.

### **Section D.5 Coastal**

#### **D.5.11 Moorings outside Mooring Zones**

*Moorings outside Mooring Zones that require resource consent must:*

- 1) have all necessary shore-based toilet facilities, parking, dinghy storage and refuse disposal available long-term, and*
- 2) not by themselves, or in combination with existing moorings in the same bay or inlet, result in more than minor adverse effects, unless the mooring is associated with a property that is only legally accessible by water and the mooring is necessary to provide for the safety of people or the moored vessel, and*
- 3) demonstrate why it is not practical to be in a Mooring Zone, and*



- 4) *not be located within a navigation channel and not be located within the Coastal Commercial Zone or Marsden Point Port Zone unless directly associated with a maritime-related commercial enterprise or existing authorised industrial activity, and*
- 5) *demonstrate why short-term anchorage or land-based vessel storage is not practical, and*
- 6) *not be in the following areas (refer: I Maps | Ngā mahere matawhenua):*
- a) Areas of Outstanding Natural Character, or*
  - b) Historic Heritage Areas, or*
  - c) Nationally Significant Surf Breaks, or*
  - d) Outstanding Natural Features, or*
  - e) Regionally Significant Anchorages, or*
  - f) Sites or Areas of Significance to tāngata whenua, unless*
  - g) the mooring is associated with a property that is only legally accessible by water, or*
  - h) the mooring is for public benefit or to enhance public access and minimise environmental effects of repetitive anchorage, or*
  - i) the mooring is associated with a maritime-related commercial enterprise or existing authorised industrial activity that could not otherwise be located within a Mooring Zone.*

7.11.14. As discussed throughout this report, the activity is consistent with this policy. All necessary shore-based facilities are provided for within the Lodge and onshore for M79. There is more than one mooring within the same bay due to the fact that the property is only accessible by water and will once again offer accommodation for guests. The moorings are considered necessary to provide for the safety of people and the moored vessels, as there can be more than one vessel coming to the site at any one time. Due to the nature of the Kingfish Lodge, some large vessels may need to be moored to provide goods and services to the lodge. As mentioned, the nearest mooring zone is located over 3 kilometres from the Lodge. The Lodge is not accessible by land and therefore, vessels need to be moored in close proximity to the Lodge to provide safe and functional access. The moorings are not located within a navigation channel or within the Coastal Commercial Zone or Marsden Point Port Zone. Short term anchorage is not considered practical as it depends on the nature of work associated with the vessel, as to how long it is moored. Most vessels will utilise the moorings on a short term basis, however some will need to be moored for longer than 14 consecutive days, such as anyone who will permanently reside on the site. M79 may also be utilised for longer than 14 consecutive days, depending on errands/activities which need to be completed by visitors/guests. Land based vessel storage is not considered practical due to the nature of the Lodge as well as the uncertain time length of vessels being at the property for. Storing the vessels on land would require additional infrastructure which is not considered practical in this instance. The mooring locations are not located within any of the areas identified in Section 6(a) – (i) of this policy. The moorings are also associated with a property that is only legally accessible by water.

### **Regional Coastal Plan**

7.12. The Regional Coastal Plan is relevant to this application as a number of rules are still currently operative. The relevant objectives and policies have been assessed below.





## **Section 17 - Structures**

### **17.3 Objective**

*The provision for appropriate structures within the coastal marine area while avoiding, remedying or mitigating the adverse effects of such structures.*

- 7.12.1. The structures within the CMA are existing and provide for access to the Lodge as well as provision for public access. The structures are maintained in such a way that no adverse effects are anticipated to arise.

### **17.4 Policies**

*1. To provide for the continued lawfully established use of existing authorised structures within Northland's coastal marine area.*

*2. Within all Marine Management Areas, to provide for:*

- (a) the authorisation of appropriate existing unauthorised structures and to facilitate*
- (b) the authorisation of appropriate existing unauthorised structures and to facilitate the removal of all other unauthorised existing structures which do not meet those specified criteria.*

- 7.12.2. This application is for the renewal of existing consented structures.

*3. Within all Marine Management areas, to consider structures generally appropriate where:*

- (a) there is an operational need to locate the structure within the coastal marine area; and*
- (b) there is no practical alternative location outside the coastal marine area; and*
- (c) multiple use is being made of structures to the extent practicable; and*
- (d) there is an operational need to locate the structure within the coastal marine area; and there is no practical alternative location outside the coastal marine area; and multiple use is being made of structures to the extent practicable; and any landward development necessary to the proposed purpose of the structure can be accommodated; and*
- (e) any adverse effects are avoided as far as practicable, and where avoidance is not practicable, to mitigate adverse effects to the extent practicable. A structure that does not meet all of the considerations listed above may also be an appropriate development, depending on the merits of the particular proposal.*

- 7.12.3. The structures have an operational need to be located within the CMA due to the nature of the structures as well as the function they provide for the lodge. There is no practical alternative location as the site is only accessible by water. Multiple use of the structures is being made of as they are utilised for guests, personnel working at the lodge, trades people





and the general public. No adverse effects are anticipated. Therefore, the application can meet all the considerations listed above.

*4. Notwithstanding Policy 3, within Marine 1 and Marine 2 Management Areas, to assess applications for new structures, with particular reference to the nature of and reasons for the proposed structures in the coastal marine area and to any potential effects on the natural character of the coastal marine area, on public access, and on sites or areas of cultural heritage value*

*5. Notwithstanding Policy 3, within Marine 3, Marine 5 and Marine 6 Management Areas, to provide for the particular operational requirements of marine farms and ports in relation to new structures within the coastal marine area.*

*6. Notwithstanding Policy 3, within Marine 4 Management Areas, to provide for the requirements of commercial and recreational vessels for permanent moorings and related structures and facilities.*

7.12.4. Not applicable as the proposal is not an application for new structures.

*7. In assessment of coastal permit applications to promote the integrated management of structures and their associated activities where these traverse the landward coastal marine area boundary.*

7.12.5. Some of the structures do traverse the landward coastal marine area boundary, such as the jetty and boat ramp, which are joined to the land for functional use. It is considered that the integrated management of such structures has been promoted.

*8. In assessment of coastal permit applications to require that all structures within the coastal marine area are maintained in good order and repair and that appropriate construction materials are used.*

7.12.6. The structures are maintained in good order and repair. It is anticipated that this will be imposed as a consent condition on the decision document.

*9. In Marine 1, 2, 3 and 4 Management Areas to restrict the presence of buildings and signs within the coastal marine area.*

7.12.7. The site is located within the Marine Management 2 Area. The proposal does not include any new buildings or signs.

## Summary

7.13. It is therefore considered that the application is generally consistent with the relevant objectives and policies of the relevant National and Regional Policy Statements, as well as the Operative and Proposed Regional Plan.



## 8.0 Notification Assessment – Sections 95A to 95G of the Act

### Public Notification Assessment

- 8.1 Section 95A requires a council to follow specific steps to determine whether to publicly notify an application. The following is an assessment of the application against these steps:

#### Step 1 Mandatory public notification in certain circumstances

*(2) Determine whether the application meets any of the criteria set out in subsection (3) and,—*

*(a) if the answer is yes, publicly notify the application; and*

*(b) if the answer is no, go to step 2.*

*(3) The criteria for step 1 are as follows:*

*(a) the applicant has requested that the application be publicly notified:*

*(b) public notification is required under section 95C:*

*(c) the application is made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977.*

- 8.1.1 It is not requested the application be publicly notified and the application is not made jointly with an application to exchange reserve land. Therefore Step 1 does not apply and Step 2 must be considered.

#### Step 2: Public Notification precluded in certain circumstances

*(4) Determine whether the application meets either of the criteria set out in subsection (5) and,—*

*(a) if the answer is yes, go to step 4 (step 3 does not apply); and*

*(b) if the answer is no, go to step 3.*

*(5) The criteria for step 2 are as follows:*

*(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes public notification:*

*(b) the application is for a resource consent for 1 or more of the following, but no other, activities:*

*(i) a controlled activity:*

*(ii) [Repealed]*

*(iii) a restricted discretionary, discretionary, or non-complying activity, but only if the activity is a boundary activity.*

*(iv) [Repealed]*

*(6) [Repealed]*

- 8.1.2 The application is not a Controlled activity nor a boundary activity. No preclusions apply in this instance.



**Step 3: If not precluded by Step 2, public notification required in certain circumstances**

*(7) Determine whether the application meets either of the criteria set out in subsection (8) and,—*

*(a) if the answer is yes, publicly notify the application; and*

*(b) if the answer is no, go to step 4.*

*(8) The criteria for step 3 are as follows:*

*(a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:*

*(b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.*

- 8.1.3 No applicable rules require public notification of the application. The activity will not have a more than minor effect on the environment as detailed in the sections above.

**Step 4: Public notification in special circumstances**

*(9) Determine whether special circumstances exist in relation to the application that warrant the application being publicly notified and,—*

*(a) if the answer is yes, publicly notify the application; and*

*(b) if the answer is no, do not publicly notify the application, but determine whether to give limited notification of the application under section 95B.*

- 8.1.4 There are no special circumstances that exist to justify public notification of the application because the activity is not considered to be controversial or of significant public interest, particularly given that the application is for renewal of existing consents. The activity is not considered to create any adverse effects.

**Public Notification Summary**

- 8.2 From the assessment above it is considered that the application does not need to be publicly notified, but assessment of limited notification is required.

**Limited Notification Assessment**

- 8.3 If the application is not publicly notified, a consent authority must follow the steps of section 95B to determine whether to give limited notification of an application.

**Step 1: Certain affected groups and affected persons must be notified**

*(2) Determine whether there are any—*

*(a) affected protected customary rights groups; or*



*(b) affected customary marine title groups (in the case of an application for a resource consent for an accommodated activity).*

*(3) Determine—*

*(a) whether the proposed activity is on or adjacent to, or may affect, land that is the subject of a statutory acknowledgement made in accordance with an Act specified in Schedule 11; and*

*(b) whether the person to whom the statutory acknowledgement is made is an affected person under section 95E.*

*(4) Notify the application to each affected group identified under subsection (2) and each affected person identified under subsection (3).*

8.3.1 The Marine and Coastal Area groups have been contacted as part of this application process. A response from Roger Kingi objecting to the application on behalf of the Hapu of Kaitangata for and behalf of the iwi and the marae of Te Komanga as well as Karangahape has been received. One other response was received from Te Whanau Whero who confirmed that the application falls outside of their customary title application area.

8.3.2 The Whangaroa Harbour is a Statutory Acknowledgement Area for Ngatikahu ki Whangaroa. We understand that in speaking with the regional council that the group who responds to applications within the Whangaroa Harbour on behalf of Ngati Kahu ki Whangaroa is the Kahukuraariki Trust. We have requested a hui with the trust to cover off not only this application but also the DoC concession application which is being lodged concurrently with this resource consent.

8.3.3 As the application is located within the Statutory Acknowledgement area we have considered Ngatikahu ki Whangaroa via Kahukuraariki Trust as potentially affected by this proposal.

8.3.4 There are no other groups listed within Step 1 above considered to be affected by the proposal.

## **Step 2: Limited notification precluded in certain circumstances**

*(5) Determine whether the application meets either of the criteria set out in subsection (6) and,—*

*(a) if the answer is yes, go to step 4 (step 3 does not apply); and*

*(b) if the answer is no, go to step 3.*

*(6) The criteria for step 2 are as follows:*

*(a) the application is for a resource consent for 1 or more activities, and each activity is subject to a rule or national environmental standard that precludes limited notification:*

*(b) the application is for a controlled activity (but no other activities) that requires a resource consent under a district plan (other than a subdivision of land).*

8.3.5 There is no rule in the plan or national environmental standard that precludes notification. The application is not for a controlled activity. Therefore Step 3 must be considered.



**Step 3: Certain other affected persons must be notified**

*(7) In the case of a boundary activity, determine in accordance with section 95E whether an owner of an allotment with an infringed boundary is an affected person.*

*(8) In the case of any other activity, determine whether a person is an affected person in accordance with section 95E.*

*(9) Notify each affected person identified under subsections (7) and (8) of the application.*

*The activity is not for a boundary activity nor is it a prescribed activity.*

8.3.6 The development does not involve any boundary activities.

8.3.7 In deciding who is an affected person under section 95E, a council under section 95E(2):

*(2) The consent authority, in assessing an activity's adverse effects on a person for the purpose of this section, —*

*(a) may disregard an adverse effect of the activity on the person if a rule or a national environmental standard permits an activity with that effect; and*

*(b) must, if the activity is a controlled activity or a restricted discretionary activity, disregard an adverse effect of the activity on the person if the effect does not relate to a matter for which a rule or a national environmental standard reserves control or restricts discretion; and*

*(c) must have regard to every relevant statutory acknowledgement made in accordance with an Act specified in Schedule 11.*

8.3.8 A council must not consider that a person is affected if they have given their written approval, or it is unreasonable in the circumstances to seek that person's approval. In this case, no written approvals have been supplied.

8.3.9 The assessment above has indicated that the effects on the environment will be no more than minor as the works will be minor and all effects associated with the activity will be mitigated.

8.3.10 With respect to section 95B(8) and section 95E, the activity is considered to have no more than minor effects on the CMA or adjacent land.

8.3.11 The renewal application covers activities on the Kingfish Lodge site and within the Coastal Marine area. Between these two sites is an area of Marginal Strip administered by the Department of Conservation (DoC). A concession application is being provided to the Department to cover off a number of historic and proposed activities within this space. Decisions made within this concession may have flow on effects to the renewal application and vice versa. As such, we consider DoC to be an interested party to this application. Our main points of contact to date are Fleur Corbett and Darcy Lidell. No other sites are located within close proximity to the development area.



8.3.12 As discussed above, Kingfish Lodge has also been undertaking conversations with Te Runanga o Whaingaroa through Te Ukaipo who whakapapa back to the land at South Head. Given our various discussions we also consider this party to be interested in this application.

8.3.13 As a result of the discussion in relation to Step 3 above, we do not consider any persons or agencies to be affected to a minor or more than minor degree. However, we have identified both DoC and local hapu as interested in this application. Overall, the adverse effects on any persons are considered to be no more than minor. Therefore Step 3 does not apply and Step 4 must be considered.

#### **Step 4: Further notification in special circumstances**

*(10) whether special circumstances exist in relation to the application that warrant notification of the application to any other persons not already determined to be eligible for limited notification under this section (excluding persons assessed under section 95E as not being affected persons),*

8.3.14 It is considered that no special circumstances exist in relation to the application.

#### **Limited Notification Assessment Summary**

8.3.15 Overall, from the assessment undertaken it is determined that Ngatikahu ki Whangaroa is potentially an affected party given that the activity is located within their statutory acknowledgement area. Both DoC and Te Ukaipo are considered interested parties to this application.

#### **Notification Assessment Conclusion**

8.4 Pursuant to sections 95A to 95G it is recommended that the Council considers whether the application may need to be limited-notified for the above-mentioned reasons.

## **9.0 Part 2 Assessment**

9.1 The application must be considered in relation to the purpose and principles of the Resource Management Act 1991 which are contained in Section 5 to 8 of the Act inclusive.

9.2 The activity will meet Section 5 of the RMA as it can promote the sustainable management of natural and physical resources on site whilst meeting the foreseeable needs of future generations. In addition, the activity will avoid adverse effects on the environment and will maintain the character of the site and surrounding environment.

9.3 Section 6 of the Act sets out the matters of national importance. The activity will aid in preserving the natural character of the coastal environment by ensuring that the existing activities are maintained to a good standard and repair. The preservation of the CMA will be maintained by ensuring that no debris enters the CMA from the existing structures. There is no vegetation clearance required as the existing activities are to remain with no new activities proposed. The relationship of Maori and their culture and traditions are not considered to be



adversely affected as the activities will remain unchanged. There are no historic heritage sites or protected customary rights that are considered to be affected. The management of natural hazards will be maintained.

- 9.4 Section 7 identifies a number of “other matters” to be given particular regard by a Council in the consideration of any assessment for resource consent. The development will result in an efficient use of resources. Amenity values will generally remain the same. The activity maintains and enhances the quality of the environment by providing mitigation methods to reduce sediment and debris runoff into the CMA.
- 9.5 Section 8 requires Council to take into account the principals of the Treaty of Waitangi. As discussed in the various sections above, consultation on this application is on-going with various agencies to ensure there will be no Treaty issues. The subject site is not known to be located within an area of significance to Maori. The activity has taken into account and continues to take into account the principals of the Treaty of Waitangi; such that it is not considered to be contrary to these principals.
- 9.6 Overall, the application is considered to be consistent with the relevant provisions of Part 2 of the Act, as expressed through the objectives, policies and rules reviewed in earlier sections of this application. Given that consistency, we conclude that the activity achieves the purposes of sustainable management set out by section 5 of the Act.

## 10.0 Conclusion

- 10.1 This application is seeking renewal of existing consents as well as consent being sought for an existing mooring, located within Ratcliffes Bay. The application is not considered to create any more than minor effects and will effectively re-consent what is in existence on site and within the coastal marine area.
- 10.2 The activity has been assessed against the relevant objectives, policies and assessment criteria contained within the relevant statutory documents. It is considered that the activity is not contrary to those provisions and that any potential adverse effects can be avoided or mitigated.
- 10.3 The renewal application involves an area which is highlighted as being a statutory acknowledgement area for Ngatikahu ki Whangaroa. As such we consider that this group is potentially to be an affected party to this proposal.

## 11.0 LIMITATIONS

- 11.1 This report has been commissioned solely for the benefit of our client, in relation to the project as described above, and to the limits of our engagement, with the exception that the Far North District Council or Northland Regional Council may rely on it to the extent of its appropriateness, conditions and limitations, when issuing their subject consent.



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