

29 September 2022

ref.17218

Tēnā koe

**RE: DOUBLE PINE INVESTMENTS – RENEWAL OF EXISTING CONSENT -
AUT.020435.01.01**

In accordance with section 62(3) of the Marine and Coastal Area (Takutai Moana) Act 2011, we are notifying you of our intention to lodge the attached resource consent application with the Northland Regional Council for a Coastal Permit to place, use and occupy space in the coastal marine area (CMA) at 352 Whangaroa Harbour, Captain Davis Bay. We seek your view on the application if you have any.

For further details regarding the nature of the application or if you have any questions or views in respect of the application, please contact Joseph Henehan (joseph@reyburnandbryant.co.nz and 09 438 3563), or the Consents Department at Northland Regional Council citing the pre-application reference AUT.020435.01.01

Nga mihi nui



Joseph Henehan
Senior Planner

Application for a Resource Consent – Resource Management Act 1991

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

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

PART 1: Administration Matters

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

Surname:

First Names:

OR

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

Trust Name:

Trustee's Name(s):

OR

Company Name: Double Pine Investments

Contact Person: Yewon Hwang

Email address: drsooah@gmail.com

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

Postal address:

Telephone: *(please tick preferred contact number)*

Residential

Business

Mobile 0275353377

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: Reyburn and Bryant.....

Contact Person: Joseph Henehan.....

Email address: joseph@reyburnandbryant.co.nz.....

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

Postal address: PO Box 191, Whangarei 0140.....

Telephone: *(please tick preferred contact number)*

Residential..... Business 09 438 3563.....

Mobile

3 Invoices

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

Applicant Address for service

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

Applicant Address for service

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

Owner(s):

Postal Address:

Telephone: *(please tick preferred contact number)*

Residential..... Business

Mobile

Occupier(s):

Postal Address:

Telephone: *(please tick preferred contact number)*

Residential..... Business

Mobile

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

5 Extending Timeframes

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

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

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

6 Deposit Fee

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

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

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

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

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

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

Note: Annual User Charges for Resource Consent Holders

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

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

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

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

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

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

8 Consultation

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

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

PART 2: Application Details

1 Description of Activity

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

The proposal is to renew an existing consent referenced AUT.020435.01.01 to place, use and occupy space in the coastal marine area at 352 Whangaroa Harbour, Captain Davis Bay.

2 Location Description of Activity

Site Address: 352 Whangaroa Harbour Captain Davis Bay

Legal Description: Lot 2 DP 337532

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

3 Site Plan

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

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

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

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

4 Resource Consent(s) being Applied for

Coastal Permit

Mooring

Marine Farm

Structure

Pipeline/Cable

Other (*specify*)

Land Use Consent

Quarry

Earthworks

Dam Structure

Vegetation Clearance

Construct/Alter a Bore

Structure in/over Watercourse

Other (*specify*)

Water Permit

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

Discharge Permit

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

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):
 AUT.020435.01.01

(b) Do you agree to surrender the existing resource consent once a new one has been issued:
 Yes No

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

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

.....

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

Only for new or replacement applications.

15 years months

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

If Yes, please complete the following:

Type of consent required?

Has it been applied for? Yes No

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

PART 3: Assessment of Environmental Effects (AEE)

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

As a minimum, your AEE must include the following:

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

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

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

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

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

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

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

2 Assessment of Effects on tangata whenua and their taonga

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

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

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

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

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

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

3 Assessment of Affected Persons

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

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

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

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

Iwi Settlement Acts

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

Checklist

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

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

Information Privacy Issues

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

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

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

Signature(s): 

Date: 29/09/2022

Signature(s):

Date:

Signature(s):

Date:

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

Application for Coastal Permit

DOUBLE PINE INVESTMENTS

352 Whangaroa Harbour, Captain Davis Bay

A topographic map with contour lines and a grid, rendered in white lines on a dark background, occupies the bottom half of the page.

reyburn
& bryant

PLANNERS • SURVEYORS

Application for Coastal Permit

DOUBLE PINE INVESTMENTS

352 Whangaroa Harbour, Captain Davis Bay

Report prepared for:	Double Pine Investments
Author	Joseph Henehan, Senior Planner
Reviewed by:	Brett Hood, Planner/Director
Consent Authority:	Northland Regional Council
Report reference:	17218
Report Status:	Final
Date:	September 2022

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Whangarei 0140
Telephone: (09) 438 3563

FORM 9

APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To: **Northland Regional Council ('NRC')**
Private Bag 9021
Whangārei Mail Centre
Whangārei 0148

1. Double Pine Investments (DPI) apply for the resource consents described below:

Operative Regional Coastal Plan (RCP)

Rule 31.4.4(c) The occupation of space for and use of existing structures authorised by resource consent – discretionary activity

Proposed Regional Plan (PRP)

Rule C.1.1.21 'Structures in Mooring and General Marine Zones' –discretionary activity

2. The activity to which the application relates (the proposed activity) is to renew an existing consent referenced AUT.020435.01.01.
3. The applicant is the owner of the land subject to this application.
4. The location of the proposed activities is as follows:
- 352 Whangaroa Harbour, Captain Davis Bay (see section 1.3 for full description).
5. There are no other activities that are part of the proposal to which this application relates.
6. No additional resource consents are needed for the proposal to which this application relates.
7. No statutory approvals are needed for the proposal to which this application relates.
8. We attach an assessment of effects on the environment that:
- (a) includes the information required by clause 6 of Schedule 4 of the Resource Management Act 1991; and
- (b) addresses the matters specified in clause 7 of Schedule 4 of the Resource Management Act 1991; and

(c) includes such detail as corresponds with the scale and significance of the effects that the activity may have on the environment.

9. We attach an assessment of the proposed activity against the matters set out in Part 2 of the Resource Management Act 1991.
10. We attach an assessment of the proposed activity against any relevant provisions of a document referred to in section 104(1)(b) of the Resource Management Act 1991, including information required by clause 2(2) of Schedule 4 of that Act.

Included is a check list of relevant Schedule 4 matters.

11. No other information is required to be included in the district or regional plan(s) or regulations.



Joseph Henehan (Planning Consultant)

Address for service:	Reyburn and Bryant 1999 Ltd PO Box 191 Whangarei
Telephone:	(09) 438 3563
Email:	joseph@reyburnandbryant.co.nz
Contact person:	Joseph Henehan

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ABBREVIATIONS

AEE	Assessment of Environmental Effects
CFR	Computer Freehold Register
CMA	Coastal Marine Area
DPI	Double Pine Investments
NRC	Northland Regional Council
RCP	Regional Coastal Plan
RMA	Resource Management Act, 1991
RPS	Regional Policy Statement for Northland
PRP	Proposed Regional Plan

1. INTRODUCTION

1.1 Report basis

The application has been prepared in accordance with Section 88 and the Fourth Schedule of the Resource Management Act, 1991 (RMA). Section 88 of the RMA requires that resource consent applications be accompanied by an Assessment of Environmental Effects (AEE) in accordance with the Fourth Schedule. A Fourth Schedule checklist is attached at **Appendix 1**.

The report also includes an analysis of the relevant provisions of the district, regional and national planning documents that are pertinent to the assessment and decision required under s104 of the RMA.

1.2 Proposal summary

This application has been prepared on behalf of Double Pine Investments (DPI). The proposal is to renew an existing consent referenced AUT.020435.01.01 to place, use and occupy space in the coastal marine area (CMA) at 352 Whangaroa Harbour, Captain Davis Bay. A copy of the original resource consent decision is attached in **Appendix 5**.

The existing consent relates to the jetty structure shown on the site plan attached in **Appendix 4** and in [Figure 1](#) below:

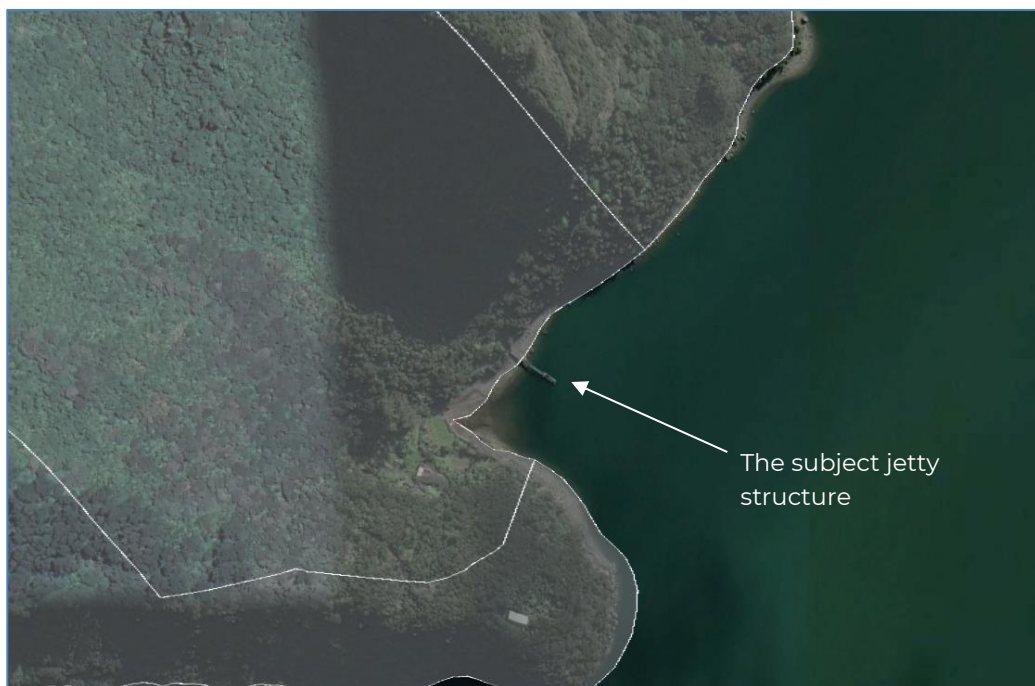


Figure 1: Subject jetty structure

Resource consents are required from the NRC under the provisions of both the Regional Coastal Plan (RCP) and the Proposed Regional Plan (PRP). The overall activity status is 'discretionary' under both plans.

1.3 Property details

Applicant	Double Pine Investments
Land Owners	Double Pine Investments
Site Location	352 Whangaroa Harbour, Captain Davis Bay
Legal Description(s)	Lot 2 DP 337532
Certificate(s) of Title	RT 154171
Total site area	24.7645ha
Regional Coastal Plan Notations	Marine 2 (Conservation) Management Zone
Proposed Regional Plan Notations	General Marine Zone

Table 1: Property Details.

1.4 Resource consents required

Resource consent approval is required under the following rules:

Operative Regional Coastal Plan (RCP)

- **Rule 31.4.4(c) The occupation of space for and use of existing structures authorised by resource consent – discretionary activity**

Approval is required under this rule to use and maintain the existing jetty structure.

Proposed Regional Plan (PRP)

- **Rule C.1.1.21 'Structures in Mooring and General Marine Zones' – discretionary activity**

Approval is required under this rule to continue to use and maintain the existing jetty structure.

Resource consent is required as a **discretionary activity** under the RCP and a **controlled activity** under the PRP. Overall, the proposal is a **discretionary activity**.

1.5 Relevant title memorials

The jetty structure is located within the coastal marine area and therefore is not subject to a record of title. However, the adjacent land is held in a single title RT 154171. This title is subject to single telecommunications, electricity and right of way easement referenced 654433.3.

Copies of the title and relevant easement document are attached in **Appendix 2**.

1.6 Statutory context

Section 104B of the RMA states that:

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

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

(a) may grant or refuse the application; and

(b) if it grants the application, may impose conditions under section 108.

Section 104(1) of the RMA sets out the matters that a consent authority must, subject to Part 2, have regard to when considering an application for resource consent.

104 Consideration of applications

(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—

(a) any actual and potential effects on the environment of allowing the activity; and

(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.

(2) When forming an opinion for the purposes of subsection (1)(a), a consent authority may disregard an adverse effect of the activity on the environment if a national environmental standard or the plan permits an activity with that effect.

This report focuses on the relevant matters in s104(1) and s104B of the RMA and specifically:

- The actual and potential environmental effects (s104(1)(a)).
- The relevant provisions of the RCP and the PRP (s104(1)(b)(vi)).
- The relevant provisions of the RPS (s104(1)(b)(v)).
- The relevant provisions of the NES for Assessing and Managing Contaminants in Soil to Protect Human Health Regulations (s104(1)(b)(i)).

2. THE SITE AND SURROUNDING ENVIRONMENT

2.1 Site description

General

The site associated with this jetty is located on the shores of the Whangaroa Harbour. Given the extensive bush and difficult topography of land surrounding the site, the site is accessed directly from the harbour. The jetty subject to this application facilitates access to the site from the CMA.

The title location and shape is depicted on Figure 2 below:



Figure 2: Location Map.

Built development and structures

The site contains an existing residential unit in its south-eastern corner. This house is accessed via the jetty that extends from the site into the Whangaroa Harbour.

Regional Coastal Plan zoning

Under the RCP, the site is identified as being located within the Marine 2 (Conservation) Management Area.

Under the PRP, the parts of the proposal that are located in the CMA are identified as being part of the 'General Marine Zone'.

Copies of the relevant planning maps are attached in **Appendix 3**.

2.2 Surrounding environment

The subject site is located on the north-western shore of the Whangaroa Harbour. The site is bordered to the north and west by large landholdings which are predominantly occupied by extensive areas of native bush.

The site is located approximately 2 km to the north-east of Totara North and 2.3km north of the Whangaroa boat ramp and sportfishing club.

3. THE PROPOSAL

3.1 The proposal

The proposal is to renew an existing consent referenced AUT.020435.01.01 to place, use and occupy space in the coastal marine area (CMA) at 352 Whangaroa Harbour, Captain Davis Bay. The existing consent relates to the jetty structure shown in [Figure 1](#) of this report and on the site plan attached in **Appendix 4**.

A copy of the original resource consent decision is attached in **Appendix 5**.

The above resource consents are currently scheduled to expire on the 28th of Feb 2023.

3.2 The jetty

The jetty facility consists of a 17m long timber jetty, a 12m long gangway and a 12m x 3m wide floating pontoon.

The jetty is finished with recessive colours in accordance with condition 5 of AUT.020435.01.01. This condition requires compliance with the following table:

Table 2: Colour restrictions

Standard	Contact Recreation Standard CB
Natural visual clarity	Not reduced more than 20%.
Natural hue	Not changed more than 10 Maunsell units.

3.3 Expiry period

A 15 year expiry period is sought as part of this consent.

3.4 Conditions of consent

This application simply proposes to renew the existing resource consent attached in **Appendix 4**. No further changes to the activity are proposed. Therefore, this application proposes to continue to comply with the same conditions of consent.

Ongoing compliance with these conditions will ensure that any adverse effects associated with the renewal of this consent will be managed/mitigated appropriately.

4. REGIONAL PLAN ASSESSMENT

4.1 Activity status

The consent approvals sought under the RCP and the PRP are identified in section 1.4 of this report. Resource consent is required as a discretionary activity under the RCP and a controlled activity the PRP. The application has a **discretionary activity** status overall.

4.2 Legal effect of rules and plan weighting

The NRC are currently progressing a new regional plan (the PRP) through the relevant statutory process set out in the First Schedule of the RMA. NRC released their decisions on the plan changes on the 4th of May 2019, and the appeal process ended on 17th of June 2019.

At the close of the appeal period, the NRC had received multiple appeals. The wide-ranging nature of some of these appeals has (to date) prevented the NRC from declaring any part of plan operative. On this basis, a relatively even weight should be applied to both plans. It is noted however that this weighting exercise will not alter the assessment of this proposal, given the fact that the activity status is the same under both plans.

4.3 Relevant assessment criteria (RCP)

RCP assessment criteria (structures)

Section 32.2.1 of the RCP contains 16 general assessment criteria for applications for resource consent to use and maintain structures that are located in the CMA:

1. Within Marine 1 and Marine 2 Management Areas, whether the proposed structure will be the only structure or the first of its type or the first of any significant size, within an estuary, embayment, or unmodified stretch of coastline and whether the approval of the proposed structure is likely to lead to additional proposals for structures or other types of use and development.
2. Within Marine 3 Management Areas, the extent to which the structure enhances a safe or efficient marine farming operation or is otherwise required for marine farming operations.
3. Within Marine 4 Management Areas, the extent to which the structure provides for the requirements of recreational and commercial vessels and their use, including mooring, refuelling, loading and unloading.
4. Within Marine 5 Management Areas, the extent to which the structure enhances the safe or efficient port operation or is otherwise required for port operations.
5. The extent to which public access to and along the coastal marine area is maintained or enhanced through the use of the proposed structure.
6. The degree of multiple use proposed.

7. The use to which the proposed structure is to be put and the appropriateness of that use in the proposed locality.
8. Whether the proposed structure is the appropriate size to avoid, remedy or mitigate adverse effects (the hierarchy of "avoidance" then "mitigation" then "remediation" shall be interpreted in accordance with Policy 3.2.2 of the NZCPS, 1994) on the coastal environment, taking into account its location and proposed function.
9. The method of construction employed.
10. The extent to which adverse visual effects are considered and the likely effectiveness of any mitigation measures proposed. In particular in relation to proposed buildings, consideration will be given to building height, roof pitch, size and orientation of glazing, colours of external surfaces, and the interrelationship with any existing buildings, towards minimising adverse visual effects. Where the structure is located in the Marine 5 Management Area, consideration will be given to the operational requirement for structures in that area when applying this criterion.
11. With the exclusion of Marine 5 (Port Facilities) Management Area, whether the proposed structure will compromise the recreational use of the site and the surrounding area.
12. Whether the proposed structure will be located in an area known to be prone to erosion and, if so, the extent to which alternatives to erecting or using the structure have been considered, including for structures associated with erosion control .
13. The extent to which the proposed structure will create erosion or siltation and the likely effectiveness of any avoidance or mitigation measures proposed.
14. In regard to proposed natural control structures, the extent to which alternatives to using structures and the alternative types of structures have been investigated and the reasons given for choosing the preferred option in terms of their longterm benefits.
15. The extent to which sea-level rise has been taken into account in the location and design of the proposed structure.
16. The necessity for any proposed alteration or extension of an existing structure and the extent to which the proposed alteration or extension will increase adverse effects, including those on adjoining land.

The above assessment criteria forms the basis for the assessment of environmental effects provided in section 6 of this report.

4.4 RCP Objectives and Policies assessment

Section 17 of the RCP contains multiple objectives and policies relating to the establishment of structures in the CMA. The most relevant objectives and policies to this application are listed as follows:

Objective 17.3 – The provision for appropriate structures within the coastal marine area while avoiding, remedying or mitigating the adverse effects of such structures.

Policy 17.4.1 – To provide for the continued lawfully established use of existing authorised structures within Northland's coastal marine area.

Policy 17.4.7 – 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.

Policy 17.4.8. – In assessment of coastal permit applications to require that all structures within the coastal marine area are maintained in good order and repair and that appropriate construction materials are used.

The above objectives and policies seek to allow for structures CMA where any potential effects are avoided, remedied or mitigated. In this case, the proposal seeks to renew an existing resource consent which will ensure that the existing structure is able to continue to be used into the future. This existing consent was originally approved subject to several conditions of consent. Subject to continued compliance with these conditions, any adverse effects associated with the proposed renewal will continue to be mitigated/avoided. Overall, the proposal will achieve the outcomes sought in the relevant objectives and policies listed above.

Section 26 of the RCP contains specific zone related objectives and policies relating to activities undertaken in the Marine 2 (Conservation) Management Zone. The most relevant objectives and policies to this application are listed as follows:

Objective 26.3.1 – Subdivision, use and development occurring in such a way as to maintain, and where practicable, enhance, the existing natural, cultural and amenity values in the Marine 2 (Conservation) Management Area.

Objective 26.3.2 – Involvement of local communities, and other agencies, in the awareness, maintenance and, where appropriate, enhancement of the values within the Marine 2 (Conservation) Management Area.

Policy 26.4.2 – To recognise that different areas within the Marine 2 (Conservation) Management Area have distinct natural, cultural and amenity values that should be maintained and where possible enhanced.

Policy 26.4.3 – To provide for sustainable, use and development whilst ensuring that the intensity, character and scale of use and development is compatible in relation to the character (including natural character), heritage and amenity values of the adjoining coastal environment.

The above objectives and policies generally seek to enable use and development of the CMA where existing natural and physical character and amenity values are maintained, and where practicable enhanced. In this particular instance, ongoing compliance with the proposed conditions of consent (most notably the colour restrictions imposed under condition five) will ensure that the outcomes sought in the relevant objectives and policies listed above are achieved.

4.5 PRP Objectives and Policies assessment

The subject jetty is located in the 'General Marine Zone' in the PRP. The General Marine Zone is one of five coastal zones identified in the PRP. There is one relevant objective specifically relating to the proposal. This is as follows:

F.1.8 Use and development in the coastal marine area

Use and development in the coastal marine area:

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

The proposal is consistent with Objective F.1.8 for the following reasons:

1. The jetty structure is existing in this environment and is considered to be an efficient use of space occupied in the coastal marine and coastal.
2. Given the small scale of this jetty structure, it is entirely compatible with the location.
3. Public access remains unaffected by the proposal relative to the existing situation. It is noted that the existing structure currently provides the landowners with formal access to the site. Therefore the renewal of this existing consent will continue to provide for this access arrangement.

Further to the above, the relevant policies for Tangata Whenua are set out in D.1 of the PRP. The policies require an assessment of environmental effects related to Tangata Whenua (D.1.1, D.1.2, D.1.3), and places of significance to Tangata Whenua (D.1.4, D.1.5).

In this case, ongoing compliance with the existing conditions of consent will ensure that effects on the wider environment (and its associated cultural values) will continue to be mitigated into the future. It is noted that although the adjacent coastline has a high level of cultural value, the existing jetty structure will continue to be finished in recessive colours to avoid visual dominance in the surrounding coastal environment. In addition, no effects on the ecological biodiversity of the surrounding environment will be generated as a result of the ongoing use of the structure.

Overall, the proposal achieves the outcomes sought in the various policies under D.1 of the PRP.

5. OTHER STATUTORY DOCUMENTS

5.1 Assessment context

Two recent Court decisions¹ dictate that it is no longer appropriate to consider higher-order planning documents, when these higher-order planning documents have been “given effect to” by lower-order planning documents. In this case, the RCP was not prepared under the operative RPS and the PRP is not yet operative. Accordingly, an assessment of the proposal against the RPS is appropriate.

5.2 Regional Policy Statement for Northland

The RPS was made operative in May 2016. It has overarching relevance to the consideration of resource consent applications made under the RCP and PRP, particularly given that the RCP was prepared prior to the operative RPS, and the PRP is not yet operative.

The RPS contains several policies that are directly relevant to the proposal covering the following topics:

- Water quality (objective 3.2, policies 4.2 and 4.3).
- Indigenous ecosystems and biodiversity (objective 3.4, policy 4.4)
- Use and allocation of common resources (objective 3.10, policies 4.7 and 4.8)
- Natural character, outstanding natural features, outstanding natural landscapes and historic heritage (objective 3.14, policies 4.5, 4.6 and 4.8)

The proposal will achieve the intended environmental outcomes sought by the above-mentioned objectives and policies through ongoing adherence to the proposed conditions of consent.

Of particular relevance to this application is Policy 4.8.1, which states:

4.8.1 Policy – Demonstrate the need to occupy space in the common marine and coastal area.

The proposal respond directly to this policy. The existing jetty structure as a functional need to be located within the CMA, particularly due to the fact that this structure facilitates access to the site from the CMA. Compliance with the proposed conditions of consent will ensure that the effects of the marina are

¹ Environmental Defence Society Inc v The New Zealand King Salmon Co Ltd [2014] NZSC 38
R J Davidson Family Trust v Marlborough District Council [2017] NZHC 52

balanced against the existing character and amenity values that need to be maintained.

5.3 Part 2 RMA

The purpose of the RMA, as contained in Section 5, is to promote the sustainable management of natural and physical resources. Sustainable management is defined in Section 5(2) of the RMA as:

- (2) In this Act, ***sustainable management*** means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—
- (a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and
 - (b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and
 - (c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.

The proposal accords with the purpose of the RMA for the following reasons:

1. The proposed works will provide for the social and economic well-being of the owners of the site by enabling them to continue to use this structure for access purposes.
2. Through adherence to the proposed conditions of consent, the effects of the proposed extension will be mitigated/avoided on an ongoing basis.

Section 6 of the Act sets out the matters of national importance for which the consent authority shall recognise and provide for, and Section 7 contains other matters that the consent authority shall have particular regard to. Sections 6(a), (d) and (e) all have some relevance to the proposal, as do Sections 7(a), (b), (c), (d), (f), (g) and (i).

When considered on balance, the proposal is consistent with the purpose of the Act.

6. ASSESSMENT OF ENVIRONMENTAL EFFECTS

6.1 Existing environment

Section 104(1)(a) requires a consideration of any actual and potential effects on the environment of allowing an activity. For the purposes of this consideration, it is necessary to establish the correct environment on which the effects are to be assessed. The existing environment has been outlined in section 2 of this report. For clarity, this includes:

- The existing jetty structure, which currently facilitates access this site from the CMA. This includes the existing resource consent which is currently due to expire on the 28th of February 2023.

6.2 Adverse effects assessment

The purpose of the proposal is to renew an existing consent referenced AUT.020435.01.01 to place, use and occupy space in the CMA at 352 Whangaroa Harbour, Captain Davis Bay. The existing consent relates to the jetty structure shown on the site plan attached in **Appendix 4** and in [Figure 1](#) of this report.

The effects of the proposal is considered to be less than minor overall for the following reasons:

- The existing jetty structure has a functional need to be located within the CMA, particularly due to the fact that this structure facilitates access to the site from the CMA.
- Although the adjacent coastline is forested and amenity is high, the existing jetty structure will continue to be finished in recessive colours to avoid visual dominance in the surrounding coastal environment.
- As the structure is existing there will be no effects on the ecological biodiversity of the surrounding environment.

Overall, ongoing compliance with the proposed conditions of consent will ensure that the effects of the proposal are balanced against the existing character and amenity values that need to be maintained.

7. NOTIFICATION

7.1 Notification

Pursuant to S95A of the RMA, the proposal does not trigger any of the steps that would require public notification of the application. Further, as the proposal is a discretionary activity it is specifically precluded from public notification. Therefore, notification is not necessary pursuant to S95A(9)(b).

Pursuant s95E(1) of the RMA, for the purpose of giving limited notification of an application for a resource consent for an activity to a person under section 95B(9), a person is an affected person if the consent authority decides that the activity's adverse effects on the person are minor or more than minor (but are not less than minor). In this case, no additional parties have been considered as affected for the reasons addressed in section 6 of this report.

Having considered the above, the proposal can proceed on a non-notified basis.

8. CONCLUSION

The proposal is to apply to renew an existing consent referenced AUT.020435.01.01 to place, use and occupy space in the CMA at 352 Whangaroa Harbour, Captain Davis Bay. The existing consent relates to the jetty structure shown in [Figure 1](#) of this report. The effects of the proposal have been considered in section 6 of this report and it has been concluded that the effects of the proposal will be sufficiently mitigated through ongoing compliance with the proposed conditions of consent. Consequently, appropriate regard has been given to s104(1)(a) of the RMA.

In accordance with section 4 of this report, the relevant provisions of the RCP and the PRP have been considered in the context of the proposal. In this regard, the proposal sits comfortably within the policy framework of both of these plans, though significant weighting should be afforded to the proposed provisions of the PRP. In accordance with section 5 of this report, the proposal is also consistent with the RPS, and the purpose of the RMA. Accordingly, appropriate regard has been given to s104(1)(b)(vi) and s104(1)(b)(v) of the RMA.

Having regard to all of the relevant matters in s104(1) and s104B of the RMA, the proposal can be approved subject to appropriate conditions of consent.

APPENDIX 1

FOURTH SCHEDULE CHECKLIST

SCHEDULE 4 RMA CHECKLIST

Clause	Description	Report reference
1. <u>Information must be specified in sufficient detail</u>		
1.	Any information required by this schedule, including an assessment under clause 2(1)(f) or (g), must be specified in sufficient detail to satisfy the purpose for which it is required.	✓
2. <u>Information required in all applications</u>		
1(a)	Description of activity	Section 3
1(b)	Description of the site at which the activity is to occur	Section 2
1(c)	Owners names and addresses	Section 1.3
1(d)	Description of other activities that are part of the proposal	Section 3
1(e)	Description of other resource consents required for the proposal	Section 1.4
1(f)	Assessment of the activity against the matters set out in Part 2 of the RMA	Section 5.3
1(g)	Assessment of the activity against any relevant provisions of a document referred to in section 104(1)(b) RMA	Sections 4 and 5
2(2)(a)	Assessment of the activity against any relevant objectives, policies, or rules in a document referred to in section 104(1)(b) RMA	Sections 4 and 5
2(2)(b)	Assessment of the activity against any relevant requirements, conditions, or permissions in any rules in a document referred to in section 104(1)(b) RMA	Sections 4 and 5
2(2)(c)	Assessment of the activity against any other relevant requirements in a document referred to in section 104(1)(b) RMA	Sections 4 and 5
2(3)(a)	Assessment of the activity's effects on the environment that includes the information required by clause 6	Section 6
3. <u>Additional information required in some applications</u>		
3(a)	If any permitted activity is part of the proposal to which the application relates, a description of the permitted activity that demonstrates that it	N/A

	complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1)):	
3(b)	If the application is affected by section 124 or 165ZH(1)(c) (which relate to existing resource consents), an assessment of the value of the investment of the existing consent holder (for the purposes of section 104(2A)):	N/A
3(c)	If the activity is to occur in an area within the scope of a planning document prepared by a customary marine title group under section 85 of the Marine and Coastal Area (Takutai Moana) Act 2011, an assessment of the activity against any resource management matters set out in that planning document (for the purposes of section 104(2B)).	N/A
4. <u>Additional information required in application for subdivision consent</u>		
4(a)	The position of all new boundaries:	N/A
4(b)	The areas of all new allotments, unless the subdivision involves a cross lease, company lease, or unit plan:	N/A
4(c)	The locations and areas of new reserves to be created, including any esplanade reserves and esplanade strips:	N/A
4(d)	The locations and areas of any existing esplanade reserves, esplanade strips, and access strips:	N/A
4(e)	The locations and areas of any part of the bed of a river or lake to be vested in a territorial authority under section 237A:	N/A
4(f)	The locations and areas of any land within the coastal marine area (which is to become part of the common marine and coastal area under section 237A):	N/A
4(g)	The locations and areas of land to be set aside as new roads.	N/A
5. <u>Additional information required for reclamation application</u>		
5(a)	The location of the area:	N/A
5(b)	If practicable, the position of all new boundaries:	N/A
5(c)	Any part of the area to be set aside as an esplanade reserve or esplanade strip.	N/A

6. Information required in assessment of environmental effects

Note: Under (6)(2) of Schedule 4 a requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

6(1)(a)	If it is likely that the activity will result in any significant adverse effect on the environment, a description of any possible alternative locations or methods for undertaking the activity	N/A
6(1)(b)	Assessment of the actual or potential effect on the environment of the activity	Section 6
6(1)(c)	If the activity includes the use of hazardous substances and installations, an assessment of any risks to the environment that are likely to arise from such use	N/A
6(1)(d)(i)	A description of the nature of the discharge and the sensitivity of the receiving environment to adverse effects	N/A
6(1)(d)(ii)	A description of any possible alternative methods of discharge, including discharge into any other receiving environment	N/A
6(1)(e)	A description of the mitigation measures (including safeguards and contingency plans where relevant) to be undertaken to help prevent or reduce the actual or potential effect	Sections 3.4 and 6
6(1)(f)	Identification of the persons affected by the activity, any consultation undertaken, and any response to the views of any person consulted	Section 8
6(1)(g)	A description of how and by whom the effects will be monitored if the activity is approved	Section 6
6(1)(h)	If the activity will, or is likely to, have adverse effects that are more than minor on the exercise of a protected customary right, a description of possible alternative locations or methods for the exercise of the activity (unless written approval for the activity is given by the protected customary rights group)	Section 6
6(2)	A requirement to include information in the assessment of environmental effects is subject to the provisions of any policy statement or plan.	Noted

7. Matters that must be addressed by assessment of environmental effects

Note: Under 7(2) of Schedule 4 the requirement to address a matter in the assessment of environmental effects is subject to the provisions of any policy statement or plan.

7(1)(a)	Assessment of any effect on those in the neighbourhood and, where relevant, the wider community, including any social, economic, or cultural effects	Section 6
7(1)(b)	Assessment of any physical effect on the locality, including any landscape and visual effects	Section 6
7(1)(c)	Assessment of any effect on ecosystems, including effects on plants or animals and any physical disturbance of habitats in the vicinity	Section 6
7(1)(d)	Assessment of any effect on natural and physical resources having aesthetic, recreational, scientific, historical, spiritual, or cultural value, or other special value, for present or future generations	Section 6
7(1)(e)	Assessment of any discharge of contaminants into the environment, including any unreasonable emission of noise, and options for the treatment and disposal of contaminants	N/A
7(1)(f)	Assessment of any risk to the neighbourhood, the wider community, or the environment through natural hazards or the use of hazardous substances or hazardous installations	Section 6

APPENDIX 2

RECORD OF TITLE



**RECORD OF TITLE
UNDER LAND TRANSFER ACT 2017
FREEHOLD
Search Copy**




R.W. Muir
Registrar-General
of Land

Identifier 154171
Land Registration District North Auckland
Date Issued 15 August 2005

Prior References
NA130/44

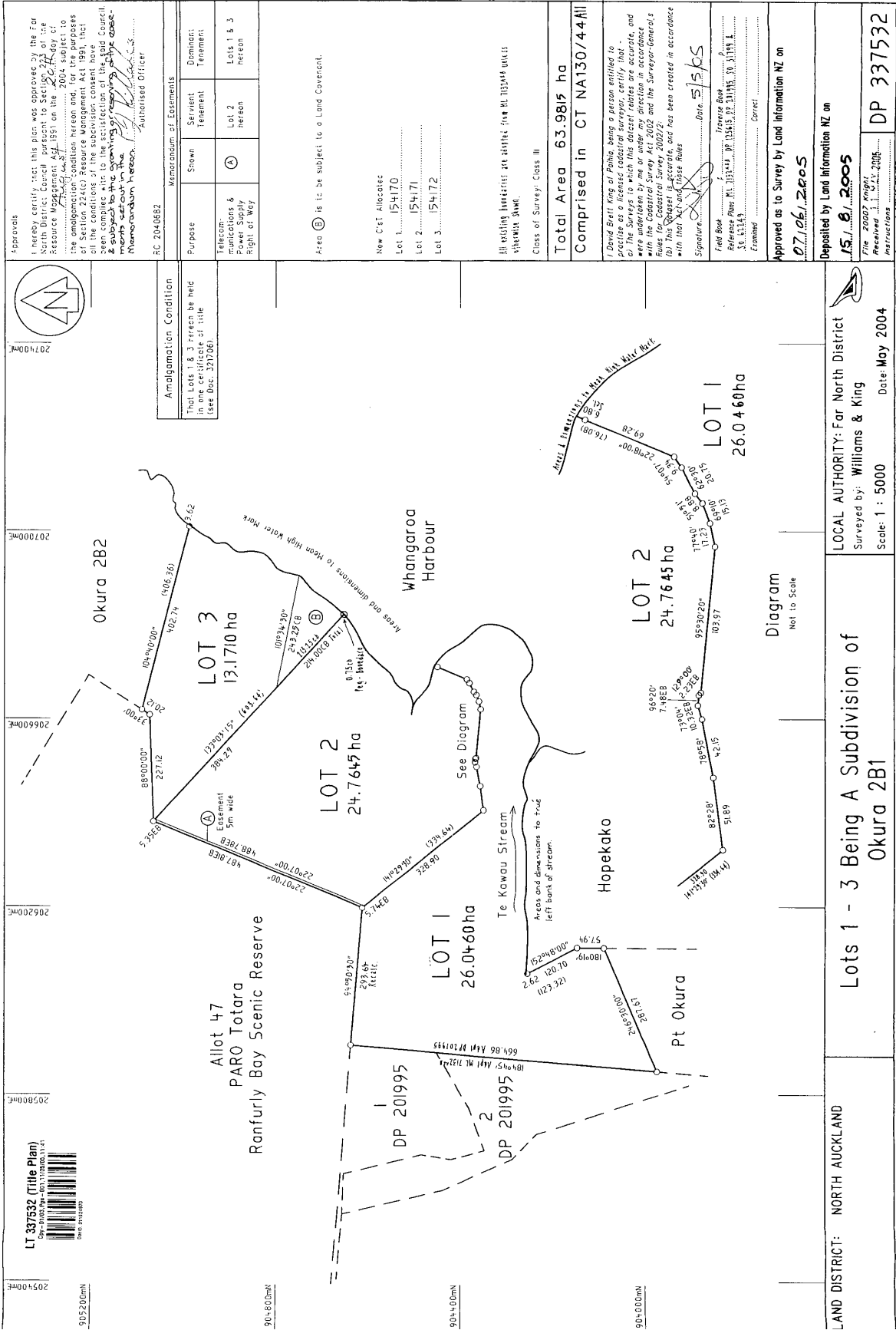
Estate Fee Simple
Area 24.7645 hectares more or less
Legal Description Lot 2 Deposited Plan 337532

Registered Owners
DOUBLE PINE INVESTMENT LIMITED

Interests

Subject to right to convey telecommunications & electricity & right of way easements over part marked A on DP 337532 created by Easement Instrument 6541433.3 - 15.8.2005 at 9:00 am

The easements created by Easement Instrument 6541433.3 are subject to Section 243 (a) Resource Management Act 1991



I hereby certify that this plan was approved by the Far North District Council pursuant to Section 223 of the Resource Management Act 1991 on the 27th day of 15/06/2004 subject to the conditions of the subdivision consent and the provisions of the Resource Management Act 1991. This plan is subject to the provisions of the Resource Management Act 1991 and all the conditions of the subdivision consent have been complied with to the satisfaction of the Council. I am satisfied that the plan is correct and is subject to the provisions of the Resource Management Act 1991.

[Signature]
Authorised Officer

Memorandum of Easements		
Purpose	Shown	Dominant Tenement
Telephone Lines & Power Supply	(A)	Lots 1 & 3
Right of Way		Lot 2

Area (B) is to be subject to a Land Covenant.

New Cst Allocated:
 Lot 1 154170
 Lot 2 154171
 Lot 3 154172

All existing easements are retained from all previous titles pursuant to Rule 2.3.2.

Class of Survey: Class III

Total Area 63.9815 ha
Comprised in CT NA130/44All

David Brett King of Puhia, being a person entitled to practise as a Surveyor, has surveyed the boundaries of the Surveys to which this document relates and the same were undertaken by me or under my direction in accordance with the Cadastral Survey Act 2002 and the Survey-General's Rules 1994 (Cadastral Survey 2002/2). The boundaries shown on this plan and have been created in accordance with that Act and these Rules.

Signature: *[Signature]* Date: 15/06/04

Print Name: David Brett King
 Registration No: 33333
 Chamber: Direct

Approved as to Survey by Land Information NZ on 07/06/2004

Deposited by Land Information NZ on 15/06/2004

File No: 2004/0071
 Registration No: 2004/0071
 District: Far North District
 DP 337532

Amalgamation Condition	
That Lots 1 & 3 herein be held in one certificate of title (see Doc. 321706).	

Scale: 1 : 5000
 Date: May 2004

LOCAL AUTHORITY: Far North District
 Surveyed by: Williams & King

LAND DISTRICT: NORTH AUCKLAND
 Lots 1 - 3 Being A Subdivision of Okura 2B1

Approved by Registrar-General of Land under No. 2002/6055

Easement instrument to grant easement or profit à prendre, or create land covenant
Sections 90A and 90F, Land Transfer Act 1952

Land registration district

NORTH AUCKLAND



EI 6541433.3 Easement I

Cpy - 01/01.Pgs - 008.19/08/05.10:45



DocID 312076739

Grantor

Surname(s) must be underlined or in CAPITALS.

Dennis Noel KREBS, Sarah Jane DODD and Simon Willsher KNIGHT and Ruth Barbara KNIGHT

Grantee

Surname(s) must be underlined or in CAPITALS.


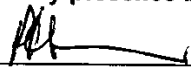
Dennis Noel KREBS, Sarah Jane DODD and Simon Willsher KNIGHT and Ruth Barbara KNIGHT

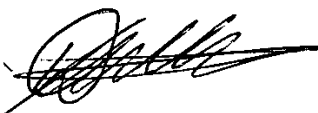
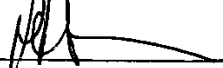
Grant* of easement or profit à prendre or creation or covenant

The Grantor, being the registered proprietor of the servient tenement(s) set out in Schedule A, grants to the Grantee (and, if so stated, in gross) the easement(s) or profit(s) à prendre set out in Schedule A, or creates the covenant(s) set out in Schedule A, with the rights and powers or provisions set out in the Annexure Schedule(s).

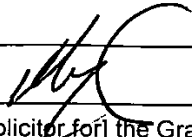
Dated this 17th day of June 2005

Attestation

 Dennis Noel KREBS	Signed in my presence by the Grantor  Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name <u>PAUL BOWLING</u> Occupation <u>ENGINEER</u> Address: <u>28 GREENLANE RD WASHINGTON</u>
	Signature [common-seal] of Grantor

 Dennis Noel KREBS	Signed in my presence by the Grantee  Signature of witness Witness to complete in BLOCK letters (unless legibly printed) Witness name <u>PAUL BOWLING</u> Occupation <u>ENGINEER</u> Address: <u>28 GREENLANE RD WASHINGTON</u>
	Signature [common-seal] of Grantee

Certified correct for the purposes of the Land Transfer Act 1952.



[Solicitor for] the Grantee

*If the consent of any person is required for the grant, the specified consent form must be used.

Annexure Schedule 1



Easement instrument Dated 17th June 2005 Page 1 of 3 pages

Schedule A

(Continue in additional Annexure Schedule if required.)

Purpose (nature and extent) of easement, profit, or covenant	Shown (plan reference)	Servient tenement (Identifier/CT)	Dominant tenement (Identifier/CT or in gross)
Right to convey Telecommunications and Electricity and a Right of Way	A on DP337532	Lot 2 DP2337532 CT 154171	Lots 1 and 3 DP337532 CT 154170

Easements or profits à prendre rights and powers (including terms, covenants, and conditions)

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

Unless otherwise provided below, the rights and powers implied in specific classes of easement are those prescribed by the Land Transfer Regulations 2002 and/or the Ninth Schedule of the Property Law Act 1952.

The implied rights and powers are ~~[varied]~~ ~~[negatived]~~ ~~[added to]~~ or ~~[substituted]~~ by:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].~~

~~[the provisions set out in Annexure Schedule 2].~~

Covenant provisions

Delete phrases in [] and insert memorandum number as required.

Continue in additional Annexure Schedule if required.

The provisions applying to the specified covenants are those set out in:

~~[Memorandum number _____, registered under section 155A of the Land Transfer Act 1952].~~

~~[Annexure Schedule 2].~~

All signing parties and either their witnesses or solicitors must sign or initial in this box

RBK: JWA. [Signature] [Signature] [Signature]

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement Instrument

Dated

17th June 2005

Page

2

of

3

pages

(Continue in additional Annexure Schedule, if required.)

Where there is a conflict between the provisions of the Fourth Schedule to the Land Transfer Regulations 2002 and the Ninth Schedule to the Property Law Act 1952, the provisions of the Ninth Schedule must prevail.

Where there is a conflict between the provisions of the Fourth Schedule and/or the Ninth Schedule and the modifications in this Easement Instrument, the modifications must prevail.

The implied rights and powers are varied as follows:

Any maintenance, repair or replacement of the right of way, stormwater, sewage drains and pipes, and telecommunication, computer media and electric power cables on the servient or dominant land that is necessary because of any act or omission by the Grantor or Grantee (which includes agents, employees, contractors, subcontractors and invitees of that Grantor or Grantee) must be carried out promptly by that owner and at that owner's sole cost. Where the act or omission is the partial cause of the maintenance, repair or replacement, the costs payable by that owner responsible must be in proportion to the amount attributable to that act or omission (with the balance payable in accordance with Clause 11 of the Fourth Schedule).

Continuation of Attestation Clauses

Signed in my presence by the Grantor
Sarah Jane DODD

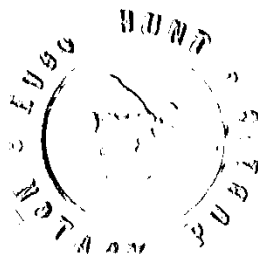
Witness Signature
Witness Full Name
Occupation
Address

PAUL BOUDRINE
ENGINEER
26 GREENLAW R.D., MASTERTON

Signed in my presence by the Grantor
Simon Willsher KNIGHT

Witness Signature
Witness Full Name
Occupation
Address

HUGO HUNT
Notary Public
23 High Street, Sheshamby Sea
England



If this Annexure Schedule is used as an annexure to an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

RPOK.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Easement Instrument

Dated 17th June 2005

Page 3 of 3 pages

(Continue in additional Annexure Schedule, if required.)

Continuation of Attestation Clauses

Signed in my presence by the Grantor
Ruth Barbara KNIGHT

R.B. Knight

Witness Signature

Hugo Hunt

Witness Full Name

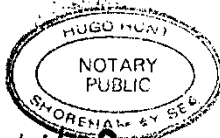
HUGO HUNT

Occupation

Notary Public

Address

23 High Street Shoreham by Sea
England



Signed in my presence by the Grantee
Sarah Jane DODD

[Signature]

Witness Signature

[Signature]

Witness Full Name

PAUL BOWENING

Occupation

ENGINEER

Address

26 GREENCANE RD, WASTERTON

Signed in my presence by the Grantee
Simon Willsher KNIGHT

[Signature]

Witness Signature

Hugo Hunt

Witness Full Name

HUGO HUNT

Occupation

Notary Public

Address

23 High Street Shoreham by Sea
England



Signed in my presence by the Grantee
Ruth Barbara KNIGHT

R.B. Knight

Witness Signature

Hugo Hunt

Witness Full Name

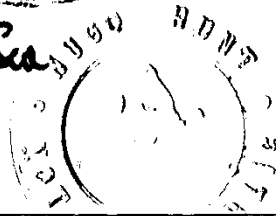
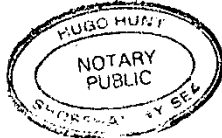
HUGO HUNT

Occupation

Notary Public

Address

23 High Street Shoreham by Sea
England



If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

[Signature]

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Caveat

Page **1** of **2** pages

Consentor

Surname must be underlined or in CAPITALS

Frances Anne Lane BROOKER, Marion Grace LANE, Paul Ellyett LANE, Grant Phillip LANE and Mark Richard LANE

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

Caveator pursuant to Caveat number D101756.1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to ~~[section 238(2) of the Land Transfer Act 1952]~~

[section _____ of the _____ Act _____]

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

Deposit of Plan 337532 ("the said plan") together with the grant of the easements shown on the said plan and a Land Covenant in favour of the Far North District Council over the area marked 'B' on the said plan

Dated this 21 day of March 2005

Attestation

<p style="text-align: center;"><i>Frances Anne Lane Brooker</i></p> <p>Frances Anne Lane BROOKER</p>	<p>Signed in my presence by the Consentor</p> <p style="text-align: center;"><i>[Signature]</i></p>
	<p>Signature of Witness</p> <p>Witness to complete in BLOCK letters (unless legibly printed)</p> <p>Witness name <u>ALISON JANE FOX</u></p> <p>Occupation <u>RECEPTIONIST</u></p> <p>Address <u>91 GRACE CRES TAUPO</u></p>
<p>Signature of Consentor</p>	<p>(Continued Annexure Schedule)</p>

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

Annexure Schedule



Insert type of instrument
"Mortgage", "Transfer", "Lease" etc

Consent of Caveator

Dated 21 March 2005

Page 2 of 2 pages

(Continue in additional Annexure Schedule, if required.)

Consents of Caveators under Caveat Number D101756.1

Continuation of Attestation clauses

Signed in my presence by the Caveator
Marion Grace LANE

Witness Signature

Witness Full Name ALISON JANE FOX
Occupation RECEPTIONIST
Address 91 GRACE CRES
TAUPO

Signed in my presence by the Caveator
Paul Ellyett LANE

Witness Signature

Witness Full Name ALISON JANE FOX
Occupation RECEPTIONIST
Address 91 GRACE CRES
TAUPO

Signed in my presence by the Caveator
Grant Phillip LANE

Witness Signature

Witness Full Name ALISON JANE FOX
Occupation RECEPTIONIST
Address 91 GRACE CRES
TAUPO

Signed in my presence by the Caveator
Mark Richard LANE

Witness Signature

Witness Full Name ALISON JANE FOX
Occupation RECEPTIONIST
Address 91 GRACE CRES
TAUPO

If this Annexure Schedule is used as an expansion of an instrument, all signing parties and either their witnesses or solicitors must sign or initial in this box.

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Caveat

Page 1 of 1 pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

Dennis Noel KREBS and Sarah Jane DODD

Caveat Number 6247857. ~~1~~ 2

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to ~~section 238(2) of the Land Transfer Act 1952~~

~~section~~ of the ~~Land Transfer Act 1952~~ Act

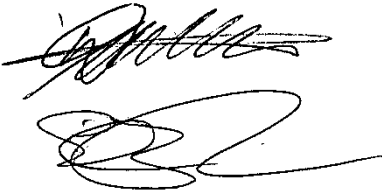
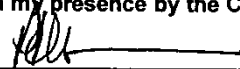
[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

The deposit of plan 337532 and to the registration of the Memorandum of Easements thereon

Dated this 17th day of June 2005

Attestation

	Signed in my presence by the Consentor 
	Signature of Witness Witness to complete in BLOCK letters (unless legibly printed) Witness name PAUL BOWLING Occupation ENGINEER Address 26 GREENLANE RD MASTERTON
Signature of Consentor	

An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.

Annexure Schedule - Consent Form

Land Transfer Act 1952 section 238(2)



Insert type of instrument
"Caveat", "Mortgage" etc

Caveat

Page **1** of **1** pages

Consentor

Surname must be underlined or in CAPITALS

Capacity and Interest of Consentor

(eg. Caveator under Caveat no./Mortgagee under Mortgage no.)

Simon Willsher KNIGHT and Ruth Barbara KNIGHT

Caveat Number 6247857 ~~2~~ 1

Consent

Delete Land Transfer Act 1952, if inapplicable, and insert name and date of application Act.

Delete words in [] if inconsistent with the consent.

State full details of the matter for which consent is required.

Pursuant to ~~section 238(2) of the Land Transfer Act 1952~~

~~section~~ of the _____ Act _____]

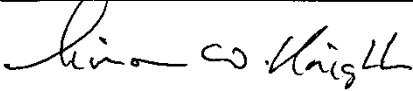

[Without prejudice to the rights and powers existing under the interest of the Consentor]

the Consentor hereby consents to:

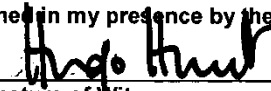
The deposit of Plan 337532 and to the registration of the Memorandum of Easements thereon

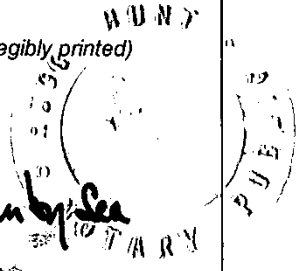
Dated this 14th day of June, 2005

Attestation


Simon Willsher KNIGHT

Ruth Barbara KNIGHT

Signature of Consentor

Signed in my presence by the Consentor

Signature of Witness
Witness to complete in BLOCK letters (unless legibly printed)
Witness name **HUGO HUNT**
Occupation **Notary Public**
Address **23 High Street Shoeloham by Sea
England**



An Annexure Schedule in this form may be attached to the relevant instrument, where consent is required to enable registration under the Land Transfer Act 1952, or other enactments, under which no form is prescribed.







APPENDIX 3

PLANNING MAPS (NRC)



Legend

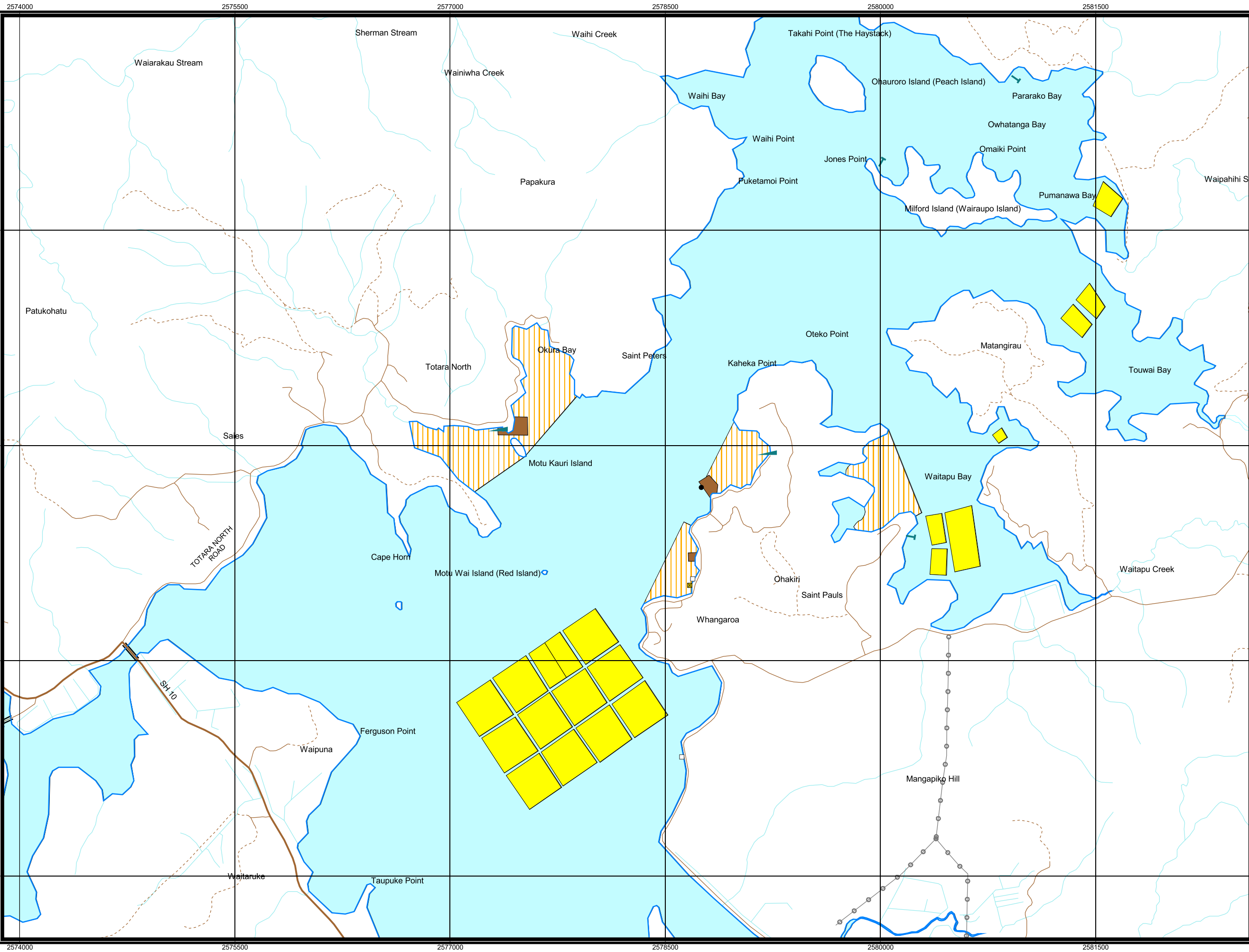
Coastal Zones

ZONE

-  Coastal Commercial Zone
-  Marina Zone
-  Marsden Point Port Zone
-  Mooring Zone
-  Whangarei City Centre Marine Zone
-  General Marine Zone

Significant Ecological Areas

-  Within CMA
-  Landward Extension



Map C5

Whangaroa Harbour



Map Scale
1 : 25000

LEGEND LOCATED AT BACK OF MAP FOLDER

Topographical and Cadastral Information derived from Land Information NZ. CROWN COPYRIGHT RESERVED

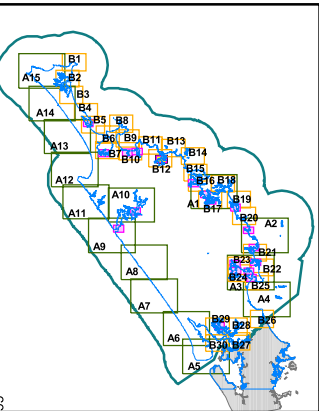
Map grid values are shown in NZMG co-ordinates, GD 1949.

These maps are an indicative representation, for more specific information contact the NRC.

The RCP for Northland covers the coastal marine area which extends from the landward extent of Mean High Water Springs and the negotiated cross river mouth boundary to the 12 Nautical Mile limit.

Caution: This map should not be used for navigational purposes.

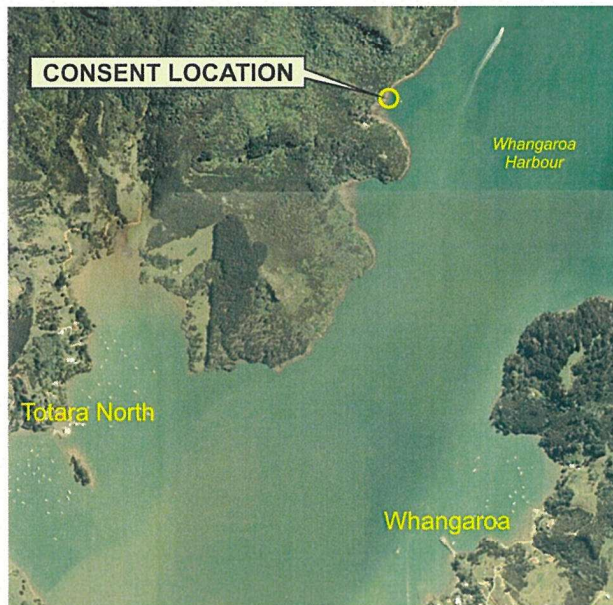
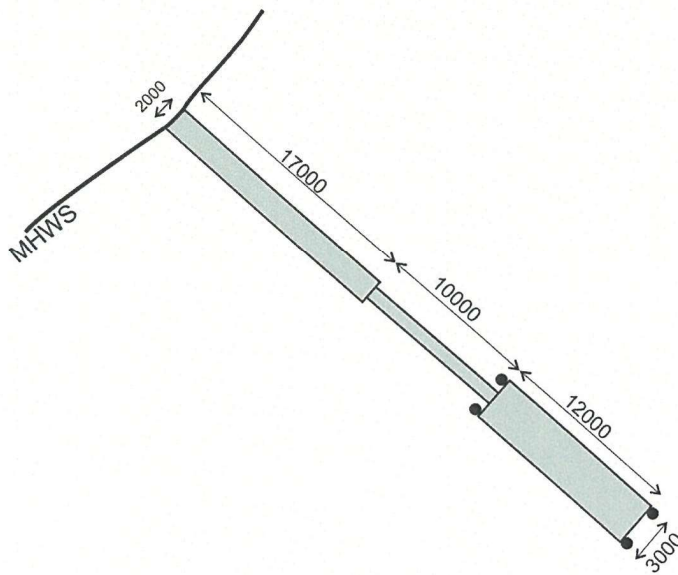
Locality Map:



CARING FOR NORTHLAND AND ITS ENVIRONMENT

APPENDIX 4

SITE PLAN



Location Co-ordinates:
 Datum: NZTM
 Easting: 1667695
 Northing: 6123370



RESOURCE CONSENT CON20082043501
 for
 S W & R B Knight
 Jetty, Gangway & Pontoon Facility
 Whangaroa Harbour

Scale: N.T.S.
 Drawn: CNA 04/08
 App'd *Ali. Roberts 04/08*
 Plan No.
4204

APPENDIX 5

EXISTING RESOURCE CONSENT

Document Date: 07.07.2016

DOUBLE PINE INVESTMENT LIMITED

AUT.020435.01.01 To place, use and occupy space in the coastal marine area with a jetty, gangway and pontoon facility at Captain Davis' Bay, Whangaroa Harbour, at or about location co-ordinates 1667695E 6123370N.

Note: All location co-ordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection.

Subject to the following conditions:

- 1 This consent applies only to the jetty facility identified on NRC Plan No. **4204 attached**.
- 2 The Consent Holder shall mark the jetty facility with the number **20435** in black lettering on a white background clearly displayed and in such a manner as to be clearly visible from sea.
- 3 The Consent Holder shall notify the Council in writing of the date construction of the jetty facility is intended to commence at least two weeks beforehand, and as soon as the work is completed.
- 4 The Consent Holder shall ensure that a copy of this consent is provided to the person who is to carry out the construction work. A copy of the consent shall be held on site, and available for inspection by the public, during construction.
- 5 The Consent Holder shall exercise this consent in a manner which ensures that the quality of the receiving waters, at any point 10 metres from the jetty facility, as a result of the exercise of this consent, always meet the following standard:

Standard	Contact Recreation Standard CB
Natural visual clarity	Not reduced more than 20%.
Natural hue	Not changed more than 10 Maunsell units.
Oil/grease film, scum, foam, odour	No conspicuous oil or grease film, scums or foams, floatable or suspended materials, or emissions of objectionable odour.
Concentration of dissolved oxygen	Not reduced below 80% saturation.
Natural temperature	Not changed by more than 3°C.

- 6 Boat maintenance that is likely to cause contaminants to enter the coastal marine area shall not be carried out at the jetty facility (e.g. removal or application of paint or antifouling, activities involving grease or oil).
- 7 No discharge of wastes (e.g. sewage, oil, contaminated bilge water) shall occur from any vessel using the jetty facility.
- 8 The Consent Holder shall keep the coastal marine area free of debris resulting from the Consent Holder's activities.
- 9 The Consent Holder shall maintain the jetty facility covered by this consent in good order and repair.
- 10 The jetty facility shall be finished in non reflective recessive colours.
- 11 The Consent Holder shall, for the purposes of adequately monitoring the consent as required under Section 35 of the Act, on becoming aware of any contaminant associated with the Consent Holder's operations escaping otherwise than in conformity with this consent:
 - (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain such escape; and
 - (b) Immediately notify the Council by telephone of an escape of contaminant; and
 - (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the escape; and
 - (d) Report to the Council in writing within one week on the cause of the escape of the contaminant and the steps taken or being taken to effectively control or prevent such escape.
- 12 The Council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions of this consent annually during the month of November. The review may be initiated for any one or more of the following purposes:
 - (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or to deal with any such effects following assessment of the results of the monitoring of the consent and/or as a result of the Council's monitoring of the state of the environment in the area.
 - (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.
 - (c) To provide for compliance with rules in any regional plan that has been made operative since the commencement of the consent.
 - (d) To deal with any inadequacies or inconsistencies the Council considers there to be in the conditions of the consent, following the establishment of the activity the subject of the consent.
 - (e) To deal with any material inaccuracies that may in future be found in the information made available with the application. (Notice may be served at any time for this reason.)

(f) To change existing, or impose new limits on conditions.

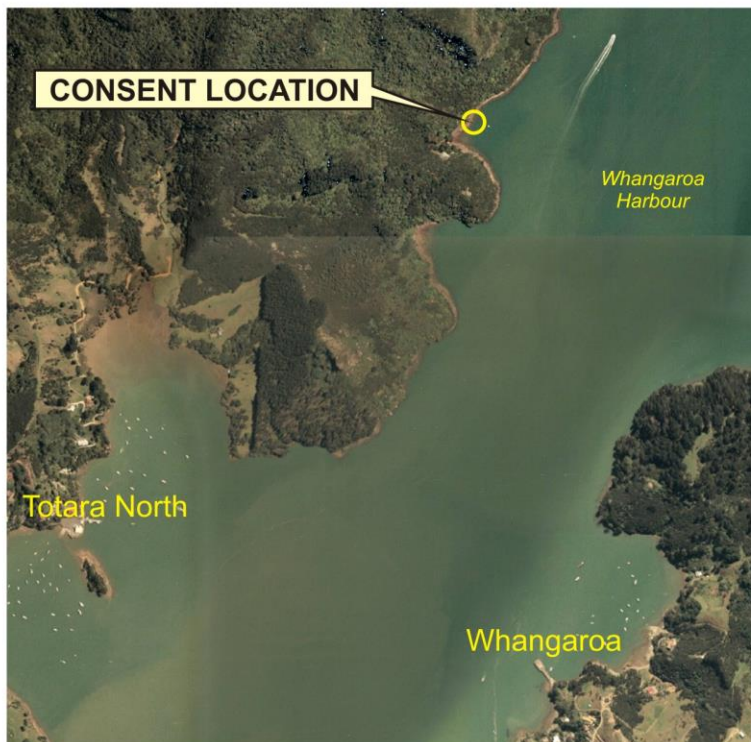
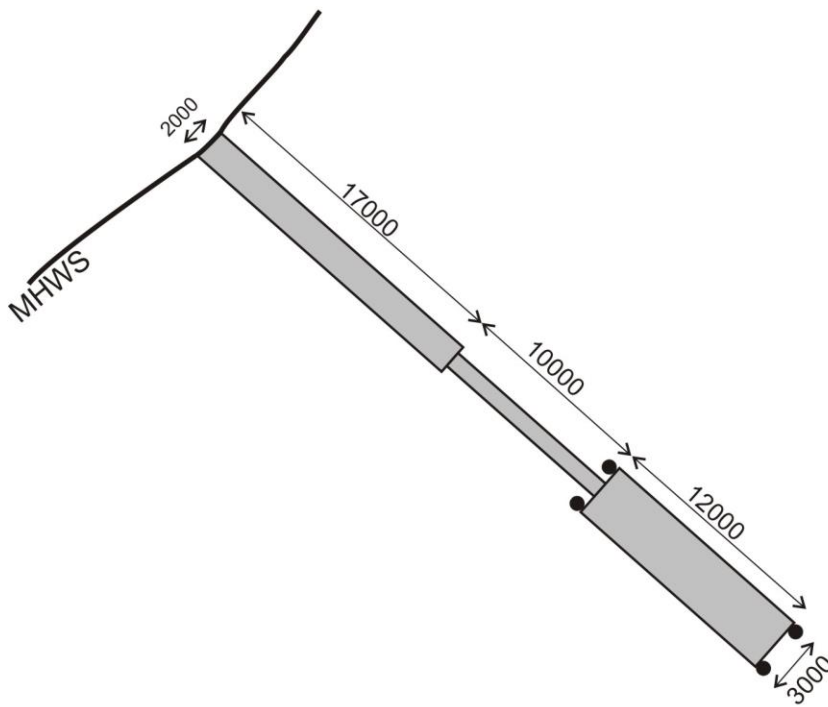
The Consent Holder shall meet all reasonable costs of any such review.

- 13 Prior to the expiry, cancellation, or lapsing of this consent the Consent Holder shall remove all structures and other materials and refuse associated with this consent from the consent area and shall restore the consent area to the satisfaction of the Council, unless an application for a replacement consent has been properly made beforehand.

EXPIRY DATE: 28 FEBRUARY 2023

ISSUED at Whangarei this Twenty Third Day of May 2008

TRANSFERRED ON: 7 JULY 2016
TRANSFERRED TO: DOUBLE PINE INVESTMENTS LIMITED



Location Co-ordinates:
 Datum: NZTM
 Easting: 1667695
 Northing: 6123370



RESOURCE CONSENT CON20082043501
 for
S W & R B Knight
Jetty, Gangway & Pontoon Facility
Whangaroa Harbour

Scale: N.T.S.

Drawn: CNA 04/08

App'd:

Plan No.

4204

RESOURCE CONSENT DECISION

CON20082043501

Non Notified New

Pursuant to Section 104B of the Resource Management Act 1991 ("the Act"), the Northland Regional Council ("the Council") hereby grants resource consent to:

Simon Willsher KNIGHT and Ruth Barbara KNIGHT

To place, use and occupy space in the coastal marine area with a jetty, gangway and pontoon facility at Captain Davis' Bay, Whangaroa Harbour, at or about location co-ordinates 1667695E 6123370N.

Note: All location co-ordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection.

Subject to the following conditions:

- 1 This consent applies only to the jetty facility identified on NRC Plan No. **4204 attached**.
- 2 The Consent Holder shall mark the jetty facility with the number **20435** in black lettering on a white background clearly displayed and in such a manner as to be clearly visible from sea.
- 3 The Consent Holder shall notify the Council in writing of the date construction of the jetty facility is intended to commence at least two weeks beforehand, and as soon as the work is completed.
- 4 The Consent Holder shall ensure that a copy of this consent is provided to the person who is to carry out the construction work. A copy of the consent shall be held on site, and available for inspection by the public, during construction.
- 5 The Consent Holder shall exercise this consent in a manner which ensures that the quality of the receiving waters, at any point 10 metres from the jetty facility, as a result of the exercise of this consent, always meet the following standard:

Standard	Contact Recreation Standard CB
Natural visual clarity	Not reduced more than 20%.
Natural hue	Not changed more than 10 Maunsell units.
Oil/grease film, scum, foam, odour	No conspicuous oil or grease film, scums or foams, floatable or suspended materials, or emissions of objectionable odour.
Concentration of dissolved oxygen	Not reduced below 80% saturation.
Natural temperature	Not changed by more than 3°C.

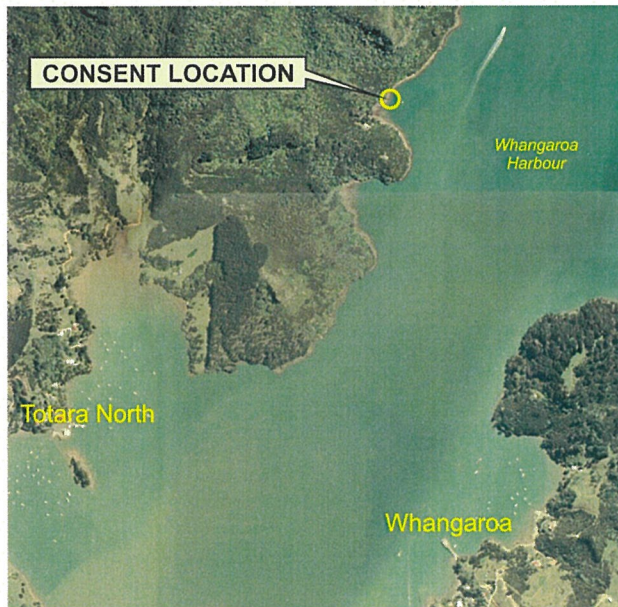
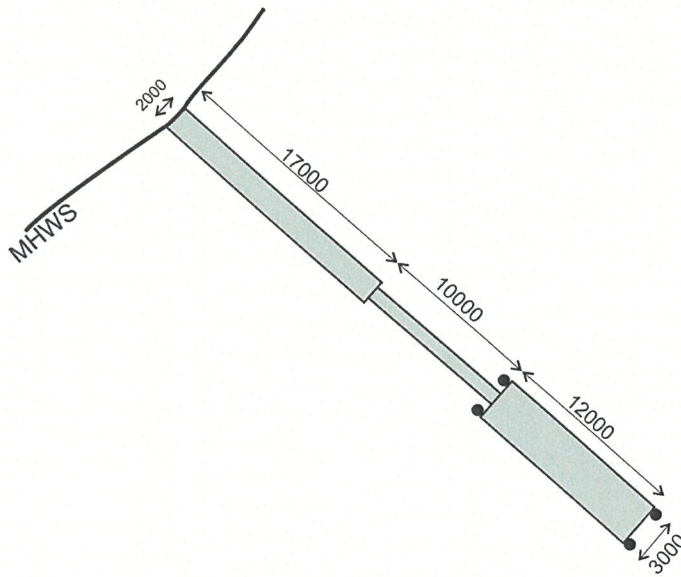
- 6 Boat maintenance that is likely to cause contaminants to enter the coastal marine area shall not be carried out at the jetty facility (e.g. removal or application of paint or antifouling, activities involving grease or oil).
- 7 No discharge of wastes (e.g. sewage, oil, contaminated bilge water) shall occur from any vessel using the jetty facility.
- 8 The Consent Holder shall keep the coastal marine area free of debris resulting from the Consent Holder's activities.
- 9 The Consent Holder shall maintain the jetty facility covered by this consent in good order and repair.
- 10 The jetty facility shall be finished in non reflective recessive colours.
- 11 The Consent Holder shall, for the purposes of adequately monitoring the consent as required under Section 35 of the Act, on becoming aware of any contaminant associated with the Consent Holder's operations escaping otherwise than in conformity with this consent:
 - (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain such escape; and
 - (b) Immediately notify the Council by telephone of an escape of contaminant; and
 - (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the escape; and
 - (d) Report to the Council in writing within one week on the cause of the escape of the contaminant and the steps taken or being taken to effectively control or prevent such escape.
- 12 The Council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions of this consent annually during the month of November. The review may be initiated for any one or more of the following purposes:
 - (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or to deal with any such effects following assessment of the results of the monitoring of the consent and/or as a result of the Council's monitoring of the state of the environment in the area.
 - (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.
 - (c) To provide for compliance with rules in any regional plan that has been made operative since the commencement of the consent.
 - (d) To deal with any inadequacies or inconsistencies the Council considers there to be in the conditions of the consent, following the establishment of the activity the subject of the consent.
 - (e) To deal with any material inaccuracies that may in future be found in the information made available with the application. (Notice may be served at any time for this reason.)

(f) To change existing, or impose new limits on conditions.

The Consent Holder shall meet all reasonable costs of any such review.

- 13 Prior to the expiry, cancellation, or lapsing of this consent the Consent Holder shall remove all structures and other materials and refuse associated with this consent from the consent area and shall restore the consent area to the satisfaction of the Council, unless an application for a replacement consent has been properly made beforehand.

EXPIRY DATE: 28 FEBRUARY 2023



Location Co-ordinates:
 Datum: NZTM
 Easting: 1667695
 Northing: 6123370



RESOURCE CONSENT CON20082043501
 for
S W & R B Knight
Jetty, Gangway & Pontoon Facility
Whangaroa Harbour

Scale: N.T.S.
 Drawn: CNA 04/08
 App'd *Oliver P. [Signature]* 04/08
 Plan No.
4204

REASONS FOR THE DECISION

Description of the Proposed Activity

The application is to place, use and occupy space in the coastal marine area with a new jetty gangway and pontoon facility. The applicants require the new jetty facility for access to their landlocked property. The new jetty will be replacing an existing unconsented jetty (CON19001026001) that is not large enough for safe access in all weather conditions.

The new jetty facility will consist of a 17 metre long timber jetty, a 12 metre long gangway and a 12 metre long by 3 metre wide floating pontoon.

The jetty facility will be located in the small Captain Davis' Bay, south of Puketamoi Point, Whangaroa Harbour. The applicant also holds a consent for swing mooring number 2704. This mooring consent expires on 28 February 2015.

Regional Plan Rule Affected

The new jetty facility will be located within a Marine 2 (Protection) Management Area.

Under Rule 31.4.4(w) of the Regional Coastal Plan the new jetty facility is classified as a **Discretionary Activity**.

Relevant Statutory Provisions

In considering this application, the Council has had regard to the matters outlined in Section 104 of the Act. In particular, the Council has had regard to:

The relevant provisions of the following planning documents:

- (a) The Resource Management Act 1991
- (b) The New Zealand Coastal Policy Statement, Chapters 1 and 3;
- (c) The Northland Regional Policy Statement, Part IV;
- (d) The Regional Coastal Plan for Northland, Parts V and VI.

Most of the objectives and policies contained within the Regional Policy Statement are mirrored in the Regional Coastal Plan. The activity is considered to be consistent with the relevant objectives and policies contained in the New Zealand Coastal Policy Statement, the Northland Regional Policy Statement and the Regional Coastal Plan for Northland.

Principal Issues and Main Findings of Fact

The principal issue arising from the proposal is whether the environmental effects of the placement and use of the jetty facility in the coastal marine area on flora, fauna, amenity, and water quality, will be more than minor or less than minor.

The Council considers that the adverse effects of the activity on the environment will be no more than minor. The main findings of fact associated with the proposed activity involve the actual and potential effects on the environment and the relevant objectives and policies of the Regional Coastal Plan.

- Effects on amenity will be no more than minor. Although the adjacent coastline is forested and amenity is high, the new jetty facility will be replacing an existing structure albeit an unauthorised one. The jetty facility will be finished in non-reflective recessive colours so will not visually dominate the surroundings. (Objective 7.3. and Policy 7.4.3)
- Effects on water quality will be minor and temporary during construction. The timber jetty will extend over the intertidal zone, so sediment disturbance during construction at low tide will not enter the water column and at high tide the environmental effects will be only minor. Appropriate consent conditions will be imposed to address water quality during construction. (Objective 13.3 and Policy 13.4.2)
- Effects on flora and fauna will be less than minor. Effects on benthic biota will be limited to where the piles are driven into the seabed.
- There will be no change to public access. Currently public access to this bay is very limited due to the steep forested coastline. The new jetty facility will be available to public when not in use by the applicant. (Objective 10.3.1 and Policy 10.4.1)
- The jetty facility is appropriate in this case as there is no alternative terrestrial access to the applicant's property. (Objective 17.3 and Policy 17.4.3)
- Scouring is unlikely as the jetty facility is not a solid structure and allows natural water and sediment movement around the piles, and then only during the higher stages of the tide when water covers the intertidal zone. (Objective 15.3.2 and Policy 15.4.2)

PART II MATTERS

The Council has taken into account the relevant principles outlined in Sections 6, 7 and 8 of the Act and it is considered that granting this resource consent achieves the purpose of the Act as presented in Section 5.

NOTIFICATION AND AFFECTED PARTIES

The applicant has obtained affected persons consent from their immediate neighbour. This neighbour also holds a consent for swing mooring number 2706, next to the applicant's swing mooring.

In accordance with the Council's policy, a copy of the application was circulated to the Department of Conservation, the Far North District Council, the Maritime Safety Authority and Iwi, inviting them to comment.

The Department of Conservation commented that the possible visual impact of the jetty may be mitigated by ensuring that the gangway and pontoon be finished in a recessive colour.

No comment was received from any of the other parties which may be taken to indicate that they had no particular matter that they wished to raise in regard to this application.

The Council's Coastal Consents Team Leader has, under the authority delegated to him, decided that the provisions of Section 94(2) of the Act have been met and therefore the application has been processed without notification.

DURATION OF THE CONSENT

The applicant did not indicate a preferred term of consent.

In determining the term of a particular consent, the Regional Coastal Plan directs (Section 33.6) that regard is to be given to:

- (a) the sustainable nature of the resource affected by the activity proposed;
- (b) the knowledge of the environmental effects associated with the activity;
- (c) the Northland Regional Council's Regional Monitoring Strategy (when completed);
- (d) the period of the operative Regional Coastal Plan and the extent of possible changes to it;
- (e) the anticipated 'life' of any structure which is the subject of the application; and
- (f) the expiry date of other permits in the same coastal area where comprehensive reviews of all permits within that area are desirable.

The new jetty facility is recommended to have an expiry date of **28 February 2023**, being a term of 15 years. The recommended term is consistent with the expiry date for coastal structures in the Whangaroa Harbour as set out in the cycle of expiry dates used as a management tool by Council.

This consent is granted under delegated authority from the Council by:



Name of Authorised Person: Allan Richards
Coastal Consents Team Leader

Date: 1 May 2008