

Application for a Resource Consent – Resource Management Act 1991

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

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

PART 1: Administration Matters

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

Surname:

First Names:

OR

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

Trust Name:

Trustee's Name(s):

OR

Company Name: Far North Holdings Limited

Contact Person: Chris Galbraith

Email address: Chris@boimarina.co.nz

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

Postal address: Unit 24, 7 Baffin Street Opua 0200

Telephone: *(please tick preferred contact number)*

Residential

Business 09-402-7124

Mobile

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

Company Name: Steven Sanson - Bay of Islands Plannin

Contact Person: Steven Sanson

Email address: steve@bayplan.co.nz

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

Postal address: PO Box 318, Paihia 0247

Telephone: *(please tick preferred contact number)*

Residential Business

Mobile 0211606035

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): Nil - Coastal Marine Area

Postal Address:

Telephone: *(please tick preferred contact number)*

Residential Business

Mobile

Occupier(s): Far North Holdings Ltd

Postal Address: as above

Telephone: *(please tick preferred contact number)*

Residential Business as above

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.

Renewal consent for NLD01 5445 02

2 Location Description of Activity

Site Address: Totara North Whangaroa Grid Ref. E 2571145 N 6684171

Legal Description: N/A

(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**" 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):

NLD01 5445 02

(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.

20 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](#), [mātaimai](#) 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:

Signature(s):

Date:

Signature(s):

Date:

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

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



P - [09] 4075253 ; E – info@bayplan.co.nz : W www.bayplan.co.nz

Northland Regional Council
Private Bag
Whangarei

Attention: Mr Paul Maxwell.

1 March 2023.

Dear Paul,

Re: Resource Consent Totara North Fender Piles

Our clients – Far North Holdings Limited [FNHL] and Far North District Council [FNDC] seek authorisation NLD01 5445 02 which approves the activity ‘to place and use 14 fender piles at Totara North, Whangaroa, (Grid Ref. E 2577145 N 6684171).

The proposed activity is surmised as relatively low risk and existing with no apparent resource management issues or effects resulting. We would anticipate given the existing nature of the activity, and the proposal is relatively straightforward and existing in nature.

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

Yours faithfully,

A handwritten signature in black ink, appearing to be 'S Sanson', written in a cursive style.

Steven Sanson

Consultant Planner

PROPOSED RESOURCE CONSENTS

Far North Holdings Limited and Far North District Council – Totara North

1.0 INTRODUCTION

- 1.1 Our clients seek resource consent to allow for the activity undertaken at Totara North as outlined in the current authorisation reference NLD01 5445 02.
- 1.2 The proposed activity is an existing activity and relates to 14 fender piles located at Totara North adjacent to the existing ramp authorised under NLD 60 5445 01. The fender piles span approximate 38m in length and are currently installed in the development area approved.
- 1.3 The activity and existing authorisation is set to expire on 1 March 2023.
- 1.4 The following Assessment of Environmental Effects [AEE] supports granting the existing authorisation with the same or similar type conditions, noting that a new condition suite is likely given the age of the consent and the change to Regional Planning documents since its approval.
- 1.5 No changes are proposed to the activity sought, and therefore the scope of the consent is related to the 14 fender piles as per the original approval. The activity is to be undertaken with the approved plan provided on the approval and outlined below in **Figure 1**.

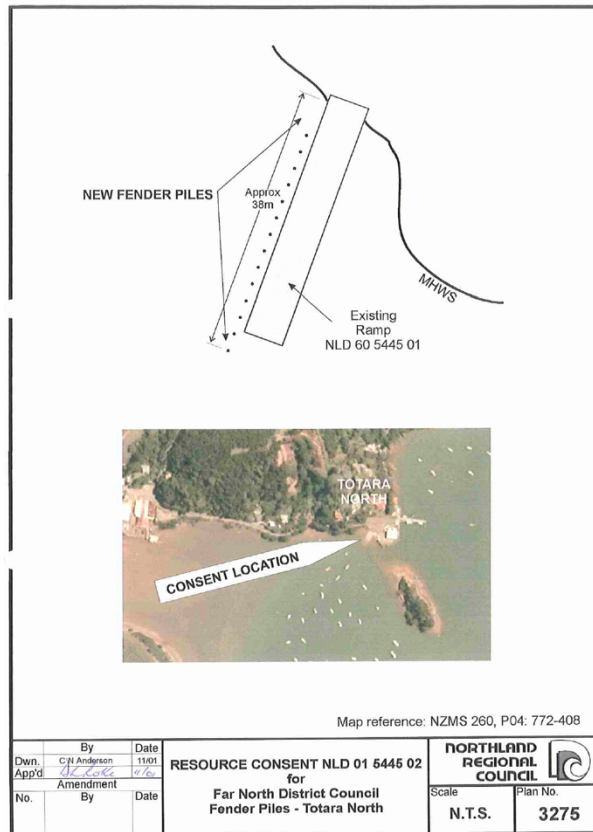


Figure 1: Approved Plan

2.0 SITE AND LOCALITY DESCRIPTION

- 2.1 The site is located within the Coastal Marine Area, adjacent to Okura Bay Road and generally located in the township / area within the Far North District known as Totara North. **Figure 2** provides the general location of the site where activities are already approved, with **Figure 1** detailing the specific location. The site is within the Coastal Commercial Zone and the Marine 6 (Wharves) Management Area.

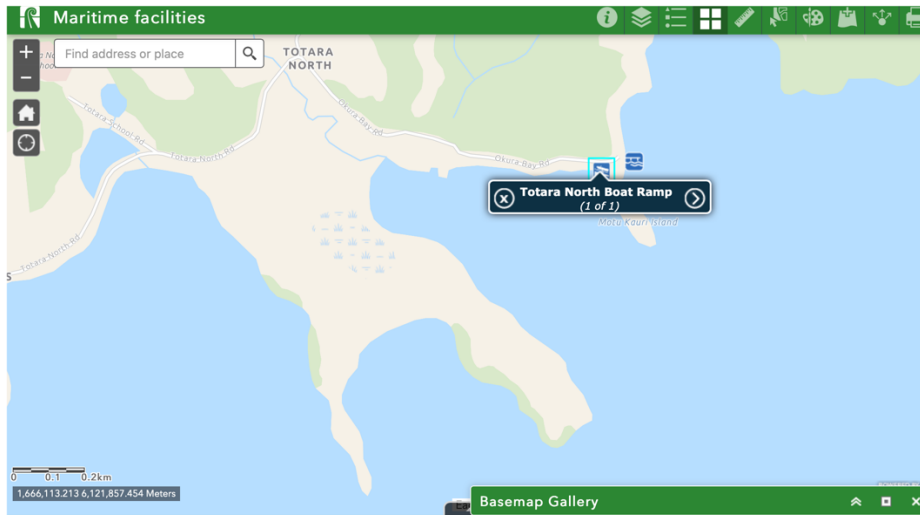


Figure 2 - General Location

- 2.2 The existing fender piles, ramp, commercial fishing related buildings, and the Totara North Wharf comprise the known and existing buildings/ structures (operated by Moana Fisheries) in the immediate vicinity of the site. Okura Bay Road adjoins these uses, before the immediate surrounds and beyond promote a coastal outlook and environment. Residential uses permeate these areas. **Figures 3 & 4** provide a snapshot of the application site and surrounds.



Figure 3 - Ramp and Fender Piles



Figure 4 - Ramp and Surrounds

- 2.3 Motu Kauri Islands is located near the application site within the coastal marine area, as do various moorings which are located within Okura Bay. These features sit within the wider confines of the Whangaroa Harbour. The site is 10km from Kaeo, turning off from SH10. Motu Kauri Islands is noted as being a site having High Natural Character
- 2.4 In terms of existing seabed material and plants and animals at the site of the activity, we defer to the previous information collated and provided to the Northland Regional Council.
- 2.5 In terms of cultural, historic, scenic features and food gathering areas within 500m of the site, the FNDC maps note the coastal marine area as being within a Statutory Acknowledgment Area for Ngatikahu Ki Whangaroa as outlined in the plan referenced as OTS-116-18. There are no other known attributions for the site and surrounds to consider in relation to the above matters, noting however that recreational fishing and food gathering is likely at various nooks and via vessel within the broader Whangaroa Harbour.

3.0 DESCRIPTION OF THE ACTIVITY

- 3.1 The activity involves the replacement of the existing authorisation as discussed previously in this report. These are 14 fender piles which are existing and already in place. No other changes are proposed to the activity.

4.0 CONSENTING FRAMEWORK

- 4.1 The existing approval was granted under the auspices of the Northland Regional Council Operative Regional Coastal Plan [ORCP]. While the ORCP remains valid it has effectively been replaced by Council's new Proposed Regional Plan Appeals Version August 2022 {PRP}. The relevant rules in consideration are largely under appeal. For the purposes of this application, both planning documents have been assessed.
- 4.2 As outlined earlier, the proposed site / activity is located in a Coastal Commercial Zone and the Marine 6 (Wharves) Management Area. As also outlined, the proposal is for an existing operation i.e the activity is existing and has been given effect to. In this regard, the activity is subject to the following rules:

C.1.1.14 Existing authorised structures in a Coastal Commercial Zone, Marsden Point Port Zone or Marina Zone – controlled activity²²

The use of, and any occupation of, the common marine and coastal area, by an existing authorised structure in a Coastal Commercial Zone, Marsden Point Port Zone or Marina Zone, that is not a permitted activity under C.1.1.1 Existing structures – permitted activity are controlled activities, provided:

- 1) if the existing structure is in a Marina Zone, it is associated with a marina.

Matters of control:

- 1) Effects on-coastal processes including effects on shoreline stability in the vicinity.
- 2) Effects on aquatic ecosystem health.
- 3) Effects on public access to and along the coastal marine area.
- 4) Use of the structure.

Notification:

Resource consent applications under this rule are precluded from notification (limited or public).

For the avoidance of doubt this rule covers the following RMA activities:

- Occupation of the common marine and coastal area with an existing authorised structure (s12(2)).
- Use of a structure in the coastal marine area (s12(3)).

31.8.4 STRUCTURES

Rule	Activity	Terms/ Standards/ Conditions	The matters over which the Northland Regional Council will exercise its control or discretion are:	Classification	References
a	The occupation of space for all existing structures.	<p>(i) The public are permitted to have access to and use of the structure (except buildings) at all times other than when, for reasons of safety, security and operations consistent with a resource consent, the public should be excluded from such access and use.</p> <p>(ii) The owner of the structure or facility ensures that the foreshore and seabed under, adjoining or adjacent to the structure is kept free from debris resulting from the use of the structure.</p>	<ul style="list-style-type: none"> - The duration of the permit - The type of use of the structure where the use of the structure is not a permitted activity under rule 31.8.4(b) - Measures to control any associated environmental effects, including mitigation measures. - The information and monitoring requirements - The Administrative Charges Payable 	Controlled	10.5.11, 17.5.4, 23.5.2

4.3 Accordingly, under both relevant plan(s), the proposal is considered as a Controlled Activity.

4.4 Section 104A which applies to a Controlled Activity specifies the following –

104A Determination of applications for controlled activities

After considering an application for a resource consent for a controlled activity, a consent authority—

- (a) must grant the resource consent, unless it has insufficient information to determine whether or not the activity is a controlled activity; and
- (b) may impose conditions on the consent under section 108 only for those matters—
 - (i) over which control is reserved in national environmental standards or other regulations; or
 - (ii) over which it has reserved its control in its plan or proposed plan.

Section 104A: inserted, on 1 August 2003, by section 44 of the Resource Management Amendment Act 2003 (2003 No 23).

Section 104A(a): replaced, on 10 August 2005, by section 60 of the Resource Management Amendment Act 2005 (2005 No 87).

Section 104A(b): replaced, on 1 October 2009, by section 84 of the Resource Management (Simplifying and Streamlining) Amendment Act 2009 (2009 No 31).

4.4 Council must grant a controlled activity unless it has insufficient information to determine whether or not the activity is controlled. There are no other rules considered relevant despite the provision above being subject to an appeal.

5.0 CONSIDERATION OF ASSESMENT CRITERIA

5.1 Both relevant plan(s) set out the matters of control the Northland Regional Council will assess. These are addressed in the tables below.

Operative Coastal Plan – Matters of Control	
Matter	Assessment
The duration of the permit	It is proposed that a 20-year permit be granted, similar to the existing authorisation. There are no known or additional effects resulting from this consent duration.
The type of use of the structure	The fender piles provide guidance to vehicles 'lining up' their trailer units to launch and retrieve boats. The fender piles also provide some assistance as a temporary mooring / tie up when owners retrieve their vehicles. The existing structure are low risk and in working order.
Information and monitoring requirements	These will be adhered to
Administrative charges payable	These will be adhered to

Proposed Regional Plan – Matters of Control	
Matter	Assessment
Effects on coastal processes including effects on shoreline stability in the vicinity	There are no known effects resulting from the existing fender piles. There are gaps between each pile to dissipate wave run up. The concrete ramp also promotes stability of the shoreline in this area.
Effects on aquatic ecosystem health	There are no known effects resulting from the existing fender piles. The piles are often used by seabirds and provide a structure for shellfish to congregate and attach to. The piles are no different in effect to say coastal based vegetation.
Effects on public access to and along the coastal marine area	The proposal does not change or alter existing public access which is by way of the existing boat ramp to the coastal marine area
Use of structure	This is evidence in the Operative Coastal Plan – Matters of Control table above.

5.2 Having considered these matters of control, the proposal to replace the existing consent does not seem to generate any adverse effects that cannot be appropriately conditioned by the Northland Regional Council as per the requirements of s104A. Effects are considered to be less than minor overall.

6.0 STATUTORY CONSIDERATIONS - RMA

National Policy Statements

6.1 The current operative national policy statements include:

- New Zealand Coastal Policy Statement 2010
- National Policy Statement for Renewable Electricity Generation 2011
- National Policy Statement on Urban Development 2020

- National Policy Statement for Freshwater Management (and the associated National Environmental Standards) 2020
- National Policy Statement on Electricity Transmission 2008
- National Policy Statement for Highly Productive Land 2022

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

6.3 Given the nature and scale of the activity and the associated effects therefrom, there is nothing to suggest this renewal application is inconsistent with the objectives and policies of the NZCPS. This minor and existing structure is considered appropriate within the Coastal Environment.

National Environmental Standards

6.4 The current operative national environmental standards include the following:

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

6.5 None of these standards are considered to have relevance with the application at hand.

Northland Regional Policy Statement [RPS]

6.6 Given the existing nature and scale of the proposed activity, the proposal is not considered to be inconsistent with any of the aims and intents of the RPS. The RPS promotes appropriate structures within the CMA which is evidenced through the proposed rules which apply within the relevant zoning for the site. A controlled activity status has been confirmed and in keeping with the matters of control, is considered an acceptable and appropriate activity.

Operative Coastal Plan

6.7 These documents are somewhat ‘aged’ but for fullness an assessment has been undertaken. To surmise this assessment, as a controlled activity that is considered appropriate, small in scale, and existing, does not give rise to inconsistency with the aims and intent of these documents

Proposed Regional Plan for Northland (Appeals Version - December 2022) [PRPN]

- 6.8 The PRPN is a new framework to consider since the approval of the original application. A number of Objectives and Policies are applicable to this proposal.

Policies

D.1 Tangāta whenua¹²⁸

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

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

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

- 6.9 Given the scale and existing nature of the proposal, it is not considered that the 14 fender piles will give rise to a separate assessment and analysis from tangata whenua. The proposal does not create the adverse effects on items 1-7 of the policy, however as renewal consent for a structure within the Coastal Marine Area, this application will be forwarded to those relevant parties in accordance with s62(3) of the Marine and Coastal Area (Takutai Moana) Act 2011.

D.2.2 Social, cultural and economic benefits of activities

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

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

Objectives

F.1.8 Use and development in the coastal marine area¹³³

Use and development in the coastal marine area:

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

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

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

Protect from inappropriate use and development:

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

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

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

7.0 PART II MATTERS

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

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

- 7.3 The proposal is considered to attain the overall purpose described above. The renewal of the fender piles will allow for recreational and public activities to occur as they have done so during the initial consenting period.
- 7.4 With respect to s.6 matters, those of potential relevance are protection of the coastal environment, public access to the Coastal Marine Area, and relationships of Maori with land and water. The activity has been assessed to be capable of being undertaken without adverse effects. Maori cultural matters are a significant element which maintains the land and water relationship. These are not altered by the proposal which includes existing elements.
- 7.5 Within s.6 is (d), maintenance and enhancement of public access to and along the coastal marine area is attained. The activity will facilitate public access to the CMA resulting in benefits for individual local residents and visitors.
- 7.6 Section 7 accords values held by tangata whenua along with ensuring the maintenance and enhancement of both amenity values and the quality of the environment. These factors are not affected by the proposal. The earlier discussion demonstrated how the project provides benefits for the community as a whole without adverse effects on the environment.
- 7.7 With respect to the principles of the Treaty of Waitangi in terms of Section 8 , participation of tangata whenua has been limited due to the timing constraints associated with this application.
- 7.8 To summarise the above, the proposal is considered to provide for sustainable management of the resources affected by the proposed activities. These contribute to sustainable management of the wider district environment through providing improved facilities and services for locals and visitors which generate socio-economic benefits within the District.
- 7.9 Based on the above analysis, the proposals are considered to achieve the provisions of Part II of the Act.

8.0 CONCLUSIONS

- 8.1 The proposal has been assessed against the provisions applicable to a controlled activity with the conclusion that these can be met. It is therefore considered that Council can grant consent to the application based upon the existing conditions of consent (or altered based on a revised planning condition suite to the current requirements).
- 8.2 The Assessment of Environmental Effects concluded that the effects of the proposed changes would be less than minor.
- 8.3 The application has also been assessed as not being in conflict with the statutory provisions of the relevant Plans, Section 104A which requires an assessment of a controlled activity, and the overall purpose of the Act as contained in Part II. The application is therefore considered to pass the statutory tests of the RMA.
- 8.4 As effects on the environment were assessed as being less than minor, no persons are considered to be adversely affected. On this basis the application can be processed without public or limited notification.

We therefore look forward to a favourable response from Council.

Yours faithfully,



Steven Sanson

Consultant Planner

Dec 01



NLD01 5445 02

Resource Consent

Pursuant to the Resource Management Act 1991, the Northland Regional Council (hereinafter called "the Council") does hereby grant a Resource Consent to:

FAR NORTH DISTRICT COUNCIL C/- FAR NORTH HOLDINGS LTD, POST OFFICE, OPUA

To place and use 14 fender piles, at Totara North, Whangaroa, (Grid Ref. E 2577145 N 6684171) subject to the following conditions:

- 1 This consent applies only to the area shown on the attached NRC Plan No. **3275**.
- 2 The Consent Holder shall keep the coastal marine area free of debris resulting from the Consent Holder's activities.
- 3 The Consent Holder shall maintain all facilities covered by this consent in good order and repair. The facilities shall not be altered, added to, demolished or removed, in whole or in part, without obtaining prior consent of the Council.
- 4 Boat maintenance that is likely to cause contaminants to enter the coastal marine area shall not be carried out at the piles. (e.g. removal or application of paint or antifouling).
- 5 The Consent Holder shall erect a sign, to the satisfaction of the Council, informing the public that no boat maintenance that is likely to cause contaminants to enter the coastal marine area is to be carried out adjacent to the piles.
- 6 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:
 - (i) Immediately take such action, or execute such work as may be necessary, to stop and/or contain such escape; and
 - (ii) Immediately notify the Council by telephone of an escape of contaminant; and
 - (iii) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the escape; and

- (iv) Report to the Council in writing within 1 week on the cause of the escape of the contaminant and the steps taken or being taken to effectively control or prevent such escape.
- 7 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.
- 8 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. Such notice may be served, one year after the date of commencement of the consent, and thereafter at yearly intervals. 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 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.

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

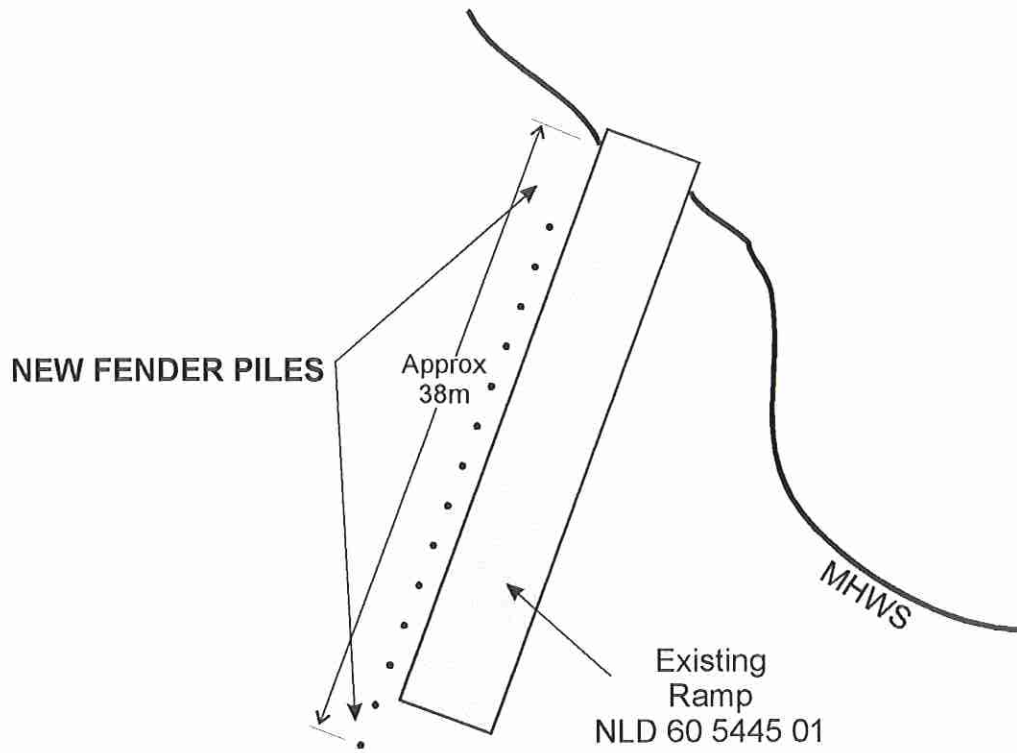
EXPIRY DATE:

1 MARCH 2023


ISSUED at Whangarei this Fourth day of December 2001



Consents Manager



Map reference: NZMS 260, P04: 772-408

	By	Date	RESOURCE CONSENT NLD 01 5445 02 for Far North District Council Fender Piles - Totara North	NORTHLAND REGIONAL COUNCIL 	
Dwn.	C.N Anderson	11/01			Scale
App'd	<i>Sh. Lake</i>	11/01		N.T.S.	3275
No.	By	Date			