

**NORTHLAND REGIONAL COUNCIL
&
FAR NORTH DISTRICT COUNCIL**

Report and Decisions of the Councils on the Applications of Far North Holdings Limited for their proposed Paihia Waterfront Redevelopment; through the Councils Joint Hearings Committee meeting held in the Kingfisher Room, Scenic Circle Hotel, Paihia on 28, 29 and 30 October 2008 and Reconvening on 10 February 2009

The Joint Hearings Committee (“the Committee”) of the Northland Regional Council and Far North District Council reconvened to hear resource consent applications lodged by Far North Holdings Limited relating to the redevelopment of the Paihia waterfront. The applications, made in accordance with the Resource Management Act 1991 (“the Act”), were lodged with the Northland Regional Council and referenced as (NRC Application No CON20060545411), and the Far North District Council and referenced as (RC 2061019 RMA LUC).

PRESENT:

Joint Hearings Committee

Mr Mark Farnsworth, Chairperson (NRC)
Mr Jim Peters, Appointee of Northland Regional Council
Mr Barry Mosley, Appointee of Far North District Council
Mr John Smart, Appointee of the Minister of Conservation

APPLICANT:

Far North Holdings Limited

Mr Max Dunn
Mr Malcolm Nicholson
Mr Mark Poynter
Prof Arved Raudkivi

CONSENT AUTHORITY:

Northland Regional Council

Mr Conway Stewart, Consultant
Mr Allan Richards

SUBMITTERS:

Submitters Wishing to be Heard (In support)

- Fullers Bay of Islands
- H & P Hadfield
- D Mullan
- Paihia Planning Group and Paihia & Districts Residents & Ratepayers Association
Mr David Mullan
- Retail Holdings Limited
- Paihia Centre Limited

Submitters Wishing to be Heard (In opposition)

- P Apiata
- Bay of Islands Coastal Watchdog Inc
- B Chapman
- Director-General of Conservation
 - Ms K A Anton*
 - Mr Andrew Blanshard*
 - Mr Paul Buisson*
 - Mr Paul Quinlan*
 - Mr Andrew Riddell*
 - Dr Paul Kench (written brief of evidence)*
- L Elliot
- B Elliot
- J M Hoggard
- B & E Killen
- B Larkin (since deceased)
- Nga Whanau O Horotutu Me Taputaputa O Pahi
 - Ms Emma Gibbs-Smith*
- Paihia & District Citizens' Association Inc
- Te Runanga A Iwi O Ngapuhi
 - Mr George Riley*
- Transit NZ (now NZ Transport Agency)

Late Submitters Wishing to be Heard

- I Mounsey
- W K Pearson

Submitters not wishing to be heard (In support)

- Anchorage Motel
- Ashgrove Motel
- Bay of Islands Major Accommodation Providers & Activity Ops Group
- Bay of Islands Major Tourism Operators Group
- P Boisen
- Business Paihia Inc
- G B & P J Cunningham
- Destination Northland
- Enterprise Northland
- Explore NZ Limited
- T Grass
- M Gray
- J G & C F Guy

- Guyco Holdings Limited
- P Jarvis
- G Jones
- Kingsgate Hotel Paihia
- G Marshall
- B Marti
- H Marti
- P McCorkindale
- G C McHardy
- P W McHardy
- P & G McHardy
- T McInnes
- J McKiernan
- NZ Historic Places Trust
- Northland Tourism Development Group
- F Osler-Weppsnaar
- M P O'Connor
- T Pike
- B Rogers
- G Rye
- M Sadler
- P Sharp
- Waitangi Resort Joint Venture
- H V Wallace
- R J & R D Wilson
- D Yarrall

Submitters not Wishing to be Heard (In opposition)

- E J & R M May

IN ATTENDANCE:

Mr Dean Alderton, Committee Secretary

RECONVENED HEARING

PRESENT: **Joint Hearings Committee**
Mr Mark Farnsworth, Chairperson
Mr Jim Peters
Mr Barry Mosley
Mr John Smart, Appointee of the Minister of Conservation

APPLICANT: **Far North Holdings Limited**
Mr Max Dunn
Mr Malcolm Nicholson
Prof Arved Raudkivi
Mr Mark Poynter

CONSENT AUTHORITY: **Northland Regional Council**
Mr Conway Stewart, Consultant
Mr Allan Richards

MetOcean Solutions Limited
Dr Peter McComb, Consultant

SUBMITTERS: **Nga Whanau o Horotutu**
Ms Emma Gibbs-Smith

Te Runanga A Iwi O Ngapuhi
Mr George Riley

Director-General of Conservation
Mr Andrew Riddell
Dr Paul Kench

Mrs Elizabeth Killen

Mr Peter Smith

Mr Bill Elliot

IN ATTENDANCE: Ms K Nahi-Taihia, Committee Secretary

DECISION SUMMARY

The Committee has resolved:

- (1) To grant the applications lodged by Far North Holdings Limited relating to various consents sought from the Northland Regional Council and the Far North District Council in respect to a land use consent, coastal permits and discharge permits with one exception – the abutment and breakwater off Nihonui Point, only part of this element has been granted.
- (2) In respect of those coastal permits which include activities which are classified as restricted coastal activities, the Committee is providing the Minister of Conservation with a recommendation to grant the applications with two exceptions, that the area granted for exclusive occupation should be limited to that area which is necessary to provide for the safe and efficient operation of the Paihia Wharf facilities, and that the inner western abutment and breakwater to Horotutu Beach be limited to an abutment only.

Term of Consent

The following durations of consents are granted:

- (1) Breakwaters, abutments, finger piers, and the eastern attenuator 35 years.
- (2) A 10 year term for dredging is granted having had regard to the expected life of the Regional Coastal Plan and monitoring strategy.
- (3) A 10 year duration for the earthworks and related consents is granted. This term will provide a reasonable period within which to give effect to the land based construction elements of the proposal and is consistent with the 10 year period for dredging related consents sought by the applicant.

1. INTRODUCTION

Far North Holdings Limited applied to the Northland Regional Council and the Far North District Council for resource consents to carry out a redevelopment of the Paihia waterfront. This suite of consent applications represents a second stage of what the applicant sees as its future plans for the overall development. Consents for the first stage were granted in 2005.

The consent applications to the Northland Regional Council and the Far North District Council include an application for a land use consent, a coastal permit and a discharge permit. The coastal permit application includes activities which are classified as restricted coastal activities. These presently require the consent of the Minister of Conservation. In respect of restricted coastal activities the role of the Northland Regional Council is simply to make a recommendation to the Minister, but the councils will make decisions on the other matters contained in the applications.

2. DESCRIPTION OF THE PROPOSED ACTIVITY

The activity applied for is fully described in the Assessment of Environmental Effects (AEE) and in the Folio of Figures which accompanies them. This is a complex application which can be summarised as follows:

- The construction of an artificial reef/breakwater between Motumaire and Kuia Rongouru (Taylor) Islands.
- The construction of a western abutment and extension of that abutment into an artificial reef/breakwater extending east from Nihonui Point, and another reef/breakwater extending northwest from Motumaire Island with a navigation channel between.
- The construction of an eastern abutment north of the 35° South Café which includes weighing facilities for game fish and a berth for game fishing boats.
- The dredging of a new navigation channel to the south of Kuia Rongouru (Taylor) Island and also in the vicinity of the proposed new wharfs.
- A reclamation over the State Highway reserve, armouring the remnant of Horotutu Beach between Paihia Wharf (the eastern abutment) and Nihonui Point (western abutment) and capping the beach by renourishment with sand (local and imported).
- A reclamation to the east of the existing Maritime Services building to accommodate a new maritime services building and a new restaurant, a kiosk and more public open space.
- A floating wave attenuator at the eastern end of the proposed reclamation.
- Provision of Mediterranean style berths for visitors at the angled end of the eastern wave attenuator, together with public fishing and close to shore dinghy tie-up facilities.
- A public boardwalk along the seaward edge of the existing and proposed reclamations.
- Floating finger berths for commercial craft adjacent to the boardwalk.
- Associated changes to existing stormwater outlets and a new stormwater outlet.

- A new helicopter landing pad on piles over the water adjacent to and to the east of the new reclamation.
- The replacement of some existing berthing structures with new facilities and alterations to the fuel jetty.
- New deck area around the existing 35° South Café.
- Landscaping and new public seating, shelters and signage.

3. PLANS AFFECTED

The applications are for Restricted Coastal Activities; controlled activities; restricted discretionary activities; discretionary activities and a non-complying activity. Consideration has to be given to the following planning documents:

- New Zealand Coastal Policy Statement (NZCPS);
- Regional Policy Statement for Northland (RPS);
- Regional Coastal Plan for Northland (RCP);
- Regional Water and Soil Plan for Northland (RWSP);
- Regional Air Quality Plan (RAP);
- Far North District Plan (FNDP).

4. ACTIVITY STATUS

The activity status of the various consents types are listed in the table below:

4.1 Activities for which Consents are Sought from the Minister of Conservation and the Northland Regional Council

Consent Type	For	Detail	Classification
Coastal Permit (RCP)	Structure	Northern breakwater, 230 metres long, between Motumaire Island and Taylor Island and involving approximately 17,000 m ³ material.	Restricted Coastal Activity – Rule 31.2.1. Discretionary activity – Rule 31.4.4(w) (Marine 2).
Coastal Permit (RCP)	Structure	Western outer breakwater, approximately 190 metres long, on W side of Motumaire Island and involving approximately 4,000 m ³ material.	Restricted Coastal Activity – Rule 31.2.1. Discretionary activity – Rule 31.4.4(w) (Marine 2).
Coastal Permit (RCP)	Structure	Abutment and breakwater, approximately 200 metres long and involving approximately 6,100 m ³ material, off Nihonui Point.	Restricted Coastal Activity – Rule 31.2.1. Discretionary activity – Rule 31.4.4(w) (Marine 2).
Coastal Permit (RCP)	Structure and occupation of space	Abutment adjacent to aquarium, approximately 70 metres long and involving approximately 1,300 m ³ material.	Restricted Discretionary Activity – Rules 31.8.4 (h), (j) and (l) (Marine 6).
Coastal Permit (RCP)	Spoil Disposal	Placement of approximately 41,000 m ³ of sand over approximately 325 metres length between proposed abutments.	Restricted Discretionary Activity – Rule 31.8.8 (b) (Marine 6), and 31.4.8 (e) (Marine 2).

Consent Type	For	Detail	Classification
Coastal Permit (RCP)	Dredging	Dredging approximately 45,000 m ³ material over an area of 4.4 ha and a horizontal distance of 550 metres to form a new navigation channel.	Restricted Coastal Activity – Rule 31.2.1. Discretionary Activity – Rule 31.4.8(g) (Marine 2), Non-complying Rule 31.6.7 (b) (Marine 4) and non-complying – Rule 31.8.8(f) (Marine 6).
Coastal Permit (RCP)	Reclamation	Reclamation of approximately 2,900 m ³ of foreshore and seabed for berthing facilities, buildings and open and public facilities.	Restricted Coastal Activity - Rule 31.8.5 (b) (Marine 6) - non-complying, and S77C RMA (Marine 4) – discretionary.
Coastal Permit (RCP)	Structure	Construction of a piled concrete/timber promenade structure approximately 6 metres x 115 metres adjacent to existing and proposed reclamations.	Restricted Discretionary Activity – Rules 31.8.4(h), (j) and (l) (Marine 6).
Coastal Permit (RCP)	Structure	Construction of a floating wave attenuator approximately 160 metres long with 24 Mediterranean moorings for the use of 12 craft.	Restricted Discretionary Activity – Rule 31.8.4(h), (j) and (l) (Marine 6).
Coastal Permit (RCP)	Structure	Construction of a deck and access walkway approximately 120 m ² for use as a helipad.	Restricted Discretionary Activity – Rule 31.8.4 (h), (j) and (l). (Marine 6).
Coastal Permit (RCP)	Structure	Replacement of the existing low level landing and fast boat berthing structures along the eastern side of the main wharf with a new fixed and floating structure approximately 24 metres x 3 metres and its use by commercial craft.	Restricted Discretionary Activity – Rule 31.8.4 (h), (j) and (l) (Marine 6).
Coastal Permit (RCP)	Structure	Installation of three fixed finger jetties, each approximately 3.6 metres x 18 metres, along with gangways and floating pontoons (approximately 9 metres x 4 metres) and their use for berthing commercial craft.	Restricted Discretionary Activity – Rule 31.8.4 (h), (j) and (l) (Marine 6).
Coastal Permit (RCP)	Structure	Replacement of the existing fuel jetty on the northern arm of the wharf with a new floating pontoon structure approximately 16 metres x 4 metres, plus a gangway connected to a 6 metre extension of the wharf.	Restricted Discretionary Activity – Rule 31.8.4 (h), (j) and (l) (Marine 6).
Coastal Permit (RCP)	Structure	Installation of a floating pontoon approximately 15 metres x 3 metres along the southern (inland) side of the western arm of the wharf.	Restricted Discretionary Activity – Rule 31.8.4 (h), (j) and (l) (Marine 6).
Coastal Permit (RCP)	Structure	Construction of a piled concrete deck structure of approximately 650 m ² adjacent to the existing aquarium café building.	Restricted Discretionary Activity – Rule 31.8.4 (h), (j) and (l) (Marine 6).
Coastal Permit (RCP)	Structure	Placement of a pile berth adjacent to the 650 m ² deck structure for the temporary mooring of craft and a gantry structure on it, primarily for game fish weighing purposes.	Restricted Discretionary Activity – Rule 31.8.4 (h), (j) and (l) (Marine 6).
Coastal Permit (RCP)	Structure	Construction of a piled structure and a timber deck structure approximately 6 metres x 60 metres between the existing wharf and the proposed abutment at the eastern end of the proposed beach.	Restricted Discretionary Activity – Rule 31.8.4 (h), (j) and (l) (Marine 6).

Consent Type	For	Detail	Classification
Coastal Permit (RCP)	Structure	Construction of a timber walkway approximately 220 metres long from the proposed eastern abutment along the western (inner) side of the proposed beach, along with parts of two connecting walkways to Marsden Road being approximately 30 metres and 10 metres long respectively.	Restricted Discretionary Activity – Rule 31.8.4 (h), (j) and (l) (Marine 6).
Coastal Permit (RCP)	Structure	Construction of five shelters, each approximately 20 square metres in area, incorporating seating and other public facilities, adjacent to the proposed timber walkway and beach.	Discretionary Activity – Rule 31.4.4 (w) (Marine 2) and Rules 31.8.4 (h), (j), and (l) (Marine 6).
Coastal Permit (RCP)	Structure	Extensions to three existing stormwater pipes and provision of associated headwall structures.	Restricted Discretionary Activity – Rule 31.8.4 (f) (Marine 6) [one outlet] and Discretionary Activity - Rule 31.4.4(m) (Marine 2) [two outlets on beach].
Discharge Permit (RCP)	Stormwater discharge	Discharges of up to 2.41, 0.67, 1.77 and 0.15 cubic metres per second, respectively of stormwater to the coastal marine area from three upgraded outlets adjacent to the proposed beach and one new outlet adjacent to the proposed reclamation.	Controlled - Rule 31.4.6(c) (Marine 2) [three outlets]. Permitted - Rule 31.8.6(c) (Marine 6) [one outlet].
Coastal Permit (RCP)	Dredging	Maintenance dredging of the proposed navigation channel and the seabed around the proposed fixed and floating structures.	Controlled Activity – Rule 31.8.8 (a) (Marine 6) and Rule 31.6.7 (a) (Marine 4). Discretionary Activity - Rule 31.4.8 (d) (Marine 2).
Discharge Permit (RCP)	Discharge	Discharge of decant water from material placed on the beach as part of the proposed beach replenishment.	Discretionary Activity – Section 77C RMA (Marine 2).
Coastal Permit (RCP)	Exclusive occupation and use	Occupation and use of approximately 28.4 hectares of coastal marine area adjacent to the proposed structures for a period of 35 years.	Discretionary under Section 77C RMA.
Coastal Permit (RCP)	Exclusive occupation and use	Occupation of four proposed commercial finger piers adjacent to the northern promenade deck to the exclusion of the general public.	Discretionary under Section 77C RMA.
Land Use Consent (RWSP)	Earthworks	Earthworks and filling associated with a proposed reclamation of approximately 3,900 m ² and affecting approximately 1,000 m ² of land above mean high water springs for the purposes of providing pedestrian and service vehicle access to the three buildings and a helipad, along with landscaped open space. Seating and other public facilities on the proposed reclamation.	Controlled Activity – Rule 33.2.1.

4.2 Activities for which Consents are Sought from Far North District Council

Consent Type	For	Detail	Classification
Land Use Consent	Earthworks	Earthworks and land filling associated with a proposed reclamation having a ground surface area of approximately 2,900 m ² (3,900 m ² if the batter slopes down to the toe of the reclamation are included) and affecting approximately 1,000 m ² of land above mean high water springs for the purposes of providing pedestrian and service vehicle access to the three buildings and a helipad, along with landscaped open space, seating and other public facilities on the proposed reclamation.	That part of the activity which is to take place in the Commercial Zone is a permitted activity in that zone. Earthworks and land filling outside the Commercial Zone, ie. on the reclamation, are a discretionary activity.
Land Use Consent	Earthworks	Earthworks and land filling associated with placement of approximately 25,000 m ³ (solid measure) of sand and other material over a distance of approximately 325 metres on the foreshore between two proposed abutments for the purposes of beach replenishment, creation of public open space – informal recreational areas and protection of Marsden Road.	As the land in question has not yet been reclaimed, it is a discretionary activity in terms of Section 77C of the Act.
Land Use Consent	Construction and use of a building	A two storey building with approximately 540 m ² of floor space primarily for maritime and tourist related businesses on the proposed reclamation.	As it will be located on reclaimed land and/or unzoned land, it is a discretionary activity.
Land Use Consent	Construction and use of a building	A single storey building with approximately 340 m ² of floor space for café-restaurant use on the proposed reclamation.	The permitted activity Traffic Intensity standard in the zone is 200 whereas the Traffic Intensity Factor calculated for restaurants (at 60 per 100 m ²) is 204. This means that the activity would be a controlled activity in the Commercial zone but as the site has yet to be reclaimed it is a discretionary activity.
Land Use Consent	Construction and use of a food kiosk	A food kiosk building with approximately 10 m ² of floor space.	As it will be located on the reclamation this is a discretionary activity.
Land Use Consent	Structures	Construction of parts of the rock abutments, decks, heliport and other fixed structures that extend above mean high water springs adjacent to the existing and proposed reclamations.	These are permitted activities except where they are to be located on a reclamation which has yet to be constructed in which case they are discretionary activities in terms of Section 77C of the Act.
Land Use Consent	Walkways	Construction of parts of two timber walkways connecting a proposed beach walkway to Marsden Road and associated earthworks.	These are permitted activities except where they are located on an as yet to be constructed reclamation, in which case they are discretionary activities in terms of Section 77C of the Act.

Consent Type	For	Detail	Classification
Land Use Consent	Car parks	Provision of 25 car parking spaces in the Selwyn Road car park for users of proposed buildings. The rules in the District Plan require car parking spaces for the Maritime Business Building, the café/restaurant, and the proposed berths and moorings. Seventy nine car parks are required by the District Plan but only 25 are proposed.	A restricted discretionary activity dispensation is required from the on-site parking rules in Chapter 15 Transportation, of the District Plan.
Land Use Consent	Flag Pole	Placement of a flag pole.	The flag pole is a discretionary activity.
Land Use Consent	Paving and impervious surfaces	Formation of additional paving and other impervious surfaces on the existing reclamation.	The impervious surfaces proposed, together with the existing impermeable surfaces require discretionary activity consent.
Application under Section 127 of the RMA	Public toilets	Deletion of Condition 6 on RC 1960780 requiring the provision of public toilets in the existing maritime building on the basis that new public toilets are to be provided in the proposed new maritime business building.	This part of the application is to be dealt with as an application under Section 127 of the Act, to vary a condition of consent.

5. SUBMISSIONS RECEIVED

Fifty-eight submissions were received and the list below provides a summary overview of the submissions. A full summary of submissions is attached in Appendix A.

One submission did not indicate whether it supported or opposed the proposal.

Forty-three submissions support the proposal although one of these is conditional on existing mooring holders being relocated. Fourteen submissions oppose the proposed development, either totally or in part. Some of these submissions were resolved through the provision of further information and/or appropriate conditions of consent.

Six submissions were received after the closing date for submissions.

The submissions in support were of a similar nature noting the development will benefit Paihia in that the public use and visual appearance of the waterfront will be enhanced, safety of vessels and the public will be improved, existing facilities are inadequate and/or in poor repair and will be upgraded by the development, and the tourism gateway function of Paihia will be better provided for.

Submissions in opposition covered a variety of topics, as follows:

- Development will adversely affect natural character and ecology.
- Adverse historic/cultural effects.
- No disposal site for dredgings.
- Breakwaters will restrict water flow.
- Breakwaters may allow “predators” onto islands.
- Contrary to RPS and NZCPS.

- No cultural impact assessment.
- Occupancy area sought is excessive.
- No allowance for sea level change.
- Reclamation is inappropriate and irreversible and will result in the loss of a small beach area.
- Marina will make ferry handling difficult.
- Not clear who has responsibility for effect of breakwaters.
- Insufficient information on hydrology.
- Negative effect on views from Flagstaff Hill (also known as Maiki Hill and Puke Maiki).
- Tourist numbers do not justify proposal.
- Will socially isolate Russell.
- The islands will become too accessible.
- Cost will be passed on to ferry passengers.
- Marina is not appropriate and is not included in the RCP.
- Effects on SH11 not fully understood.
- Beach can/should be rebuilt without breakwaters.

A full copy of the written submissions were provided to the Hearings Committee under separate cover.

6. PROCEDURAL MATTERS

6.1 Late Submissions

Staff recommended that:

- (1) The late submissions by W K Pearson and Kingsgate Hotel should be accepted and offered the following reasons:
 - (a) they were only one day late, which could have been due to the postal service;
 - (b) they do not raise matters that have not been addressed by others; and
 - (c) it would not be detrimental to Far North Holdings Limited or to any other person if these submissions were to be accepted.

- (2) The late submissions by P McCorkindale, F Osler-Weppsnaar, I T Mounsey and Paihia Centre Limited should not be accepted for the following reasons:
 - (a) it would be contrary to the rules of natural justice for these late submissions to be accepted when there is a clearly established and advertised procedure and deadline for the lodging of submissions;
 - (b) the submissions were received at least a week after the close of submissions; and

- (c) no reason has been offered why the submissions were late or why, despite their lateness, the Committee should consider the submissions.

The Committee sought the views of the applicant and all the submitters who were present at the hearing. There was a general consensus that the Committee should use the provisions of Section 37 of the Act and accept all the late submissions.

Resolution

The Committee resolved that pursuant to Section 37 of the Resource Management Act 1991 it would waive the failure by submitters to meet the statutory time limits for the acceptance of submissions. In making this resolution it is also considered that it would not be detrimental to Far North Holdings Limited or to any other person if these submissions were to be accepted.

6.2 Potential Conflicts of Interest

During the presentation of Professor Raudkivi's evidence it was indicated by Professor Raudkivi that some of the sand required for the renourishment of Horotutu Beach may be sourced from the Mangawhai/Pakiri embayment, in particular adjacent to Pakiri Beach. The Chairman declared that he had been a submitter in opposition to near-shore sand mining off the Mangawhai Sand Spit in the same embayment. The Chairman indicated that this may give rise to a potential conflict of interest and asked for comment, and guidance, from both the applicant and the submitters who were present. There was a general consensus that there would be no conflict of interest by the Chair in this association.

Resolution

The Committee resolved that the Chairman's declaration would be noted, and accepted the consensus of the meeting that there was no conflict of interest.

Subsequent to the adjournment of the hearing Northland Regional Council councillors became involved in a very public discussion with the Mayor of the Far North District Council, Wayne Brown; the net result being that the NRC councillors sent Mayor Brown a legal letter. Far North Holdings Limited, the applicant, is a wholly owned subsidiary of the Far North District Council. The Chairman sought advice on his position from the Consents Manager of the Northland Regional Council and an independent Hearings Commissioner. In essence the hearing is for a Restricted Coastal Activity and the Hearings Committee is required to have a regional councillor as a member. Furthermore, the action regarding Mayor Brown involved all regional councillors.

Resolution

That the hearing should proceed, with no change of membership of the duly appointed Hearings Committee.

7. EVIDENCE HEARD

Given the complex nature of the application, the Hearings Committee had directed the provision of evidence under Section 41B of the Act and this had been pre-circulated before the hearing. Full written briefs of evidence were provided by the applicant, the New Zealand Transport Agency and the Department of Conservation.

7.1 Applicant's Evidence – Clarification of the Pre-circulated Evidence

Mr Max Dunn, consultant planner for the applicant, co-ordinated the applicant's case. In his opening statement Mr Dunn listed the various expert witnesses who would provide the Committee with further clarification of their written briefs of evidence.

Malcolm Nicolson

Mr Nicolson, the Chief Executive Officer of Far North Holdings Limited (FNHL), took the opportunity to provide the Committee with an overview of the project and a brief history of the development of the concept.

Mr Nicolson stressed the following:

- The project has considerable community support;
- Extensive consultation has been undertaken;
- Alternative design options have been considered;
- The project will require a sequence of work which could take up to seven years to complete.

Grant Stevens

Mr Stevens, a chartered professional engineer, reinforced his written evidence by stressing that the primary engineering function of the northern and western breakwaters is to reduce the wave climate at Horotutu Beach to such a level that the renourished beach will retain sand and remain stable.

Arved Raudkivi

Emeritus Professor Raudkivi, a civil engineer with a special interest in coastal engineering, summarised the wave climate of the area noting that it is subject to locally wind generated waves together with ocean storm swells. He paid particular attention to the potential impact of the climate on Te Ti Beach and the Paihia shoreline. He then considered each of the proposed breakwaters in turn. He stressed that the breakwaters had been designed to minimise the visual effects and to cater for the special tapu of Motumaire Island.

The proposed beach re-establishment will use fill from the dredging and will be coated with sand from Pakiri. The western and northern breakwaters are required to protect the beach from the wave climate.

He also outlined the dredging programme.

John Papesch

Mr Papesch, a consulting civil engineer, provided expert evidence in a similar vein as Professor Raudkivi. His brief had been to report on the wave climate and the movement of sand and sediment occurring at Paihia Wharf and adjacent beaches. Mr Papesch pointed out that the western beach abutment had been reduced in size to closely follow the beach profile and gradient. The proposed breakwaters were chosen out of a number studied, and designed to a 2% probability storm. The northern breakwater is to overcome the wave climate, and the western breakwater is to deal with the swells that refract round Motumaire Island.

In order to address the concern raised in the cultural report Mr Papesch suggested that the breakwater be separated from Kuia Rongouru (Taylor) Island by a small gap.

Elisabeth Callaghan

Ms Callaghan, an archaeologist, provided evidence on the archaeological values of the Paihia Waterfront and the effects of the proposed redevelopment on these values. Her conclusions were:

- No archaeological remains would be likely to be affected by the proposed redevelopment.
- The proposed breakwaters will have no impact on recorded archaeological sites as they were to be constructed below Mean High Water Springs.

Niketi Toataua

Mr Toataua, a Maori business services consultant, provided a cultural impact study. He concluded that there are no direct impacts on any of the islands. He recommended that an iwi forum be established between representatives of Far North Holdings and iwi stakeholders to further discussion on this and future projects.

Ian Butt

Mr Butt, a consulting architectural designer, in his written evidence expressed the opinion that the proposed buildings and related development will add considerably to the existing waterfront development and Paihia in general. He recognised a need for lighting conditions to light only the maritime area, and limit light spill.

Michael Farrow

Mr Farrow, a landscape architect, asserted the following:

- The wharf and land-based portion of the proposal will result in no more than minor adverse impacts.
- The proposal will greatly improve public access.

Geoffrey Gibson

Mr Gibson, a traffic engineer, addressed traffic related issues. He noted that the traffic effects of the proposal are not likely to be significant for the State Highway.

Mark Poynter

Mr Poynter, a marine ecologist, provided an opinion which concluded that the proposal can be undertaken without other than minor effects on the ecological or water quality values of the area.

Max Dunn

Mr Dunn, a planning and resource management consultant, provided planning evidence. He expressed the opinion that treating all aspects of the application as non-complying would be a little harsh. He considered that the resource consent applications were consistent with Part 2 of the Act and passed the “principal” test. He held the viewpoint that the breakwaters meet the “policy” test for a non-complying activity in that they are not “contrary” to any policies in the New Zealand Coastal Policy Statement, the Regional Policy Statement, the Regional Plan and the District Plan.

7.2 Submitters’ In Opposition Evidence – Clarification of the Pre-circulated Evidence

Department of Conservation (DOC)

Ms K Anton, legal counsel for DOC, co-ordinated the Department’s case. In her opening statement Ms Anton listed the various expert witnesses who would provide the Committee with further clarification of their pre-circulated written briefs of evidence.

Ms Anton reminded the Committee of the respective roles of both the Director-General and the Minister of Conservation in consideration of the Restricted Coastal Activities. She addressed case law in relation to “bundling” applications and it was her submission that the component parts of the application should not be separated.

Ms Anton submitted that:

- The applicant is seeking excessive occupancy of water space of 28.4 hectares.
- The breakwaters do not meet the first non-complying activity test of Section 104d.
- The proposed activities will adversely impact the cultural and heritage values of a nationally important area.
- The breakwaters are contrary to planning objectives and policies of the NZCPS and RCPS.
- The breakwaters will have adverse effects on matters of national importance listed in the RMA.
- The applications do not conform to a Part 2 assessment.

Paul Buisson

Mr Buisson gave expert evidence as a marine scientist. He observed that the ecosystem and patterns of community are not unique, but nor are they common. Sheltered by reefs there will be settlement of fines and a different species will colonise the areas. He wished to be sure that any change was minor in significance and that nothing would be lost with the change.

Paul Quinlan

Mr Quinlan gave expert evidence in landscape and public space. He pointed out the losses which the proposal would cause:

- the remnant sandy beach along the seawall and by Flagstaff Hill;
- views through the water to the sandy bottom;
- a natural landscape gone to functional development, the breakwaters interrupting the natural views;
- lost historical cultural heritage in the loss of the natural stream;
- loss of connection of both Flagstaff Hill and the village and green to the water and beach.

The proposed artificial beach will be an enhancement, but that cannot be balanced against the breakwater compromise of natural landscape values.

His concerns arise from the observation that this is not a consolidation but an expansion to the islands. This raises the vital issue of being able to actually achieve design and architectural standards to ensure that mitigation is not compromised during construction by a locked-in process. All decisions would have to be made on "aesthetics".

If approved, his concern is that cost or engineering convenience could override and compromise the mitigation offered of satisfactory aesthetics resulting in engineered artificial intrusion of the breakwaters. There is the question of how is assurance given that first class functionality and aesthetics will be delivered. To achieve this requires that the implementation must preclude compromise of design quality of landscape standards. To contribute to such assurance, the landscape architects must accept full responsibility for all work and sign off before retentions and a bond is released.

Andrew Blanshard

Mr Blanshard gave evidence on a concern regarding the possible storm damage from, in particular, the western breakwater, which had been covered by experts in other evidence. He also raised the issue of greater access imperilling the historic sites of Motumaire because of increased visitor numbers to an area where control by tracks is not appropriate because of the tapu. He had a real concern that there had not been sufficient engagement with the local iwi in respect of a significant historic reserve and archaeological area.

Dr Paul Kench

Dr Kench had prepared evidence tabled though he was not present to be examined. He is an expert in coastal geomorphology. His evidence made the point that this was an area of low natural sediment input budget made up largely of shell. With the breakwaters the energy would be reduced which would have some beneficial effect on the reconstituted beach. The inner western breakwater might cause adverse issues for Te Ti Beach. An evident northwards littoral sand carriage would also reduce.

Dr Kench called for monitoring of beach volumes with results to be used for managing and renourishing Te Ti Beach with high standards for frequency, duration and locations.

Andrew Riddell

Mr Riddell gave evidence as an expert in planning. His evidence reinforced the notions of balance in the RMA, together with appropriate emphasis to avoid and minimise adverse effects, especially with the difficulties of preserving natural character in this location. His evidence was that the breakwaters were a considerable extension of the developed area, and generally there was a need to ensure that any implementation needs to ensure that effects would conform to policies and plans. Public access by right and not by grace and favour needed to be secured.

7.3 Evidence of Submitters In Support

Business Paihia

Mr Darryl Honey in presenting a submission in full support of the application on behalf of the Chairman of Business Paihia Incorporated (BPI) noted that:

- BPI was happy with FNHL's consultation.
- The breakwaters were required to protect Horotutu Beach and to keep the wharf area safe.
- Tourism was a major employer in the Far North and this project would help extend the tourist season.

Paihia Planning Group (PPG) and Paihia and Districts Residents' and Ratepayers' Association Incorporated (PDRRA)

Mr David Mullan noted that PPG was now in recess, however, he was confident in making a submission of support that a large part of the Paihia community were not opposed to the development. In particular it was stressed that the gains of this far-sighted and comprehensive plan would offset the losses, but that the town should be prevented from rolling over to the wharves which should only provide maritime related activities.

Fullers Bay of Islands

Fullers noted that Paihia was the gateway to the Bay of Islands and the development would sustain tourism. The existing facilities were inadequate. The waterfront would be enhanced. The breakwaters would contribute to safety of the wharf and for transfer of water passengers. They welcomed the re-establishment of the beach.

Hearing Note: Other submitters who spoke in support of the application covered and reinforced the same views.

Transit New Zealand, now NZ Transport Agency

Mr R Neate, in addressing stormwater issues, sought two conditions to protect a culvert adjacent to the retaining wall and one revised condition to manage the stormwater pipe extensions. He supported the officer's consent Condition 31 requiring the terminal structure of each stormwater outfall to be marked with a navigational mark and supported combining stormwater pipes into a single outfall.

He also sought additional CCTV records in conjunction with the construction phase where there was the potential for damage to the stormwater system.

Ms Ida Dowling gave evidence which supported the timing of construction outside the peak summer period. She sought a construction traffic management plan and amendment of NRC condition in this respect. Her evidence also supported a parking occupancy survey with a requirement that any shortfall in parking be addressed. The balance of Ms Dowling's evidence addressed the need for a landscaping plan with a maximum height for plantings and supported proposed officer's Conditions 2-10 and 15-25 of the land use consent with amendment of Condition 2 requiring consultation with the New Zealand Transport Agency specifically to consider highway sightlines.

Ms Sarah Sinclair gave evidence supporting a survey of cross shore profiles of Horotutu and Te Ti Beaches with continued monitoring and remedial action where appropriate. She also sought a minimum width of grassed and landscaped berm to protect the State Highway from wave run-up.

Ms N Chhagan in her evidence outlined a range of conditions which, if adopted, would adequately mitigate any possible adverse effects of the development on the State Highway.

7.4 Evidence of Submitters' In Opposition

Te Runanga A Iwi O Ngapuhi

Mr George Riley presented a submission on behalf of Te Runanga A Iwi O Ngapuhi. In his submission the following points were made:

- Concern was expressed over the consultation which was undertaken. There was a lack of cultural appreciation.
- Motumarie is an Island Wananga. It is tapu. It is held in high regard by ahi kaa.
- The cultural impact report which had been prepared did not reflect the views of all the tangata whenua who have rohe moana interest in the area.
- The development will have adverse impacts on kaimoana (including the alkaline chemicals in the concrete of the breakwaters).
- The wave reflecting off the breakwater may have an adverse impact on Te Ti Beach.
- The applications should be declined through lack of ahi kaa written approval.

Nga Whanau O Horotutu Me Taputaputa O Pahi

Ms Emma Gibbs-Smith expressed her concerns regarding the development. She spoke of the role that local tangata whenua had as Kaitiaki. She drew on historical developments at Paihia, noting that in her view hard coastal structures of the past had caused damage to the coast. She also expressed the shortfall of consultation undertaken by the applicant.

Ms Emma Gibbs-Smith provided an overview of the Maori names given to local islands. She informed the hearing that local islands such as Motumaire and Kuia Rongouru (Taylor) Islands had special significance to tangata whenua, and were recognised as an open space and an outstanding landscape. She expressed the view that the reefs as proposed by the applicant were not welcomed.

Ms Emma Gibbs-Smith outlined that migratory fish moved with local current toward estuarine areas and local rivers. She considered that it was in the interests of migratory fish and kaimoana that local waters not be allowed to stagnate and that existing currents and flows were maintained. She advised the hearing that Motumaire Island was waahi tapu. She sought that the consent be denied.

Mr Peter Smith, a lay witness with 35 years of experience of working in marine construction, presented evidence in support of Ms Gibbs-Smith's submission. Mr Smith noted the following:

- Paihia (Horotutu) Beach dynamics are complex and they are influenced by the islands of Motumea, Motuma, Motumarie and Kuia Rongouru.
- Paihia (Horotutu) Beach is in a state of dynamic equilibrium and has been for a long period of time.
- The hydrological disruption which will result from the placing of the reclamations and breakwaters are a potential threat to Te Ti Beach.
- Not enough attention has been paid to potential detrimental effects on Te Ti Beach.

Te Ropu Taiao ki Waitangi

Mr Pita Apiata presented the submission of Te Ropu Taiao ki Waitangi. He pointed out that one of the issues concerning his group is that their views had not been properly identified and considered. The application is a complex one and he had concern over the compilation of the cultural impact assessment. He recommended that before the matter be decided that shortcomings of the cultural impact be addressed and that a joint committee be set up to address issues in this area.

Bay of Islands Watch Dog

Key points of their evidence were:

- The breakwaters and reclamation will significantly change the natural and historic character of Paihia.
- Granting the application will set a precedent.
- The breakwaters will change sea patterns and may cause erosion. Applicant's AEE does not address what the effects are. Conditions to include no future development. May result in more commercial activities that are inappropriate to the ambiance and character of Paihia. The breakwaters may allow predators to wildlife.
- Rebuilding eroded beach may be possible without breakwaters.
- Reclamation southeast of existing building serves to privatise public space, negative effects on Flagstaff Hill, blocks water views from the village green and Williams House. Contrary to NZ Coastal and Regional Policies. Carparking inadequate and does not comply with FNDC's parking requirements.
- Helicopter pad adjacent to reclamation not appropriate because of negative effects from pollution and noise.

Hearing Note: Other submitters who spoke in opposition covered similar matters as those listed above.

7.5 Submitters' Evidence – by Written Submission

Thirty-six submitters filed written submissions in support of the application. There is considerable commonality in the submissions and they note:

- Paihia is the gateway to the Bay of Islands and is a key tourist destination.
- Currently not particularly attractive or functional and has a rock wall that endangers pedestrians when it collapses. Development would make the waterfront safer.
- Breakwaters will provide a safe passenger terminal, an attractive beach and calm anchorage. This development would allow use of the area 365 days per year.
- Will benefit tourists and the district, and the development will allow for an increase in tourists in a sustainable manner.
- The development is visually appealing.
- The development will address the existing problem of loss of beach.

Some submissions suggested improvements that could be made:

- P Boisen wanted the helicopter pad to be relocated around the corner, further away from the reclamation and the breakwaters to be no higher than MHWS.
- The New Zealand Historic Places Trust wished to see development undertaken in a heritage sympathetic manner.
- G Marshall pointed out that there were few activities for tourists to do in poor weather, and a recreational building should contain a heated swimming pool, outside pool, squash court, gym, theatre, etc.

Three submitters filed written submissions in opposition to the application. I Mounsey indicated that the application is different from the first application. R and E May would prefer the construction of a permanent seawall from the aquarium restaurant to the bluff, which would allow for the widening of Marsden Road and the construction of a waterfront promenade.

7.6 Staff Reports

The staff reports were prepared by Allan Richards, the Northland Regional Council's Coastal Consents Programme Manager, and Conway Stewart, a planning consultant. They offered written evidence under the following headings:

Visual/Landscape Effects

It is noted that the visual effects of the proposed development are of concern to some people. They point out that effects are addressed in the report on landscape effects which is set out in Section 12 of the AEE. After discussing all the evidence that has been presented staff concluded that the adverse effects of the application in respect of visual effect will be no more than minor in the context of the Paihia coastal environment provided appropriate conditions of consent are imposed.

Effect on Amenity Values

The effect on amenity values is closely associated with visual effect. The proposed development is to take place in an area that is already modified, which is the best place for such development to occur if it is to occur at all. It will provide considerably more amenity to the public than exists at present. The renourishment of the beach will also add amenity value. The only potential adverse effects which may occur will be as a consequence of the breakwaters. The conclusion is that, in respect of amenity, the adverse effects of the application will be no more than minor.

Effects on Natural Character

It is pointed out that while Paihia has an undoubted natural character, the area around the wharf is highly modified. The New Zealand Coastal Policy Statement states that use and development should occur in areas where the natural character has already been compromised. In this regard the proposed development is consistent with the NZCPS.

Kuia Rongouru (Taylor) and Motumaire Islands have natural character in themselves but in the wider context of Paihia they are close to an area of highly modified coast. The proposed reef/breakwaters are designed to appear natural. The examples of Mission Bay and Kohimarama Beaches in Auckland show how it is possible to maintain natural character and improve the marine environment for public use through human intervention and construction.

It is concluded that the proposed development will adversely affect natural character to some extent but on balance the adverse effects of the proposal on natural character will be no more than minor.

Effect on State Highway 11

The report concludes that the effect on State Highway 11 will be no more than minor.

Effect of Breakwaters

The effects of the breakwater were considered in some length and outlined the options that the Committee may like to consider. Staff did conclude that the adverse effects of the northern breakwater on navigation as originally proposed would be minor, although the "cultural" concern regarding public access to the islands would remain.

Effects of Stormwater Outlets

In a detailed assessment of the proposed stormwater discharge points it is recommended that a discharge pipe be incorporated into the breakwater as it was constructed and an outfall location and configuration selected to avoid adverse effects on either Te Ti Beach or Horotutu or on the recreational use of these.

Appropriate water quality conditions may also be imposed on any consent that may be granted in respect of the stormwater discharge from the southern end of the reclamation so that receiving water quality is at least maintained.

Effect of Sewage

Measures are required to ensure that there are no adverse effects from the use of the facility. These measures will ensure that the benefit of having a sewage pump-out facility at the wharf is realised.

Effects of Sea Level Rise

The applications are seeking a 35 year consent period. It is unlikely that there will be any significant problem caused by sea level rise during this time. The artificial reefs/breakwaters would in any case be able to be heightened if necessary and the wharves and jetties would, by the end of 35 years, probably need upgrading or redevelopment. Any necessary allowance for sea level rise could be made at that time, or otherwise by way of variation to consent conditions if necessary in the meantime.

Effects on Public Access

It is concluded that there will be no adverse effects on public access that are more than minor. In fact public access to the coast will be improved as a result of the proposed development.

Effects on Horotutu Beach

Conflicting evidence has been presented on the potential impacts on Horotutu Beach, in particular between Professor Raudkivi and the views of Dr Kench. In a consideration of the evidence it is concluded that there will be no adverse effect in respect of Horotutu Beach that would be more than minor.

Effects on Te Ti Beach

There seems to be some consensus that if there is any long shore drift from the sand renourishment at Horotutu Beach it will be beneficial for Te Ti Beach and therefore there would be no adverse effect that would be more than minor.

Effects on Cultural and Historic Values

The AEE does contain a section (Section 7) on cultural and historic values. The islands are of important significance to Maori. Motumaire is a registered waahi tapu site and Kuia Rongouru (Taylor) Island (which is privately owned by Maori interests) is in the process of being registered as a waahi tapu site.

An assessment of the historic values associated with Paihia by Ralph Johnson notes that it is an area of high historic significance but the proposed redevelopment of the mainland area is not likely to impact greatly upon the existing historic values.

The seascape and, in particular, Motumaire and Kuia Rongouru (Taylor) Islands have remained relatively unmodified and retain high historic and archaeological values. Mr Johnson points out that the proposed construction of seawalls or breakwaters in close proximity to Motumaire and Kuia Rongouru Islands, will adversely impact on the historic values of Motumaire Island.

A review of the Johnson report by Elisabeth Callaghan notes that the areas of main concern are Motumaire and Kuia Rongouru and the proposed northern breakwater and the Paihia seabed. In this respect Ms Callaghan notes that as works will not physically affect the islands there will be no effect on archaeological values. Nor is there any evidence to suggest that there will be more visitors to the islands and there is no provision in the Historic Places Act 1993 for the protection of the visual

appearance of the sea. Ms Callaghan supported Mr Johnson's opinion that a marine archaeological survey should be carried out.

Cultural Assessment

A cultural assessment was prepared by Niketi Toatuau and Natalie Glover of Opus International Consultants Ltd. The report identifies the efforts that were made to engage with tangata whenua and the results of the meetings and other communication that occurred. The concerns of tangata whenua are identified and discussed

Effects on Navigation

The proposed re-routing of the main navigation channel south of Kuia Rongouru (Taylor) Island will pose some minor problems for navigation safety, given that the proposed channel has two bends in it. An alternative alignment to achieve this is illustrated on Richardson Stevens Consultants Plan No IJ.

There is no formal guideline for channel design criteria, but it is the Regional Harbourmaster's opinion that a channel width of 30 metres, measured at the bottom of the channel batter, is satisfactory for a straight channel being used by vessels of the current length and beam operating from Paihia.

In the case of a channel with bends, it is the Regional Harbourmaster's opinion that a width of 40 metres, measured at the bottom of the channel batter, would be satisfactory for existing vessel traffic. Again, in recognition of the increasing size of commercial vessels, consideration should be given to extending this width to 47 metres.

Given the mitigation measures that are proposed, the conclusion is that the adverse effects on navigation will be no more than minor.

Effect on Ecology and Water Quality

Section 8 of the AEE (and Attachment H to the AEE) describes the ecological and water quality effects. Several conclusions are drawn, which can be summarised as follows:

- The development can be undertaken without other than minor effects on marine habitats.
- The effect of the reefs will be adequately mitigated by the extra habitat provided by the reefs themselves.
- There will be short-term effects from dredging but the dredged area will be naturally recolonised and in the long-term the ecological setting should be similar to that which exists today.
- It is possible that a more diverse and abundant benthic community will result from the more sheltered environment behind the reefs.
- Beyond the short-term turbidity increase during construction there should be no significant effect on water quality.
- There will not be an increased risk of algal blooms.
- The reclamation, berthing area and beach renourishment will not have other than minor effects on ecology or water quality.

- A pest and rat eradication programme on Kuia Rongouru (Taylor) and Motumaire Islands offers a potential environmental benefit and will improve the potential value of the islands as habitat for seabirds.

It can be concluded therefore that the adverse effects on ecology and water quality will be no more than minor.

Effect of Pests on Islands

It is suggested that if an increased risk of pest infestation is determined as likely to be the result of the construction of the breakwaters it would be reasonable to suggest that the applicant should have a continuing responsibility for pest control for the duration of the consent. If this occurs or is required the adverse effects will be no more than minor.

Effect of Dredging

The AEE and the applications state that approximately 45,000 m³ of material will need to be dredged from the seabed. The majority of this material is to be used as fill for the reclamation. It is assumed that the excess material will all be consumed in the reclamation and/or in the beach renourishment. The adverse effects of dredging will be no more than minor. Spoil other than sand is not to be used in the replenishment of the beach.

Effect of Reclamation

In the context of the whole development it is concluded that the adverse effects are likely to be no more than minor.

Effects of Noise

There will be some noise during the construction phase. The noise will be temporary and it will occur in an area (Paihia township) in which there is a considerable amount of background noise from business activities. Compliance with the relevant NZ Standards and the rules in the Regional Coastal Plan and the District Plan are proposed.

The application proposes a change in the location of the helipad, and indicates that flight numbers are not likely to be significantly increased from the level of the past two to three years. No increase in noise resulting from the ongoing use and operation of the relocated helipad is anticipated at current flight numbers.

The adverse effects from noise associated with the proposal will be no more than minor.

Effects of Lighting

Conditions can be imposed to ensure that these lights do not cause any adverse effect.

Effects on Existing Mooring Holders

Original Proposed Channel

The applicant needs to address this matter at the hearing and confirm whether the moorings will be affected and if so what arrangements have been made with the mooring holders. Provided such arrangements are made, the adverse effects on mooring holders will be no more than minor.

Alternative Proposed Channel

A modified approach channel has been put forward by Richardson Stevens Consultants (Sheet IJ dated 09/07/08) as an alternative. The reason for this was because of safety and navigation concerns expressed by the Harbourmaster about the curved channel alignment. The alternative may affect three mooring holders in the adjacent mooring area (mooring reference numbers 2561, 747 and 2589) who may be displaced by the proposed alterations to the access channel route to the wharf if consent is granted.

Assuming that the three written approvals have been provided there will be no adverse effects from the amended channel.

Effect on Existing Consent Holders

The applicant is part owner of the aquarium/restaurant 35° South, and as no submission was made by that entity it may reasonably be assumed that there is no adverse effect on that consent holder.

The proposal is unlikely to adversely affect the fuel berth. No submission was made that indicated any adverse effect on the existing fuel facilities or their operation.

Effects Relating to the Helicopter Pad

The helicopter pad is a new facility. The proposal is that traffic will continue at a rate of approximately 40 flights per week.

It is noted that the area proposed to be used by the helicopter is relatively small. It is not on a reclamation. Consequently it can be concluded that the adverse effects of the helicopter landing area will be no more than minor.

Effects on Health and Safety

No specific effects on health and safety have been identified in the AEE. The applicant, as operator of the wharf, will be required to have the requisite health and safety plan for the site.

Effects of Occupancy

The applicant has applied for occupancy over 28.4 ha of seabed in order that it may manage "boat and other movements and ensure that it is kept for future recreational use". It is concluded that provided the applicant is not given occupancy of more of the seabed than is required for the operation of the activities that have been applied for, it is considered that the adverse effects of that occupancy will be no more than minor.

Precedent Effect

It is claimed that this application "can set a precedent". It is unlikely that similar development can or would be proposed elsewhere in the Bay of Islands. Paihia is developing as the main tourist centre in the Bay and the main jumping off point for tourist activities in the Bay and the Far North generally, and precedent has already been set in that regard.

Conclusion on Effects

On balance it is considered that the adverse effects of the overall proposed development will be not more than minor, especially given that the general location of the Paihia waterfront and immediately adjacent coastal water has, for very many years, been the hub of tourism and recreation activity including facilities for marine-related businesses. It is no longer a “pristine” or unmodified part of the Bay of Islands.

Hearing Note: At the conclusion of the presentation of evidence on the second day of the hearing the Committee signalled to the hearing that it was considering an adjournment so as to seek further evidence on two issues – the impact of the proposal on cultural values and a peer review of the expert evidence provided on the stability of Te Ti Beach.

Resolved:

- (1) That pursuant to Section 41C(3) of the Resource Management Act 1991 that local iwi representatives be afforded the opportunity to prepare further evidence for the consideration of the hearing. Iwi should also be informed that the Committee will use the provisions of Section 42 if it is deemed necessary.
- (2) That pursuant to Section 41c(4) the Committee directs Council staff to commission an appropriate expert to peer review the evidence provided on the placing of the outer western breakwater and its impact on the wave environment and potential detrimental impact on Te Ti beach.

7.7 Evidence Presented at the Reconvened Hearing

Tangata Whenua Submitters

Ms Emma Gibbs-Smith and Mr George Riley tabled a paper entitled “Issues of Concern” and spoke to it. The primary position of tangata whenua is to recommend to the Committee that they direct the commissioning of a cultural impact assessment by tangata whenua of this area to be resourced equally by Far North Holdings Limited, the Far North District Council and the Northland Regional Council.

Peer Reviewed Evidence

The peer-review of evidence had been prepared by Dr Peter McComb and Dr Brett Beamsley of MetOceans Limited. The evidence concluded that:

- The breakwaters are well designed.
- The proposed northern and outer western breakwaters are appropriately placed to achieve suitable tranquillity in the berth area.
- The outer western breakwater will have little or no effect on Te Ti Beach.
- There is no direct evidence to show that the inner western breakwater is necessary to protect Horotutu Beach and that it would not affect Te Ti Beach.

7.8 Applicant's Right of Reply

Mr Dunn co-ordinated the applicant's right of reply concentrating on the key issues in contention:

Coastal Processes

Generally accepted that the proposed method of beach replenishment is tied to the breakwaters. The requirement for the inner western breakwater remains in contention. The applicant would accept the abutment which would allow for further investigation and monitoring to determine if the breakwater is required.

Landscape and Visual

Breakwaters a finely balanced decision.

Agreed that modifications need to be done exceedingly well.

8. PRINCIPAL ISSUES

8.1 Issues Definition

The principal issues that were in contention were:

- (a) Issue 1 - Whether the historic heritage of this nationally important area will be impacted significantly.
- (b) Issue 2 - The adequacy of the cultural impact report.
- (c) Issue 3 - Whether the application should be considered as a single integrated package or can a decision be made on a number of bundles or even individual components of the application.
- (d) Issue 4 - The extent to which the development impacts the ecology of the local marine environment.
- (e) Issue 5 - Whether the proposal is aligned to the amenity associated with the local on and offshore environment.
- (f) Issue 6 - Whether the development adequately provides for public access.
- (g) Issue 7 - Whether traffic and parking impacts will be able to be adequately avoided, remedied or mitigated.
- (h) Issue 8 - Whether or not the natural character of the area will be able to be maintained and any adverse effects on natural character avoided, remedied or mitigated.
- (i) Issue 9 - Whether or not the breakwaters are required.

8.2 Evidence Consideration

The application comprises a wide range of consent applications and written evidence has been provided on each of these applications. The Committee also notes that the bulk of the evidence provided at the hearing tended to concentrate on a limited number of key aspects of the application including:

- the activity status of the application;

- the environmental impact of the breakwaters;
- historical setting of the area; and
- cultural impacts and parking.

9. MAIN FINDINGS

The Committee considers that the main findings of fact relating to this application are:

(a) Issue 1 – Historic Heritage

This area of the Bay of Islands has high national historic and cultural heritage. Part 2 of the Act directs that in achieving the purpose of the Act the Committee shall recognise and provide for the protection of historic heritage from inappropriate subdivision, use and development. The Committee acknowledges that a number of the submitters in opposition expressed the opinion that:

“.. the impact of these developments on the integrity of Paihia’s historic heritage will be significant.”

The Committee accepts the observation of Mr Dunn that the landscape expert’s evidence clearly indicated that the proposed development will not radically alter the visual historic maritime landscape. Further the New Zealand Historic Places Trust submitted in general support of the application noting:

“It recognises that such facilities will upgrade an important means of access to the Bay of Islands, allowing the historic heritage of a significant location in New Zealand Maori and Pakeha/European history to be better appreciated such a redevelopment is undertaken in a heritage–sympathetic manner.”

This application is subject to the limitations and criteria of the Resource Management Act. In the absence of national guidelines which may direct or provide guidance to the Committee on developments in nationally significant areas, the Committee must decide the matters in contention of the evidence which is placed before it. In this instance, it prefers the evidence of the applicant and the New Zealand Historic Places Trust.

(b) Issue 2 – Adequacy of the Cultural Impact Report

The Committee accepts the submissions of the applicant and finds that the applicant did endeavour to consult with iwi. Representatives of the Runanga and local tangata whenua expressed the strong viewpoint that a cultural impact report (CIA) should have been prepared by them and stressed that until such time as an appropriate CIA is prepared then the Committee cannot address its responsibilities under Part 2 of the Act. The Committee accepts that the applicant did acquire a CIA – ideally the CIA would have been prepared with direct local input but in the absence of an actual engagement on behalf of local iwi representatives progress had to be made.

After hearing the initial evidence the Committee clearly recognised the significance of this area to tangata whenua and agreed to an adjournment so as to provide local iwi representatives with the opportunity to provide the Committee with further information. The Committee also clearly indicated that they would be prepared to use the provisions of Section 42C in a consideration of new evidence. When the Committee was reconvened no great matter of additional information was presented by iwi submitters.

The applicant demonstrated to the Committee that it had made several attempts to engage with local iwi representatives. Clearly there was an expressed frustration that the cultural impact assessment was not completed by local iwi. However, submissions showed that the applicant had attempted to engage with those matters concerning Part 2 of the Resource Management Act. The Committee has resolved that to further adjourn the hearing for the preparation of another cultural impact report was unfair to the applicant and that it had given maori every opportunity to raise any specific concerns..

(c) Issue 3 – Should the application be considered as a single integrated package or can a decision be made on a number of bundles or even individual components of the application?

The Committee gave thought to the possibility of bundling parts of the application for consideration in different ways, or consents to parts if the whole were not to satisfy the required evidential standards. The application had been put as an integrated package. The main components are closely integrated. The breakwaters, as well as being essential for the nourished beach to survive stormy weather, make for considerable utility gain to the berthage and services in both general safety and in an extension to commercially operational days. The commercial reclamation might be able to be armoured to withstand storms, but the need to extend trading days is linked to that expansion, as is a wish to use suitable dredgings from the dock area for the beach reclamation. The need for the new channel flows from the construction of the northern breakwater.

That the general approach of the RMA is for consideration of applications to be integrated and the exercise of most parts of these consents would have consequent effects leading to the need for others.

The Committee decided that the applications should be decided as one, with deletion or amendments by conditions to resolve any difficulties.

The dredging is partly a non-complying activity. This lead to consideration of Section 104D. There are two limbs either of which need to be satisfied. The dredging will be of minor adverse effect on its own, but the consequences of allowing larger vessels, and as the channel dredging predicates the northern breakwater, this breakwater must be considered as part of this integrated decision.

The visual effects of the breakwaters called for considerable attention and weighing of specialist opinion which varied a little in degree. Balanced by the Committee it was found that the visual effects would still marginally be more than minor if carried out in the way described so as to be natural. The evidence showed that effects on ecology, sediment, transport and water quality would all be no more than minor. The Committee was not satisfied

that the effect of the western abutment in full, and the western inner breakwater would not risk more than minor effects. The abutment can be reduced and the inner breakwater removed to resolve this impediment to meeting the Section 104D(a) requirements.

The beach reclamation and replenishment with sand, while not a mitigation, will be an enhancement to the landscape. The extended reclamation east of the eastern abutment will be part of an already built up area and the loss of the small area of beach by the stream on the west of Flagstaff Hill will be of minor effect only.

Added public open space and improved pedestrian access as conditioned will add to the remedying of any adverse effects of the enlargement of commercial activity and built environment. The application of the consideration of Section 104D only follows small areas of non-complying activity, and harshness could be the effect of declining on the basis of subclause (a). Consideration of subclause (b) found that proposal is not contrary to the objectives and policies of the plans. The Committee therefore continued to consider the application as a unified and interconnected whole.

(d) Issue 4 – To what extent does the development impact on the ecology of the local marine environment?

The waters of the Bay of Islands are classified CA (General), CB (Contact Recreation) or CN (Natural). Most of the inner Bay of Islands, including the area around the Paihia Wharf, has a CA (General) classification. The CA class standard enables activities to be undertaken that result in changes in parameters within specified limits.

Evidence was heard that there were no rare marine animals or plants inhabiting the part of the marine environment affected by the development. Special note was made of a reef area to the east of Motumaire Island which was considered to have elevated habitat value.

It was outlined that intertidal hard shore areas were healthy and low in silt and that areas around the islands contained a diversity of common marine species. The islands were recognised as having ecological value and that initiatives taken to eradicate rats would benefit natural flora and fauna.

It was indicated that sediments in the area were unpolluted and of good quality but that during and following high rainfall events water quality could decline significantly.

The breakwaters were considered to cover a habitat foot print of 0.93 ha with an estimated surface area footprint of 0.99 ha. The opportunity existed for the breakwaters to provide new habitat.

The development could have short-term impacts on the complexity of the existing marine communities, but there was significant scope for ecological recovery which indicated that the development would result in minor ecological changes in the long run. Evidence was presented that the wharf area and new channel dredging would remove existing biota within a 4.4 ha area and that on dredging of the newly exposed seabed it should be of a similar composition to that existing allowing progressive recolonisation of a

similar community. It is recognised that there is no significant habitat or biota within the proposed reclamation part of the shoreline.

The dredging phase would result in some temporary water quality deterioration. Elutriate analysis indicated that there would not be any significant heavy metal release or pollution associated with dredging.

It was accepted that there was some uncertainty as to the relative value of parts of the reef habitat which would be lost, but that species being supported by the existing reefs were not rare and were capable of being supported by the proposed artificial reef structures.

Furthermore, it was recognised that the degree to which the artificial reefs would be effective in this respect was partly influenced by the degree to which the surface of the reefs were kept free of sediment.

It was recognised that the development could be seen to have little direct effect on marine mammals other than by way of constraining their options in passage.

The Committee concluded that in ecological terms, and with appropriate conditions, the development would produce adverse effects on the environment which were no greater than minor.

(e) Issue 5 – Is the proposal aligned to the amenity associated with the local on and off shore environment?

In addressing this issue, the Committee is mindful that the Resource Management Act 1991 defines amenity as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes and broke its consideration into two parts; the on shore environment and the off shore environment.

On Shore Environment

The predominant character of Paihia in the immediate vicinity of the development (reclamation and marina structures) is commercial. The coastal margin is characterised by tourist based activities and a restaurant/cafe with associated wharf structures which extend into the coastal marine area. Directly opposite these activities lies the commercial centre of Paihia which contains a diverse and wide range of commercial activities.

There is also land south west and north of Marsden Road (State Highway) in close proximity of the development identified for recreational activities. On the eastern side of Marsden Road and abutting the southern end of the existing Paihia waterfront development there is also an area of land set aside as reserve.

The Committee finds that the reclamation and extension to marina facilities would be consistent and in keeping with the physical qualities and characteristic of the landward area of the development and would not detract from the area which is dominated by a mix of commercial and tourist activities.

The Committee observed that the provision of a renourished beach is an important environmental off-set. The Committee came to the view that, in order to guarantee the renourished beach, an appropriate bond should be set.

Off Shore Environment

The off shore environment, as viewed from Paihia, is dominated by a vista of both Motumaire and Kuia Rongouru (Taylor) Islands. It is also possible to catch glimpses of the built environment at Russell and on hillsides on the eastern side of the Bay directly opposite Paihia.

The islands (Motumaire and Kuia Rongouru) are zoned Conservation in the Proposed Far North District Plan. The islands are recognised as possessing conservation values which are worthy of protection. Consequently, the islands have been retained in their natural state.

The key consideration of the development in terms of amenity and the off shore environment is one of whether the addition of proposed reefs (to act as breakwaters) would adversely affect (in a way that was greater than minor) existing amenity values.

Historically Motumaire Island had been connected westward to Nihonui Point making it once possible to walk out to the island in certain conditions. This connection was destroyed in recent times by the New Zealand Navy which chose to widen the channel between the island and the point. In the case of Motumaire and Kuia Rongouru Islands there has long been a physical separation between the two islands.

It is possible to consider the extent to which the amenity is adversely affected in terms of the physical appearance that man-made reefs would present to those viewing them from land or sea. Evidence was submitted that the reefs, if constructed to replicate a local natural material reef system, and to a similar standard or better than those constructed in Auckland (Kohimarama artificial reef), a high degree of natural appearance could be achieved. In this case the reefs which would act as breakwaters would be unlikely to detract from the amenity of the area and for most individuals who did not know, they would not appreciate that they were in fact man-made. Furthermore, a reef in close proximity to outlying islands would not be a feature which was out of character with a seascape.

The reefs would allow the proposed beach to be developed and afford additional recreational opportunities to the community and visitors. It was also recognised that if reefs were not directly connected to the islands, but rather a separation distance of approximately 20 metres was adopted, then this would recognise the cultural significance of the islands as separate entities which were clearly viewed as taonga to tangata whenua.

(f) Issue 6 – Does the development adequately provide for public access?

The Resource Management Act 1991, Part II, Section 6, makes it clear that the maintenance and enhancement of public access to and along the coastal marine area is a matter of national importance.

Section 229 of the Act outlines that an esplanade reserve or strip can be for the purpose of enabling public access to or along the foreshore or to enable public recreational use of the esplanade reserve or strip adjacent to the sea. The default width of any esplanade reserve or strip as outlined in Section 230 can be considered to be 20 metres. Although Section 108 (2)(g) states that in respect of any resource consent for reclamation granted by the relevant consent authority, a condition can be imposed requiring an esplanade reserve or strip of any specified width to be set aside or created under Part 10 of the Act.

The New Zealand Coastal Policy Statement, Section 3.5 and in particular policy 3.5.1 states:

“In order to recognise the national importance of maintaining public access to and along the coastal marine area, a restriction depriving the public of such access should only be imposed where such a restriction is necessary:

- (a) to protect areas of significant indigenous vegetation and/or significant habitats of indigenous fauna;*
- (b) to protect Maori cultural values;*
- (c) to protect public health or safety;*
- (d) to ensure a level of security consistent with the purpose of a resource consent; or*
- (e) in other exceptional circumstances sufficient to justify the restriction notwithstanding the national importance of maintaining that access.”*

The applicant originally proposed that there be no provision for an esplanade reserve along the edge of the reclamation on the basis that access would be freely available to the public. However, as acknowledged in the Officer’s report (Northland Regional Council) unless an esplanade reserve or strip is formally created the public has no guaranteed legal right of access in perpetuity. Furthermore, to not provide for public access would be in contradiction to the direction set in Section 6 of the Act and the New Zealand Coastal Policy Statement.

The Officer’s report (Northland Regional Council) proposed an esplanade strip of 6 metres on the edge of the reclamation. However, it is questionable that the width proposed reflects the significance intended to be given to public access along the coast by both the Act and the New Zealand Coastal Policy Statement. Furthermore, it is also questionable that a width of six metres is congruent with the proposed development which was presented as reinforcing and extending the perception of the Paihia waterfront as an area with a strong pedestrian commercial focus.

The default position in the Act is to adopt a 20 metre width for esplanade reserves and strips. To go below 50% of this width would be to unacceptably diminish the significance placed on the importance of public access in the vicinity of the coast. It would also reflect a failing to recognise the significance being placed on pedestrian activity in conjunction with the development which was presented as justification for a significant reduction in the need to provide onsite car parking. Consequently, it is considered that an esplanade strip of no less than 10 metres in width should be provided in conjunction with the development for the purpose of providing

public access. This should be created in accordance with the tenth schedule of the Act.

Evidence was presented mainly by the Department of Conservation regarding restrictions that may be imposed on public access in the context of the development. In this respect it is noted that the tenth schedule of the Act does provide the scope for the right of passage over an esplanade strip to be made subject to provisions. However, in view of the statutory framework any restriction would need to be aligned closely to the criteria set out in the New Zealand Coastal Policy Statement.

It is considered that restrictions on public access designed to ensure the safe operation of the helipad would have a sound justification. It is accepted that public access onto the commercial three finger piers that also extend off the promenade deck could be restricted. In both cases this would be justified to either ensure public safety and/or a level of security consistent with the purpose of any resource consent granted subject to the exception that public access be allowed where necessary in the case of an emergency.

In all other respects it is difficult to justify further restrictions on public access. In the case of the eastern attenuator and the finger pier for visitor berthing, it is considered that there would be public interest in visiting this area day and night and no strong evidence was presented to the contrary or to justify any restrictions on public access.

(g) Issue 7 – Will traffic and parking impacts be able to be adequately avoided, remedied or mitigated?

Evidence submitted indicated that traffic impacts fell in two time periods. The first was the construction phase and the second the operational stage of the development. It was considered that provided a traffic management plan was put in place, the effects generated by traffic associated with the construction phase would be minor. It would be necessary for any traffic management plan to consider the timing of construction traffic and be derived largely from matters of relevance to both the New Zealand Transport Agency and the Far North District Council.

The long-term picture of traffic effects was provided in the evidence of Mr Geoffrey Gibson and experts from the New Zealand Transport Agency. Mr Gibson, in summary, outlined that the traffic effects of the proposal were not likely to be significant for the State Highway and placed considerable emphasis on the fact that a significantly high proportion of visitors to the development would arrive by foot, bus or taxi, and that adequate parking was in place.

The New Zealand Transport Agency was also supportive of the development subject to a number of key conditions which should attach to any consent granted. These could be considered to fall into the categories of stormwater, transportation, and coastal engineering.

There was some divergence in the evidence regarding the need for a parking survey. The New Zealand Transport Agency considered that a condition of consent should be imposed requiring a parking occupancy survey be conducted with a requirement that any shortfall in parking be addressed.

Mr Gibson made reference in his evidence to recent parking studies (2006/07) which had been conducted that showed approximately one in two persons visiting the Paihia waterfront depended on car parking and that nearly one in three persons walked to the waterfront. This was supported by further studies showing the percentage occupancy of car parks in the immediate area.

Ms Ida Dowling of the New Zealand Transport Agency in her supplementary evidence outlined that she had concerns that parking in Paihia town centre was nearing capacity much of the time and that this could be a problem when the new facility was completed.

It is considered that a shortfall of parking would have an adverse effect on the State Highway and that it should be a requirement of the applicant that a parking survey as proposed by the highway authority be undertaken and any necessary shortfall of parking provided. In the absence of information to the contrary the Committee concludes that the provision of 25 car parks as proposed by the applicant is considered sufficient.

(h) Issue 8 – Will the natural character of the area be able to be maintained and any adverse effects on natural character avoided, remedied or mitigated?

Evidence was heard from Mr M Farrow that the wharf and landward elements of the development would have no more than minor adverse effects on the natural character of the immediate surrounding area. It was also heard that the proposed beach enhancement would result in positive effects upon natural character. In general this view was supported although qualified in many cases by a requirement that considerable care would need to be taken in the design implementation phases of the development.

In terms of the three breakwaters Mr Farrow was of the view that the adverse effect on natural character would be more than minor depending on the level of the tide. However, in his evidence, he encouraged this aspect to be balanced against the beneficial effects arising from the proposal such as the re-establishment of a re-nourished beach.

It was evident that the development was occurring in an area already developed for high levels of commercial and tourist activity and that this contributed to the character of the immediate locality and Paihia township. It was also evident that the development would not impact on the landward natural character of Motumaire and Kuia Rongouru Islands. These Islands would not receive any development impacts and consequently their contribution to natural character in terms of indigenous vegetation and habitat for fauna would be untouched.

The issue of effects on natural character was found to largely rest on the impact of the proposed breakwaters on the seascape and their relationship to the Islands of Motumaire and Kuia Rongouru. In this respect it was recognised that some mitigation of this impact in cultural terms was possible by separating the reefs from the Islands by a distance of at least 20 metres. Further mitigation was recognised as possible if the design and appearance adopted for the breakwaters was highly compatible with the appearance of local reef in the area. Finally, it was recognised that additional mitigation was possible if the total number of reefs was able to be reduced.

It was considered that the proposal could be designed and conditions imposed to ensure that natural processes of the local coastal environment were managed in a sustainable way and it was recognised that the restoration of a beach was able to be considered as one means to assist in the restoration of natural character in the immediate coastal environment.

In terms of the proposal the effect of the breakwaters [reefs] was found to have an adverse effect on natural character which was more than minor but which could be assisted by mitigation. The proposal assessed in totality, and when considering the character of the immediate locality, could be seen to be having an impact on natural character which was less than minor on balance. It was considered that the re-creation of the natural beach system had the potential for the development to produce a net gain in natural character for the immediate locality.

(i) Issue 9 – Are the breakwaters required?

While the Committee accepts at face value the various submissions of the applicant that stress that the breakwaters are required to help maintain the replenished beach, it was very evident to the Committee that the breakwaters will help mitigate adverse wave events. The peer-review of evidence notes:

“The proposed northern and outer western breakwaters are appropriately placed to achieve suitable tranquillity in the berth area.”

A number of submitters in support of the application made similar comments.

The Committee finds that the northern and outer western breakwaters are well designed. The replenished beach is an important environmental offset and these breakwaters are required to help maintain a stable beach.

The Committee accepts the opinion expressed in the peer-review of evidence that the applicant has not made out the case for the construction of an inner western breakwater.

9.1 Activity Status of the Application

In a consideration of the activity status of the application, the Committee considered the submission of Mr Dunn which noted that had it not been for the dredging component of the proposal, then the consents required would have fallen, mainly, into the discretionary classification. Mr Dunn also pointed out what he described as an anomaly in the provisions in the RCP which effectively result in

greater restrictions in the Marine Management (MM) 4 and Marine Management 6 Areas as compared with the MM2 Area. Mr Dunn submitted that the scope of the dredging could be limited so as to avoid the non-complying status. He also expressed the opinion that treating all aspects of the application as non-complying would be a little harsh.

Ms Anton, for the Department of Conservation, offered a different viewpoint, which was supported by Mr Riddell, and submitted the total application should be considered under the non-complying activity status.

The Committee has resolved that the whole application will be considered under the non-complying activity status.

10. ASSESSMENT OF PART II MATTERS

The Committee acknowledges that this is a very complex application. It has assessed the application with regard to RMA Part II Matters:

10.1 Section 5 – Purpose

The Committee agreed with the submissions of staff that the development will result in sustainable management provided operations are carried out in strict accordance with the recommended conditions of the consent.

10.2 Section 6 – Matters of National Importance

The site visited demonstrated that considerable care will need to be exercised in the construction of the breakwater to ensure that the outstanding natural features and landscapes of the area are maintained. The applicant has recognised and attempted to provide for matters of significance to local tangata whenua. They were informed of the resource consent application and attempts were made to meaningfully engage with them.

The Committee clearly recognises the historic significance of this area of the Bay of Islands and they looked for national guidance and direction. Despite the national historical importance of this area there are no nationally approved guidelines which could direct the Committee.

10.3 Section 7 – Other Matters

The Committee is satisfied that the proposal has had regard to all the matters listed in this section where they are of relevance to the applications.

10.4 Section 8 – Treaty of Waitangi

The requirements of Section 8 – Principles of the Treaty of Waitangi have been taken into account.

10.5 Section 104

In terms of the matters outlined in Section 104 of the Act, the Committee has had regard to the relevant provisions of the following planning documents:

10.5.1 New Zealand Coastal Policy Statement Provisions

Consideration under the policies of the New Zealand Coastal Policy Statement 1994 (NZCPS) were given to the following:

Policy 1.1.1 national priority to preserve the natural character of the coastal environment.

Policy 1.1.4 national priority for the preservation of natural character of the coastal environment to protect the integrity, functioning, and resilience of the coastal environment.

Policy 3.2.2 adverse effects of subdivision, use or development in the coastal marine area should as far as practicable be avoided.

Policy 3.2.4 provision should be made to ensure that the cumulative effects of activities collectively in the coastal environment are not adverse to a significant degree.

The Committee accepts that there is a fine balance in assessing this complex application, but in the final analysis the Committee has given greater weight to the assessment of Mr Dunn and Council staff.

The Committee notes:

- The NZCPS does not prevent development but it does require that development is appropriate and that the extent to which the preservation of natural character is achieved is a national priority.
- The proposed development will occur in an area that has been significantly modified by human activity.
- The proposed development will help to provide opportunities for people to gain access to and use the coastal marine area.
- The proposed development will provide mitigation in the form of beach nourishment.
- The proposed development of breakwaters does impact on landscape and effects Maori cultural values. The cultural impact assessment identifies that the off-lying islands are sites of significance to Maori and that the construction of breakwaters is of concern to Maori in that the islands may become more accessible both to humans and to animal pests. The cultural impact assessment also identifies other concerns relating to matters such as sedimentation, visual impact, coastal erosion, and loss of marine habitat. The Committee accepts the conclusion of the applicant's experts that the effects are not significant and/or can be adequately mitigated. The peer-review of evidence clearly indicated that the breakwaters were well designed.
- The proposed development is not inconsistent with the NZ Coastal Policy Statement.

10.5.2 Regional Policy Statement for Northland

Chapter 22 of the Northland Regional Policy Statement concerns coastal management. Relevant objectives in this chapter are as follows:

1. *The preservation of the natural character of the coastal environment, including protection from inappropriate subdivision, use and development.*
2. *Maintenance and enhancement of public use, enjoyment of and access to the coastal environment.*
3. *The minimisation of the conflicts between uses in the coastal environment and their effects on public health and safety.*

The Committee agrees with the statement of Mr Stewart and Mr Richards that the proposed redevelopment is essentially providing an upgraded transition facility for the public between the land and the sea. It will maintain and improve access to the coast. It will not have a significant effect on the natural character of the Paihia waterfront. To that extent the proposed development is not contrary to the objectives and policies of the Regional Policy Statement.

10.5.3 Regional Coastal Plan for Northland

The requirements of Section 104D of the Act makes it necessary to determine whether the application is contrary to the objectives and policies of the regional plans. Section 3 of the AEE addresses this matter in respect of the Operative Regional Coastal Plan (RCP). Parts IV and V of the RCP require:

- The preservation of the natural character of the coastline from inappropriate use and development and to avoid adverse effects or where avoidance is not possible, to remedy or mitigate those effects.
- The identification and protection of outstanding natural features and landscapes from inappropriate use and development.
- The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna from inappropriate use and development.
- The maintenance and enhancement of public access to and along the coast except where restriction is necessary.
- The recognition of the traditional and cultural relationships of tangata whenua with the coast.
- The recognition of structures and places of cultural heritage value.
- Maintenance and enhancement of air and water quality.
- Avoidance, remediation or mitigation of effects of the development on natural hazards.

It is noted, in particular, that the objectives and policies do not prohibit development or the alteration of natural character but that any adverse effects need to be remedied or mitigated. The Committee accepts the conclusion of Mr Stewart and Mr Richards that the application is not contrary to the objectives and policies of Parts IV and V of the RCP.

The objectives for the Marine 2 (Conservation) Management Area which will be affected by this application are as follows:

1. *Subdivision, use and development occurring in such a way as to maintain, and where practicable, enhance the natural, cultural and amenity values in the Marine 2 (Conservation) Management Areas.*

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.*

The Marine 2 (Conservation) Management Area covers the majority of the coastal marine area. As such it has to accommodate a wide variety of activities. Policies are framed in a general way so as to provide for sustainable development which is compatible in relation to the character, amenity, and cultural values of the coastal environment and to maintain and where possible to enhance those values. The Committee has determined that the proposed development will achieve these values. The application is not contrary to these objectives and the supporting policies.

The objective for the Marine 4 (Moorings) Management Area which will be affected by this application is as follows:

Provision for the appropriate location and use of moorings within the coastal marine area while avoiding, remedying and mitigating the adverse effects of these activities on the coastal marine area.

Policies supporting that objective relate to moorings and their effects. No specific policy provision is made for other activities. To the extent that the application makes provision for moorings for visiting vessels, the application is not contrary to the objective and supporting policies.

The objective for the Marine 6 (Wharves) Management Area in which Paihia Wharf is situated (Objective 30.3), is as follows:

Provision for wharves, which are predominantly commercial, and include mixed uses, and their associated activities, while maintaining and enhancing the quality of the surrounding environment.

Policies supporting that objective relate to identifying wharves with mixed uses which qualify as Marine 6, promoting integrated management of Marine 6 areas, controlling signs, maintaining and enhancing public access, and providing for the operational requirements of wharves. The Committee accepts that this application is not contrary to this objective and its supporting policies.

Rules in Section 31.8 of the plan give effect to the objectives and policies. Apart from stormwater disposal and maintenance dredging, which are permitted or controlled activities, the majority of activities proposed by this application are restricted or fully discretionary activities. However, as noted above, capital dredging is a non complying activity.

Objective 22.3 of the RCP states:

Provision for capital dredging and maintenance dredging that is needed for the establishment and operation of appropriate facilities in the coastal marine area (such as marinas and ports), while avoiding, remedying, or mitigating the adverse effects of such dredging and any associated spoil disposal in the coastal marine area.

Policies under Section 22.4 establish that dredging is appropriate in association with a marina or port development or so that ports can remain economically viable but that strict controls need to be imposed in areas of conservation value. Consequently it is concluded that the application is not contrary to this objective and supporting policies.

A number of activities (as set out in the table at the beginning of this decision) are also restricted coastal activities. These require the consent of the Minister of Conservation and therefore a recommendation by the Northland Regional Council to the Minister as to what the decision should be.

In relation to dredging, the matters to which the Northland Regional Council restricts its discretion are:

- Duration of the permit.
- Area covered.
- Methods used.
- Timing.
- Information and monitoring requirements.
- Effect on benthic community.

10.5.4 Regional Water and Soil Plan for Northland

The Committee notes that the activities for which consent is required under the RWSP are controlled or discretionary, and we agree with the analysis of Mr Stewart that those elements of the proposal that relate to the RWSP are not contrary to objectives and policies.

10.5.5 Regional Air Quality Plan

The Committee accepts the observations of staff that:

- The discharges to air associated with consented earthworks above the line of Mean High Water Springs that are part of this proposal do not require consent because they will likely meet the permitted criteria of Rule 9.1.4 of this plan. The permitted activity criteria be confirmed by way of consent condition.
- The sewage pump-out system at the five finger piers will be designed and operated so that air discharges of contaminants will not occur. This should also be the subject of a consent condition.

10.5.6 Far North District Plan

The Committee accepts the evidence of both Mr Dunn and Mr Stewart in terms of compliance with district plan criteria, and the proposed development meets the district plan rules for commercial and recreational zones.

While most of the evidence concentrated on the marine aspects of the proposal, the evidence presented by the applicant and submitters addressed the issues identified in relation to the land use consent sought from the Far North District Council. The Committee is satisfied that, with the additional consent conditions proposed by the New Zealand Transport Agency (NZTA), with some adjustment,

address the concerns of NZTA and other submitters. Accordingly the Committee will be granting these land use consent applications.

Resolution

The Committee has resolved that the application meets the second gateway test specified in Section 104D of the Resource Management Act 1991 for non-complying activities in that the proposed activities are not contrary to the relevant objectives and policies of the various regional plans.

11. REASONS

- (1) The proposed redevelopment is generally consistent with Part 2 of the Resource Management Act 1991 in that it will provide for the needs of people, particularly tourists and business people and the recreational needs of residents. The adverse effects of the proposed development will be appropriately avoided or mitigated. Overall it represents the sustainable management of natural and physical resources. There are matters of national importance to be recognised and provided for in respect of the preservation of the natural character of the coastal environment, public access to the coast, protection of historic heritage and providing for the relationship of Maori and their culture and traditions with their ancestral lands, water, sites and taonga. It is considered that these matters are appropriately addressed by the application. The development of the Paihia waterfront is an efficient use of resources and has scope to improve its usefulness and attractiveness to the community. It also has considerable community support.
- (2) The application is a non-complying activity which means that it must pass one or other of the tests set out in Section 104D of the Resource Management Act 1991. That is, it must either have adverse effects that are no more than minor, or it must not be contrary to the objectives and policies of the relevant plan. "Plan" is defined as a regional or district plan. The application meets the second gateway test of Section 104D as it is not contrary to the relevant objectives and policies of the relevant regional plans.
- (3) The redevelopment will require careful execution and conditions of consent have been imposed so as to ensure that appropriate standards of environmental performance are achieved.
- (4) The proposed development is consistent with the NZ Coastal Policy Statement.
- (5) The proposed development will enhance employment and tourism opportunities in the Bay of Islands and will be good for business in Paihia.
- (6) The occupation area sought by the applicant is larger than required for operational reasons and could adversely affect the ability of other parties to use the area.

- (7) The reasons for the recommended decline of application to occupy and use approximately 28.4 hectares of coastal marine area at Paihia, Bay of Islands, at or about location co-ordinates 1699500 E, 6095500 N, for a period of 35 years are that the area is significantly larger than that required for operational purposes, that such an occupancy would cut across the responsibility of the Northland Regional Council through its RCP to determine what the area should be used for and that the area granted for exclusive occupation should be limited to that area which is necessary to provide for the safe and efficient operation of the Paihia Wharf facilities.
- (8) The fact that the Regional Coastal Plan has already established that this area is a Marine 2 Management Area conveys an intention that applications for other than any prohibited activities are able to be made by any person, and considered on their merits, rather than simply granting a consent to provide exclusive occupancy to a single entity.

THE DECISIONS

RECOMMENDATION TO MINISTER OF CONSERVATION

The Joint Hearings Committee recommends that the Minister of Conservation, pursuant to Section 104B of the Resource Management Act 1991 ("the Act"), grants consent to:

CON200605454(11-16)

FAR NORTH HOLDINGS LIMITED, PO BOX 7, OPUA 0241

For the following activities at Paihia, Bay of Islands:

- (11) Place, use and occupy the coastal marine area with a reef type breakwater approximately 190 metres long and involving approximately 15,000 cubic metres of material between Motumaire Is and Kuia Rongouru (Taylor) Is.
- (13) Construct a reef type breakwater approximately 180 metres long and involving approximately 3,800 cubic metres of material on the western side of Motumaire Is.
- (14) Construct a rock abutment approximately 100 metres long and comprising approximately 3,300 cubic metres of material off Nihonui Point.
- (15) Dredge approximately 45,000 cubic metres of material from the seabed over an area of 4.4 hectares and a horizontal distance of 550 metres to create a new navigation channel from the Paihia Wharf to navigable water shown on plan and also areas of suitable depth for mooring craft adjacent to the wharf.
- (16) Reclaim approximately 2,900 square metres of foreshore and seabed for a horizontal distance of 115 metres from the stream at the base of Flagstaff hill for the purposes of providing improved public coastal access and improved and additional berthing facilities for craft, sites for three maritime related buildings, along with landscaped open space, seating and other public facilities.

At or about location co-ordinates 6095200N 1699390E at Paihia, Bay of Islands.

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

Subject to the following conditions:

- 1 Development shall, subject to these conditions, proceed in general accordance with the information provided in the application and at the hearing of the application and the plans submitted as listed in Schedule 4 **attached**.
- 2 The Consent Holder shall comply with the General Performance Standards **attached** in Schedule 3.

Esplanade Strip

- 3 An esplanade strip shall be created on the reclamation no less than 10 metres wide from the line of mean high water springs.

Noise Levels

- 4 Noise levels associated with dredging and the construction of the breakwaters and reclamation shall not exceed those set out in Schedule 1, **attached**.

Oil Spills

- 5 At least one month prior to construction works commencing on any of the facilities, the Consent Holder shall provide to the Northland Regional Council for its approval a procedure for dealing with oil spills that may occur at the facility during construction.

Notification

- 6 The Consent Holder shall notify the Northland Regional Council in writing of the date construction work is to commence at least two weeks before the on site starting date.

Reclamation

- 7 A suitably experienced archaeologist shall monitor the construction activities associated with the reclamation, particularly in the area of the stream base of Flagstaff/Maiki Hill, and provide a report on the monitoring to the Northland Regional Council and NZ Historic Places Trust within two weeks of completion of the construction of the reclamation.

In the event of archaeological sites or koiwi being uncovered, activities in the vicinity of the discovery shall cease. The Consent Holder shall then consult with the relevant local iwi and the New Zealand Historic Places Trust, and shall not recommence works in the area of the discovery until the relevant Historic Places Trust approvals to damage, destroy or modify such sites have been obtained.

- 8 The position of the toe of the rock revetment on the seaward side of the reclamation shall be marked out and certified as being in the position shown on the plans authorised by this consent by either a Chartered Professional Engineer (Civil) or by Northland Regional Council monitoring staff before any construction of the underlying bund commences.

Advice Note: *The purpose of this condition is to ensure that the reclamation is constructed entirely within the area of seabed authorised for it.*

Breakwaters and Abutments

- 9 The Consent Holder shall provide engineering plans, specifications and calculations of the northern and outer western rock reef breakwaters to the Northland Regional Council before the construction of these structures commences. The plans shall be accompanied by a report from a suitably experienced coastal processes engineer that explains the detailed designs, along with the rock sourcing, selection and placement. The report shall also document the advice received from the Consent Holder's archaeological, cultural, ecological, landscape and navigation/safety advisers.

A marine archaeological survey of the areas of the northern and outer western rock breakwaters shall be undertaken by the Consent Holder at least two months prior to their construction. The results of the survey shall be provided to the Northland Regional Council, NZ Historic Places Trust and Department of Conservation within one month of completion of the survey.

Advice Note: *Although shown on Bellingham Marine plans PWD 1-01, Rev. 5, July 08 and PWD 1-03, Rev.5, July 08, the alternative Northern Breakwater footprint/position is not approved under this consent.*

- 10 The New Zealand Archaeological Association (NZAA) recorded archaeological site on Motumaire Island shall be marked out by a suitably experienced archaeologist, at least one week prior to construction of the northern and outer western rock reef breakwaters, and maintained for the duration of their respective construction periods. The marking out shall be undertaken after consultation with the Department of Conservation and only as it relates to those parts of the site adjacent to the breakwaters. Evidence of consultation with the Department shall be provided to the Northland Regional Council before the marking out occurs.
- 11 No construction plant or material shall be landed on either Motumaire or Kuia Rongouru (Taylor) Island.
- 12 For the avoidance of doubt, no part of any breakwater authorised by this consent shall be located landward of the line of Mean Low Water Springs at Motumaire Island and Kuia Rongouru (Taylor) Island.
- 13 The Consent Holder shall prepare a detailed design and specification covering the final visual appearance of each of the northern and outer western breakwaters and the two beach abutments. The detailed design and specification shall be peer reviewed by a panel of three suitably qualified and experienced independent landscape architects, acceptable to the Northland Regional Council's Monitoring Senior Programme Manager.

The peer review shall be funded by the applicant.

Construction of any breakwater or abutment shall not take place until the peer review panel is satisfied that the visual appearance of each breakwater and abutment is as natural as is reasonably possible in the context of the location and that the design is appropriate and acceptable and generally in accordance with the plans approved under this consent.

During the construction of the breakwaters and abutments, at least one of the landscape architects shall be engaged in at least an observation role to ensure that the as-built works complies with the final design and specification that was accepted by the review panel

Advice Note: *The three landscape architects that appeared at the hearing would be possible candidates for the review panel.*

- 14 A predator management plan for Motumaire Island and Kuia Rongouru (Taylor) Island shall be prepared by a suitably qualified and experienced person after consultation with the Department of Conservation and Te Runanga A Iwi O Ngapuhi and relevant Hapu. The predator management plan shall detail the nature of predator control programmes required to deal with existing predators on the islands and any issues resulting from possible enhanced access by predators to the islands as a result of constructing the northern and outer western rock reef breakwaters for a period of up to five years after their construction. A copy of the predator management plan shall be forwarded to the Northland Regional Council.

- 15 The predator control programme in the predator management plan for Motumaire Island and Kuia Rongouru (Taylor) Island shall be implemented by the Consent Holder, but only upon the written agreement of the Department of Conservation and Te Runanga A Iwi O Ngapuhi and relevant Hapu. A copy of any agreed predator control programme shall be forwarded to the Northland Regional Council.

Construction and Capital Dredging

- 16 Prior to the commencement of any construction on the site, the Consent Holder shall provide a construction works programme that outlines the expected stages of the project and their approximate timing to the Northland Regional Council's Monitoring Senior Programme Manager.
- 17 The navigation channel authorised by this consent shall be the re-routed navigation channel shown on Bellingham Marine Plan No. PWD 1-01, Revision 5, dated July 08. The channel depth shall be no less than 2.5 metres below Chart Datum and the channel base width shall not be narrower than 35 metres nor wider than 45 metres. The Consent Holder shall maintain the navigation channel so that it continues to comply with these dimension limits. The navigation channel cross-sectional shape shall generally follow that shown on Figure 18 (Richardson Stevens Project No: 2534, Sheet 2A, dated March 2006), notwithstanding that those cross-sections relate to an earlier channel alignment
- 18 The Consent Holder shall notify the Northland Regional Council in writing of the date capital dredging is to commence at least one week, but not more than two weeks, before dredging commences. At the same time, the Consent Holder shall contact the Regional Harbour Master (Northland Regional Council) to initiate the issue of any Notice to Mariners regarding navigation warning arising from the dredging activities.
- 19 The Consent Holder shall notify the Northland Regional Council in writing as soon as the works and capital dredging operations respectively are completed.
- 20 Construction work and capital dredging operations shall only be carried out between 7.30 a.m. and sunset or 6.00 p.m., whichever occurs earlier, and only on days other than Sundays and public holidays, including the period between 23 December and 3 January.
- 21 The methods used to carry out capital dredging shall be by barge-mounted hydraulic digger into a sealed hopper bin mounted on the barge and thence unloaded directly into sealed truck units to an approved site or by cutter suction dredge pumping directly to the beach being replenished. Other than disposal of suitable dredged material to the beach as part of beach replenishment and to the reclamation, no disposal of dredgings shall take place to the coastal marine area.
- 22 During capital dredging navigational access from open water beyond Kuia Rongouru to berths at Paihia shall be available for vessels of the size and draft accessing the berths at the date of this consent.
- 23 The Consent Holder shall publicly advertise the location and timing of capital dredging in the Northern Advocate and Northern News, at least one week in advance of commencing dredging operations at the site. Signs pre-advertising the dredging period and available navigational access shall be placed at the Paihia Wharf.

24 The Consent Holder shall contact the Regional Harbourmaster, at least one month in advance of any construction in the coastal marine area, to initiate the issue of a Notice to Mariners regarding any necessary navigation warning arising from construction activities.

25 Immediately upon completion of the construction of all works associated with this consent the Consent Holder shall, in writing, notify:

Nautical Information Advisor
Land Information New Zealand
Private Box 5501
Wellington

Maritime New Zealand
P O Box 27-006
Wellington

The Far North District Council
Private Bag 752
Kaikohe

Northland Regional Council
Private Bag 9021
Whangarei

The Consent Holder shall include a plan of the completed works with the notification.

26 Within one month of completion of capital dredging, the Consent Holder shall, in writing, notify:

Nautical Information Advisor
Land Information New Zealand
Private Box 5501
Wellington

Maritime New Zealand
P O Box 27-006
Wellington

The Far North District Council
Private Bag 752
Kaikohe

Northland Regional Council
Private Bag 9021
Whangarei

The Consent Holder shall include a bathymetric plan of the completed capital dredged area with the notification to each of the above parties.

27 The bathymetric plan shall indicate the capital dredged area by shading or similar identification and shall show the positions of the channel marks. The datum used for the bathymetric survey shall be the applicable Chart Datum at the site.

The bathymetric survey shall be carried out at or better than the following specifications:

- (a) Sample rate: Maximum of 2 Hz.
- (b) Survey line spacing: Maximum of 20 metres, located perpendicular to the dredged channel.
- (c) Accuracy: RTK-GPS or similar methodology that can provide equivalent or higher accuracy.
- (d) Datum: Datum 2000, NZTM projection, with elevations referenced to OTP1964 vertical datum or Chart Datum.
- (e) Data Supply: ASCII X, Y, Z file in csv format.

A copy of the ASCII X, Y, Z file, referred to in (e) above shall be provided to the Northland Regional Council at the same time as the bathymetric plan.

Water Quality

- 28 The Consent Holder shall ensure that, relative to background levels established in accordance with the methodology specified in Schedule 2, the quality of the receiving waters at any point 50 metres from the location of construction work associated with the facilities and from the dredger (in respect of dredging activity) as a result of the exercise of this consent, at all times meets the following standard:

Purpose	Standard
Natural visual clarity	Not reduced more than 20%
Natural hue	Not changed more than 10 Munsell units.
Oil/grease film, scum, foam, odour	No conspicuous oil or grease film, scum or foam, floatable or suspended materials, or emissions of objectionable odour.

Rubbish/Debris

- 29 The Consent Holder shall provide rubbish collection facilities, appropriate to the rubbish to be collected, on the completed reclamation and shall dispose of all rubbish to authorised disposal facilities. The Consent Holder shall keep the coastal marine area free of rubbish and debris.
- 30 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:
- Immediately take such action, or execute such work as may be necessary, to stop and/or contain such escape;
 - Immediately notify the Northland Regional Council by telephone of an escape of contaminant;
 - Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the escape; and
 - Report to the Northland Regional 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.

Maintenance of Facilities

- 31 The facilities authorised by this consent shall be maintained in as new condition.

Monitoring

- 32 Various elements of the monitoring may be carried out by the Consent Holder with the agreement of the Northland Regional Council.

A sampling and testing programme associated with the monitoring shall generally follow that set out in Schedule 2 **attached**. The sampling and testing programme may, as a result of consultation between the Northland Regional Council and the Consent Holder, be amended, subject to the prior written approval of the Northland Regional Council.

Advice Note: *Monitoring of the consent will be carried out by the Northland Regional Council, except as otherwise approved by the Northland Regional Council.*

- 33 Monitoring of water quality during dredging and placement of materials to the beach shall be undertaken by the Consent Holder on a daily basis via visual inspection during the course of the works operations. This monitoring shall be undertaken by the contractor during dredging or the Consent Holder's nominated agent. This shall involve daily inspections during the period when dredging is being carried out to identify any visually observable change in clarity (turbidity) or change in the colour (hue) in the waters from the activities at or beyond the mixing zone boundaries referred to in Condition 19. Results of the daily inspections shall be recorded in a written log by the Consent Holder, and submitted to the Northland Regional Council weekly via fax or email.

Construction Management Plans

- 34 The Consent Holder shall submit to the Northland Regional Council, at least 15 working days prior to the commencement of each construction stage (including dredging), a detailed construction management plan to be implemented and maintained for all activities related to the activities in the stage that are the subject of this consent.

The construction management plan shall specify, but not necessarily be limited to, the following matters:

- (a) A construction timetable.
- (b) Site management, including details of:
 - Site access.
 - Storage of fuels and lubricants (**Advice Note:** *These should be banded or contained in such a manner so as to prevent the discharge of contaminants from spillages*).
 - Maintenance of machinery and plant to minimise the potential for leakage of fuels and lubricants.
 - Confirmation that no equipment or machinery is cleaned, or refuelled in any part of the coastal marine area, except for machinery operating on the barge that may require refuelling.
- (c) Methods to minimise discolouration of the coastal marine area during construction and dredging activities.
- (d) Methods to ensure compliance with noise standards.
- (e) Methods to remedy any disturbance to the foreshore during works.
- (f) A contingency plan in the event that there is any discharge to the coastal marine area.
- (g) Measures to provide for public safety.
- (h) A Construction Traffic Management Plan, prepared in consultation with the New Zealand Transport Agency and the Far North District Council, which shall include, but not by way of limitation, specific details relating to avoiding, remedying or mitigating any adverse effects of:
 - Machinery during site works.
 - Proposed numbers and timing of truck movements throughout the day and the proposed routes including the identification of heavy vehicle routes which avoid residential streets.

- Safe and clear pedestrian access and thoroughfare on roads and footpaths adjacent to the site.
 - Storage of materials and loading and unloading of equipment.
- (i) Measures to address biosecurity.

Prior to construction commencing, the Consent Holder shall lodge a Biosecurity Management Plan (BMP) with the Northland Regional Council. The BMP shall address measures to avoid the introduction of any unwanted or risk species through the use of construction plant and equipment which is to be bought to the site from other locations. The BMP shall include details regarding the cleaning and inspection of machinery and [plant] brought into the Bay of Islands and on staff training, monitoring and reporting mechanisms.

Prior to the first use of any introduced construction plant and equipment as referred to above, the Consent Holder shall arrange inspection of the same for infestation of any unwanted or risk species and certification of it having been treated and inspected as required by this condition by a suitably qualified and experienced person. A copy of this certification shall be provided to the Northland Regional Council on request. The Consent Holder shall not allow any construction plant and equipment under its control or direction, associated with the proposal not certified as having been treated and inspected as required by this condition, or showing any indication of being infected with any unwanted or risk species or having visited an area infested with such species to be used.

The BMP shall have the following objectives:

- (a) To avoid the introduction of any unwanted or risk species into the Bay of Islands in the construction phase of the development;
- (b) To ensure effective treatment of all construction plant and equipment used in association with the construction phase of the development to ensure it does not become a vector for the spread of any unwanted or risk species; and
- (c) To set out a staff biodiversity monitoring and reporting system.

Advice Notes: 1. *The purpose of each construction management plan is to ensure that all works in the stage are undertaken in a manner which avoids, remedies or mitigates adverse effects on the environment.*

2. *The involvement of the New Zealand Transport Agency and Far North District Council is intended to ensure that the requirements of those entities, as the respective authorities for State Highway 11 and local district roads, are accommodated.*

Prevention of Damage to State Highway 11

35 The Consent Holder shall not damage State Highway 11 or any Crown owned infrastructure, or adversely affect State Highway drainage during construction activities, beyond those activities specifically authorised by resource consent or otherwise agreed with the land owner. Should damage occur, the Consent Holder shall promptly advise this to the land owner.

Review of Conditions of Consent

- 36 The Northland Regional 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 annually during the month of October. 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 Northland Regional Council's monitoring of the state of the environment in the area.
 - (b) 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.)

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

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

Lapsing of Consent

- 38 The consents for the breakwaters and Beach Abutment (Nihonui Point) shall lapse on the expiry of 10 years after the date of commencement of the consent, unless the consent is given effect to before the expiry of this period or such longer period as may be granted under Section 125 of the Act.
- 39 The consent for the capital dredging shall lapse on 31 March 2019, unless the consent is given effect to before this date.

EXPIRY DATE: Coastal Permits:

(11, 13 & 14)	Breakwaters and Beach Abutment (Nihonui Point)	31 MARCH 2044
(15)	Capital Dredging	31 MARCH 2019
(16)	Reclamation	IN PERPETUITY

RESOURCE CONSENTS ISSUED BY THE NORTHLAND REGIONAL COUNCIL

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

CON200605454(17-40)

FAR NORTH HOLDINGS LIMITED, PO BOX 7, OPUA 0241

For the following activities at Paihia, Bay of Islands:

Coastal Permits

- (17) Construct a rock abutment approximately 70 metres long and comprising approximately 1,300 cubic metres of material adjacent to the existing aquarium building for the purposes of beach protection.
- (18) Place approximately 41,000 cubic metres of sand and other material over a distance of approximately 325 metres on the foreshore between the two proposed abutments for the purposes of beach replenishment, creation of a public open space and protection of Marsden Road.
- (19) Construct a piled concrete and timber promenade structure approximately 6 metres wide and 115 metres long adjacent to the existing and proposed reclamations.
- (20) Construct a floating wave attenuator structure approximately 160 metres long off the eastern end of the proposed reclamation, along with approximately 24 Mediterranean (stern to) moorings and their use for mooring up to 12 craft.
- (21) Construct and use of a fixed concrete helipad landing facility approximately 120 square metres in area, along with a walkway, towards the eastern end of the proposed deck.
- (22) Replace the existing low level landing and fast boat berthing structures along the eastern side of the main wharf with a new fixed and floating structure approximately 24 metres long and 3 metres wide and its use by commercial craft.
- (23) Install three fixed finger jetties, each approximately 3.6 metres wide and 18 metres long, along with gangways and floating pontoons (approximately 9 metres x 4 metres) and their use for berthing commercial craft.
- (24) Replace the existing fuel jetty on the northern arm of the wharf with a new floating pontoon structure approximately 16 metres long and 4 metres wide, plus a gangway connected to a 6 metre extension of the wharf.
- (25) Install a floating pontoon approximately 15 metres long and 3 metres wide along the southern (inland) side of the western arm of the wharf.
- (26) Construct a piled concrete deck structure of approximately 650 square metres adjacent to the existing aquarium café building for public viewing and outdoor dining purposes.
- (27) Place a pile berth adjacent to the deck for the temporary mooring of craft and a gantry structure on it, primarily for game fish weighing purposes.
- (28) Construct a piled structure and a timber deck structure approximately 6 metres wide and 115 metres long between the existing wharf and the proposed abutment at the eastern end of the proposed beach.

- (29) Construct a timber walkway approximately 220 metres long from the proposed eastern abutment along the western (inner) side of the proposed beach, along with parts of two connecting walkways to Marsden Road being approximately 30 metres and 10 metres long respectively.
- (30) Construct five shelters, each approximately 20 square metres in area, incorporating seating and other public facilities, adjacent to the proposed timber walkway and beach.
- (31) Install electricity, telecommunications, water, and sewer lines to the proposed fixed and floating structures.
- (32) Combine three existing stormwater pipes into a single discharge line terminating at the seaward end of the western beach abutment, extend an existing stormwater pipe located to the south of the Aquarium Café and provide associated headwall structures.
- (33) Discharge up to 3.08, 1.77 and 0.15 cubic metres per second, respectively of stormwater to the coastal marine area from a single (combined) outlet at the western abutment to the proposed beach, one extended outlet located to the south of the Aquarium Café and one new outlet adjacent to the proposed reclamation.
- (34) Carry out maintenance dredging of the proposed navigation channel and the seabed around the proposed fixed and floating structures.
- (35) Discharge decant water from material placed on the beach as part of the proposed beach replenishment.
- (36) Occupy space in the coastal marine area with and use the structures approved by this consent.
- (37) Occupy four proposed commercial finger piers adjacent to the northern promenade deck to the exclusion of the general public.

Land Use Consent and Associated Stormwater Discharges

- (38) Carry out earthworks and filling associated with a proposed reclamation of approximately 3,900 square metres and affecting approximately 1,000 square metres of land above mean high water springs for the purposes of providing pedestrian and service vehicle access to the three buildings and a helipad, along with landscaped open space. Seating and other public facilities on the proposed reclamation.
- (39) Carry out earthworks and land filling associated with placement of approximately 41,000 cubic metres of sand and other material over a distance of approximately 325 metres on the foreshore between two proposed abutments for the purposes of beach replenishment, creation of a public open space – informal recreational areas and protection of Marsden Road.
- (40) Discharge stormwater runoff to ground from the earthworks and land filling areas mentioned above.

or about location co-ordinates: 1699390 E 6095200 N.

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

Subject to the following conditions:

General

- 1 Development shall proceed in general accordance with the information provided in the application and at the hearing of the application and the plans submitted as listed in Schedule 5 **attached**.
- 2 The Consent Holder shall comply with the General Performance Standards **attached** in Schedule 3.

Occupation

- 3 The occupation area approved under this consent shall be as shown on Northland Regional Council Plan **4221**.

Advice Note: *For clarity the occupation area previously approved by Coastal Permit CON20050545402 is also shown.*

- 4 The Consent Holder may only exclude the general public from the three finger jetties that extend off the promenade deck and the helipad structure, other than during emergencies where there is a need for public access to one or more finger jetties for reasons of safety.

Advice Note: *For the avoidance of doubt, the eastern attenuator finger jetty and the low level landing alongside the southern side of Paihia Wharf are not finger jetties referred to in this condition.*

- 5 Other than the exclusive occupation of space associated with the three finger jetties provided by conditions of this consent, the occupation of space by the structures authorised by this consent shall not be an exclusive occupation of space. All promenade and viewing deck areas authorised by this consent that are located in the coastal marine area shall be available for public pedestrian access and use, free of charge, at all times, other than times when it is necessary to limit public pedestrian access for reasons of safety. Any limitation of public access for reasons of safety or operational necessity shall be over the minimum area and for the minimum time necessary.

Lighting

- 6 Lighting, other than lighting required by the Director of Maritime Safety to meet international, hydrographic standards for navigational safety purposes shall:
 - (a) be the minimum required for its purpose – pathway, surface signage illumination, active building entrance, wharf illumination;
 - (b) be entirely of fully shielded full cut off fittings to contain all light below the horizontal from fittings or masts no higher than 4 metres; and
 - (c) restrict all spillage to no more than 20 metres from the boundary of wharves and attenuator and no more than 10 metres from paths or commercial and maritime building reclamation.

Fuel Berth

- 7 The Consent Holder shall ensure that signage containing the information detailed in **Schedule 6**, is permanently displayed in a prominent position immediately adjacent to the dispenser. The Consent Holder shall submit a copy of the proposed text of the

sign to the Northland Regional Council, within 15 working days of the date of granting of this consent, for certification that it contains the information required by Schedule 6. The sign shall be erected after the Northland Regional Council's certification of the text but no later than the first time that the dispenser is operated.

Advice Note: *The sign is a permitted activity provided it meets the relevant standards in the Regional Coastal Plan for Northland. Otherwise a resource consent will be required for the sign.*

- 8 The Consent Holder shall ensure that the fuel transfer system associated with the fuel berth includes the following:
- (a) A drip tray placed appropriately to collect drips from within the dispenser housing. It shall be adequately maintained, including the regular replacement of any oil absorbent material;
 - (b) An automatic shut off valve located at the dispenser to ensure supply is stopped immediately if the dispenser is damaged;
 - (c) A dispenser activated valve to isolate the pipeline from the storage tank when the dispenser is not being operated;
 - (d) An "in-line accumulator" to absorb the increased line pressure from thermal expansion to prevent the nozzle from dripping;
 - (e) Leak detectors that will operate to prevent the dispensing of fuel if there is significant pressure drop in the line;
 - (f) A breakaway coupling on the dispenser hose so that if a vessel moves away from the pontoon with the nozzle still in the vessel, the hose will break away rather than pulling away the dispenser; and
 - (g) An emergency stop button at the dispenser, which, when operated, will instantly close off valves to stop any fuel being dispensed.

Sewage Pump Out

- 9 The sewage pump-out at the finger jetty at the base of the eastern attenuator shall be located and configured so that it can be used by visiting vessels on the outside of the attenuator at times when the sewage pump-out is not in use by commercial craft at the assigned commercial berth. The proposed dinghy tie-up area shall be located so as to enable easy access by visiting vessels using the pump-out.
- 10 The operation of the sewage pump-out system shall not give rise to any discharge of contaminants, which are noxious, dangerous, offensive, or objectionable at or beyond a radius of 10 metres from the source of the contaminant discharge.

Oil Spills

- 11 At least one month prior to construction works commencing on the facilities, the Consent Holder shall provide to the Northland Regional Council for its approval a procedure for dealing with oil spills that may occur at the facility during construction.

Noise Levels

- 12 Noise levels associated with the construction and operation of the facilities shall not exceed those set out in Schedule 1, **attached**.

Construction and Maintenance Dredging

- 13 The Consent Holder shall notify the Northland Regional Council in writing the date construction work is to commence and this notification shall be given at least two weeks before the starting date.
- 14 Maintenance dredging may be carried out by the Consent Holder within the occupation area shown on Northland Regional Council Plan No. **4221** and within the approved navigation channel to no deeper than previously approved levels, with all dredgings being disposed of to an authorised land based site.
- 15 The Consent Holder shall notify the Northland Regional Council in writing of the date maintenance dredging is to commence at least one week, but not more than two weeks, before dredging commences. At the same time, the Consent Holder shall contact the Regional Harbour Master (Northland Regional Council) to initiate the issue of any Notice to Mariners regarding navigation warning arising from the dredging activities.
- 16 The Consent Holder shall notify the Northland Regional Council in writing as soon as the works and maintenance dredging operations respectively are completed.
- 17 Construction work and dredging operations shall only be carried out between 7.30 a.m. and sunset or 6.00 p.m., whichever occurs earlier, and only on days other than Sundays and public holidays, including the period between 23 December and 3 January.
- 18 The methods used to carry maintenance dredging shall be by barge-mounted hydraulic digger into a sealed hopper bin mounted on the barge and thence unloaded directly into sealed truck units to an approved site or by cutter suction dredge pumping directly to the beach being replenished. Other than disposal of suitable dredged material to the beach as part of beach replenishment and to the reclamation, no disposal of dredgings shall take place to the coastal marine area.
- 19 Maintenance dredging operations shall not result in the complete blockage of navigation channels at any time.
- 20 The Consent Holder shall publicly advertise the location and timing of maintenance dredging in the Northern Advocate and Northern News, at least one week in advance of commencing dredging operations at the site. Signs pre-advertising the dredging period shall be placed at the Paihia Wharf.
- 21 The Consent Holder shall contact the Regional Harbourmaster, at least one month in advance of any construction in the coastal marine area, to initiate the issue of a Notice to Mariners regarding any necessary navigation warning arising from construction activities.
- 22 Immediately upon completion of the construction of all works associated with this consent the Consent Holder shall, in writing, notify:

Nautical Information Advisor
Land Information New Zealand
Private Box 5501
Wellington

Maritime New Zealand
P O Box 27-006
Wellington

The Far North District Council
Private Bag 752
Kaikohe

Northland Regional Council
Private Bag 9021
Whangarei

The Consent Holder shall include a plan of the completed works with the notification.

- 23 Within one month of completion of each maintenance dredging, the Consent Holder shall, in writing, notify:

Nautical Information Advisor
Land Information New Zealand
Private Box 5501
Wellington

Maritime New Zealand
P O Box 27-006
Wellington

The Far North District Council
Private Bag 752
Kaikohe

Northland Regional Council
Private Bag 9021
Whangarei

The Consent Holder shall include a bathymetric plan of the completed dredged area with the notification to each of the above parties.

- 24 The bathymetric plan shall indicate the maintenance dredged area by shading or similar identification and shall show the positions of the channel marks. The datum used for the bathymetric survey shall be the applicable Chart Datum at the site.

The bathymetric survey shall be carried out at or better than the following specifications:

- (a) Sample rate: Maximum of 2 Hz.
- (b) Survey line spacing: Maximum of 20 metres, located perpendicular to the dredged channel.
- (c) Accuracy: RTK-GPS or similar methodology that can provide equivalent or higher accuracy.
- (d) Datum: Datum 2000, NZTM projection, with elevations referenced to OTP1964 vertical datum or Chart Datum.
- (e) Data Supply: ASCII X, Y, Z file in csv format.

A copy of the ASCII X, Y, Z file, referred to in (e) above shall be provided to the Northland Regional Council at the same time as the bathymetric plan.

Rubbish/Debris

- 25 The Consent Holder shall provide rubbish collection facilities, appropriate to the rubbish to be collected, on shore and shall dispose of all rubbish to authorised disposal facilities. The Consent Holder shall keep the coastal marine area free of rubbish and debris.

Maintenance of Vessels

- 26 Maintenance of vessels using the facilities authorised by this consent shall be limited to minor maintenance activities that do not give rise to actual or potential discharges of contaminants to the coastal marine area.

Water Quality

- 27 The Consent Holder shall ensure that the quality of the receiving waters at any point 50 metres from the location of construction work associated with the facilities and from the dredger (in respect of maintenance dredging activity) as a result of the exercise of this consent, at all times meets the following standard:

Purpose	Standard
Natural visual clarity	Not reduced more than 20%
Natural hue	Not changed more than 10 Munsell units.
Oil/grease film, scum, foam, odour	No conspicuous oil or grease film, scum or foam, floatable or suspended materials, or emissions of objectionable odour.

- 28 The Consent Holder shall ensure that the quality of the receiving waters at any point 50 metres outside the boundary of the occupation area, as a result of the exercise of this consent, meets the following standard:

Purpose	Standard
Natural visual clarity	Not reduced more than 20%.
Natural hue	Not changed more than 10 Munsell units.
Oil/grease film, scum, foam, odour	No conspicuous oil or grease film, scum or foam, floatable or suspended materials, or emissions of objectionable odour.
Faecal Coliforms	Based on not fewer than 5 samples within any 30 day period median < 150/100 ml and 80%ile < 600/100 ml.

Stormwater

- 29 Before the expiry of one year after the lodging of the first notice to the Northland Regional Council of intended commencement of the exercise of any component of this consent, the applicant will lodge with the Northland Regional Council drawings, with NZ Transport Agency consultation response, showing the feasibility of meeting the required stormwater capacity of existing pipes serving the residential, commercial and State Highway 11 drainage needs between the Nihonui Point (western) abutment and the eastern abutment of the re-nourished Horotutu Beach by combined the three existing stormwater outlets into a single marine outlet incorporated into the western abutment of Horotutu Beach.

The outlet of the combined stormwater outfall shall be located on the inner (eastern) side of the beach abutment at the western end of Horotutu Beach, shown in Figure 40 in **attached** Schedule 4, and shall be configured so as to minimise scouring action from stormwater discharges.

Advice Note: *The intention of this condition is to avoid, as far as is practicable, any potential siltation from Horotutu catchment towards Te Ti Beach and to minimise loss of sand from the active beach/seabed area during stormwater discharge events.*

- 30 Only if the Consent Holder establishes, and the Northland Regional Council accepts, that discharges from areas served at the time of granting of this consent cannot be directed to the abutments may discharge across the re-nourished Horotutu Beach be installed to dissipators, which shall have no part above the level of Mean Low Water Springs.

Advice Note: *The Consent Holder should discuss the need for navigation marks with the Regional Harbourmaster for Northland before seeking approval from Maritime New Zealand and installation.*

31 Notwithstanding any other conditions of this consent, the discharge of stormwater from the discharge outlet at the southern end of the reclamation shall not result in any of the following effects in the receiving water, at or beyond the edge of the mixing zone:

- (a) A reduction in the dissolved oxygen concentration to below 80% of saturation.
- (b) A change in the natural water temperature greater than three degrees Celsius.
- (c) A change in the natural pH greater than 0.2 units.
- (d) The change in water clarity as measured by the black disc or seechi disc method shall not be greater than 20%.
- (e) The change in hue as measured with the Munsell Colour Chart System shall not exceed 10 units.
- (f) The production of any conspicuous oil or grease film, scum or conspicuous floating or suspended materials.
- (g) The concentration of metals shall not exceed the following:

total copper	0.0013 g/m ³
total lead	0.0044 g/m ³
total zinc	0.015 g/m ³
- (h) Any emission of objectionable odour.
- (i) Any adverse effect on aquatic life.

The harbour waters within a 10 metre radius of each discharge point shall be deemed to be the mixing zone for this discharge.

When the background water quality in the coastal waters does not meet the above standards, then the discharge shall not cause the water quality in the harbour at edge of the mixing zone to be worse than the background water quality.

Advice Note: *For compliance purposes, when comparing background and receiving water quality results the error of the analytical method, or measuring instrument, at the 95 percentile confidence level should be taken into account.*

32 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;
- (b) Immediately notify the Northland Regional Council by telephone of an escape of contaminant;
- (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the escape; and

- (d) Report to the Northland Regional 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.

Maintenance of Facilities

- 33 All facilities authorised by this consent shall be adequately maintained. Replacement of piles covered by this consent may be carried out during the term of this consent without further approval being required under the Resource Management Act 1991 provided:
- (a) The position of replaced piles is not altered from the original position;
 - (b) No discharge or deposition of contaminants occurs into the coastal marine area; and
 - (c) There is no use of explosives.

Monitoring

- 34 Various elements of the monitoring may be carried out by the Consent Holder with the agreement of the Northland Regional Council.

A sampling and testing programme associated with the monitoring shall generally follow that set out in Schedule 2 **attached**. The sampling and testing programme may, as a result of consultation between the Northland Regional Council and the Consent Holder, be amended, subject to the prior written approval of the Northland Regional Council.

Advice Note: *Monitoring of the consent will be carried out by the Northland Regional Council, except as otherwise approved by the Northland Regional Council.*

- 35 Monitoring of water quality during dredging and placement of materials to the beach shall be undertaken by the Consent Holder on a daily basis via visual inspection during the course of the works operations. This monitoring shall be undertaken by the contractor during dredging or the Consent Holder's nominated agent. This shall involve daily inspections during the period when dredging is being carried out to identify any visually observable change in clarity (turbidity) or change in the colour (hue) in the waters from the activities at or beyond the mixing zone boundaries referred to in Condition 20. Results of the daily inspections shall be recorded in a written log by the Consent Holder, and submitted to the Northland Regional Council weekly via fax or email.
- 36 The Consent Holder shall survey the cross shore profiles of the renourished Horotutu Beach for a period of at least 10 years following the beach renourishment as follows:
- (a) Baseline profiles within one month prior to carrying out renourishment; and
 - (b) At six months following completion of the renourishment, thereafter annually; and
 - (c) Within one month of each storm of probability of 20% or smaller return period in any year.

The Consent Holder shall also survey the cross shore profile of Te Ti Beach for a minimum period of two years prior to and 10 years following the beach renourishment. Monitoring of Te Ti Beach shall be carried out:

- (d) At six months following completion of the renourishment, thereafter annually; and
- (e) Within one month of each storm of 1 in 5 year or greater return period.

At least two profiles, at approximately the third points along the renourished Horotutu Beach and at least three profiles at approximately the quarter points along Te Ti Beach shall be obtained on each survey occasion.

All profiles shall be repeatable and shall extend from the eastern edge of Marsden Road to the line of Mean Low Water Springs. The northern-most profile of the renourished Horotutu Beach shall commence at the kerb directly across the road from the boundary of no's 96 and 98 Marsden Point Road and shall follow a bearing of 42 degrees (true).

The Consent Holder shall forward copies of the result of each survey, together with an interpretation of the results by a suitably qualified coastal expert, to the Northland Regional Council and to the New Zealand Transport Agency within two months of the particular survey date.

Advice Note: *The purpose of this condition is to document any change in littoral sand circulation in response to the placed breakwaters and rock abutments.*

- 37 If, after 5 years following renourishment, the need for further survey monitoring is considered unnecessary by the Consent Holder and the Northland Regional Council's Monitoring Programme Manager – Coastal, the Consent Holder may seek a reduction in the survey period under Section 127 of the Act.
- 38 The Consent Holder shall maintain Horotutu Beach in its renourished state. Notwithstanding the generality of this, in the event that the sand section of the berm, as shown on Bellingham Marine Plan entitled "Eastern Beach Abutment and Renourished Beach" drawing No. PWD 1-06, Revision 5, dated July 08, reduces to less than 3 metres, or the fill under the beach is exposed, then, without delay, the Consent Holder shall reinstate the berm to its approved width and the "imported" beach surface reinstated to its approved thickness.

Advice Note: *In the above event, the Consent Holder should check with the Northland Regional Council regarding any further consents, if any, that may be required.*

Bonds

- 39 The Consent Holder shall enter into a bond, called the Renourishment Capital Works Bond, with the Northland Regional Council in the amount of \$(Dec 2008)3,250,000 at least three months prior to the commencement of the placement of the first of either of the Northern or Western Outer breakwaters. The purpose of the Renourishment Capital Works Bond is to ensure that the Horotutu Beach renourishment occurs upon the placement of the breakwaters. The value of the Renourishment Capital Works Bond shall be \$3,250,000. The Renourishment Capital Works Bond shall remain in place until the Horotutu Beach renourishment has been completed to specification.

- 40 The Consent Holder shall enter into a bond, called the Renourishment Maintenance Bond, with the Northland Regional Council at least three months prior to the completion of the initial Horoututu Beach renourishment activity. The purpose of the Renourishment Maintenance Bond is to ensure the performance of Condition 38 above. The value of the Renourishment Maintenance Bond shall be \$(Dec 2008)100,000. The Renourishment Maintenance Bond shall remain in place for not less than 10 years after the expiry date of the consent for the renourished beach.
- 41 The values of each of the bonds to be provided under this consent shall be adjusted for inflation at five yearly intervals and the Consent Holder shall provide any additional bond amount required as a result of this.
- 42 The forms of the bonds shall be cash amounts or bank or other security acceptable to the Northland Regional Council. The total bonds in each case may comprise combinations of the above alternatives.
- Advice Note:** *The Far North District Council would be an acceptable surety.*
- 43 If a bond is provided by a bank or other security, then it shall be prepared by the Northland Regional Council's solicitor, and shall be signed and sealed by both parties. All costs associated with the preparation and registration of the bonds shall be met by the Consent Holder.
- 44 The bonds shall be in accordance with the relevant principles and terms set out in Schedule 7 (attached).
- 45 The Consent Holder shall advise the Northland Regional Council in writing of its chosen form of bond:
- (a) At least six months prior to the placement of any of the breakwaters in respect of the Renourishment Capital Works Bond; and
 - (b) At least six months prior to the completion of the initial Horoututu Beach renourishment activity.
- 46 If the resource consents for either the breakwaters or the beach renourishment are transferred in part or in whole to another party or person, the transferor Consent Holder shall not be entitled to the release, if sought, of any part of any bond provided by it until the transferee Consent Holder has a replacement bond of the same value, or proportional value in the case of partial transfer, and which is fully compliant with the relevant consent, in place with the Northland Regional Council.
- 47 If the cross shore profiles of Te Ti Beach indicate that adverse effects on beach stability are occurring or have occurred as a result of the breakwaters and/or beach abutments placed under the authority of this consent, the Consent Holder shall avoid, remedy or mitigate these adverse effects in consultation with the Northland Regional Council and obtain, at the same time, such consents as are required to amend this consent.

Construction Management Plan

- 48 The Consent Holder shall submit to the Northland Regional Council, at least 15 working days prior to the commencement of each construction stage (including dredging), a detailed construction management plan to be implemented and maintained for all activities related to the activities in the stage that are the subject of this consent.

The construction management plan shall specify, but not necessarily be limited to, the following matters:

- (a) A construction timetable.
- (b) Site management, including details of:
 - Site access.
 - Storage of fuels and lubricants (**Advice Note:** *These should be banded or contained in such a manner so as to prevent the discharge of contaminants from spillages*).
 - Maintenance of machinery and plant to minimise the potential for leakage of fuels and lubricants.
 - Confirmation that no equipment or machinery is cleaned, or refuelled in any part of the coastal marine area, except for machinery operating on the barge that may require refuelling.
- (c) Methods to minimise discolouration of the coastal marine area during construction and dredging activities.
- (d) Methods to ensure compliance with noise standards.
- (e) Methods to remedy any disturbance to the foreshore during works.
- (f) A contingency plan in the event that there is any discharge to the coastal marine area.
- (g) Measures to provide for public safety.
- (i) A Construction Traffic Management Plan, prepared in consultation with the New Zealand Transport Agency and Far North District Council, which shall include, but not by way of limitation, specific details relating to avoiding, remedying or mitigating any adverse effects of:
 - Machinery during site works.
 - Proposed numbers and timing of truck movements throughout the day and the proposed routes including the identification of heavy vehicle routes which avoid residential streets.
 - Safe and clear pedestrian access and thoroughfare on roads and footpaths adjacent to the site.
 - Storage of materials and loading and unloading of equipment.
- (j) Measures to address biosecurity.

Prior to construction commencing the Consent Holder shall lodge a Biosecurity Management Plan (BMP) with the Northland Regional Council. The BMP shall address measures to avoid the introduction of any unwanted or risk species through the use of construction plant and equipment which is to be brought to the site from other locations. The BMP shall include details

regarding the cleaning and inspection of machinery and [plant] brought into the Bay of Islands and on staff training, monitoring and reporting mechanisms.

Prior to the first use of any introduced construction plant and equipment as referred to above, the Consent Holder shall arrange inspection of the same for infestation of any unwanted or risk species and certification of it having been treated and inspected as required by this condition by a suitably qualified and experienced person. A copy of this certification shall be provided to the Northland Regional Council on request. The Consent Holder shall not allow any construction plant and equipment under its control or direction, associated with the proposal not certified as having been treated and inspected as required by this condition, or showing any indication of being infected with any unwanted or risk species or having visited an area infested with such species to be used.

The BMP shall have the following objectives:

- To avoid the introduction of any unwanted or risk species into the Bay of Islands in the construction phase of the development;
- To ensure effective treatment of all construction plant and equipment used in association with the construction phase of the development to ensure it does not become a vector for the spread of any unwanted or risk species; and
- To set out a staff biodiversity monitoring and reporting system.

Advice Note: 1. *The purpose of each construction management plan is to ensure that all works in the stage are undertaken in a manner which avoids, remedies or mitigates adverse effects on the environment.*

2. *The involvement of the New Zealand Transport Agency and Far North District Council is intended to ensure that the requirements of those entities, as the respective authorities for State Highway 11 and local district roads, are accommodated.*

49 The Consent Holder shall not damage State Highway 11 nor any Crown owned infrastructure, or adversely affect State Highway drainage during construction activities, beyond those activities specifically authorised by resource consent or otherwise agreed with the land owner. Should damage occur, then the Consent Holder shall promptly advise this to the land owner.

50 Sand used in the beach replenishment at Paihia shall be similar to the natural beach sediment. The "imported" beach surface layer material shall be no less than 1.0 metre thick and shall generally meet the following guidelines:

- (a) Grade: A median sand diameter (d_{50}) of 0.4 – 0.5 mm shall be used.
- (b) Less than 25% shell material by volume.
- (c) Less than 2.5% shall be finer than 63 micrometres (μm) (ie., silt and clay) by weight.
- (d) Sand colour shall be light as distinct from dark.
- (e) Sand shall be free of any organic material and contaminants.

- (f) Proof of sand source and consents for the extraction of sand, if required, shall be supplied to the Northland Regional Council.

The Consent Holder shall submit a sample of the intended imported sand, together with a material specification demonstrating compliance with the above guidelines, to the Northland Regional Council at least two months before the date it is intended to first place this material on Horotutu Beach.

- 51 Samples of beach replenishment sand proposed to be imported from other locations than the Paihia dredge sites covered by this consent shall be taken from the first three barge loads of sand and analysed by a soils testing laboratory to confirm compliance with the material specification provided under Condition 50. Sample results shall be supplied to the Northland Regional Council within five working days of sampling, including confirmation of compliance and identification of any aspects of non-compliance with the material specification.
- 52 The Consent Holder's earthworks, beach renourishment and reclamation operations shall not give rise to any discharge of contaminants, which are noxious, dangerous, offensive, or objectionable at or beyond the footprint of the earthworks, beach renourishment and reclamation areas.

Review of Conditions of Consent

- 53 The Northland Regional 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 annually during the month of December. 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 Northland Regional 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 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.)

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

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

Lapsing of Consent

- 55 The consents for all approved activities other than the Maintenance Dredging and Decant Water Discharge (Consent References 34-35) and Reclamation and Beach Renourishment (Consent References 38-40) shall lapse on the expiry of 10 years after the date of commencement of the consent, unless the consent is given effect to

before the expiry of this period, or such longer period as may be granted under Section 125 of the Act.

- 56 The consents for the Maintenance Dredging and Decant Water Discharge (Consent References 34-35) and Reclamation and Beach Renourishment (Consent References 38-40) shall lapse on 31 March 2019, unless the consent is given effect to before this date.

EXPIRY DATE: Coastal Permits:

(17-33, 36-37) Construction/Placement and Use Activities 31 MARCH 2044

(34-35) Maintenance Dredging and Decant Water Discharge 31 MARCH 2019

Land Use and Associated Stormwater Discharge Consents:

(38-40) Reclamation and Beach Renourishment 31 MARCH 2019

- (ii) Pursuant to Section 104B of the Resource Management Act 1991 (“the Act”), the Northland Regional Council **declines** to grant resource consent to:

FAR NORTH HOLDINGS LIMITED, PO BOX 7, OPUA 0241

To occupy and use approximately 28.4 hectares of coastal marine area at Paihia, Bay of Islands, at or about location co-ordinates 1699500 E, 6095500 N, for a period of 35 years.

SCHEDULE 1

ENVIRONMENTAL STANDARDS – NOISE

CONSTRUCTION

From NZS 6803: 1999 “Acoustics – Construction Noise”, Standards New Zealand

<i>Time of Week</i>	<i>Time Period</i>	<i>Noise Limit (dBA)</i>	
		<i>L_{eq}</i>	<i>L_{max}</i>
Weekdays	0630 -0730	60	75
	0730-1800	75	90
	1800-2000	70	85
	2000-0630	45	75
Saturdays	0630 -0730	45	75
	0730-1800	75	90
	1800-2000	45	75
	2000-0630	45	75
Sundays and Public Holidays	0630 -0730	45	75
	0730-1800	55	85
	1800-2000	45	75
	2000-0630	45	75

Note: The definitions of L_{eq} and L_{max} are given in NZS 6803:1991.

OPERATION

Based on Rule 9.6.5.1.12 of the Far North District Plan.

Noise emitted from any activity, when measured at the boundary of the zone (as defined below), shall not exceed the following noise levels.

<i>Time Period</i>	<i>Noise Limit</i>
0700 hrs to 2200 hrs	55 dBA L_{10}
2200 hrs to 0700 hrs the following day	45 dBA L_{10}
	70 dBA L_{max}

Note: The boundary of the zone shall be the line of mean high water springs and the radius of 100 metres of the source of the noise.

Sound levels shall be measured in accordance with New Zealand Standard NZS 6801:1991 Measurement of Sound and assessed in accordance with NZS 6802:1991 Assessment of Environmental Sound.

SCHEDULE 2

SAMPLING AND TESTING PROGRAMME

During Construction

During dredging operations, temperature, pH, salinity, clarity, faecal coliforms and dissolved oxygen in the area being dredged, will be checked not less than twice during dredging operations to ensure that the effects of these continue to be minor.

Visual inspections will be conducted as required by consent conditions.

The clarity will be measured at three sites (at approximately 10 metre spacings across current) 50 metres down-current and also at three sites (at approximately 10 metre spacings across current) 50 metres up-current from the operating position of the dredger/excavator bucket, and at three sites (at approximately 10 metre spacings across current) 50 metres down-current and also at three sites (at approximately 10 metre spacings across current) 50 metres up-current from the down-current and up-current ends, respectively, of the reclamation, using a Black Disk and/or Secchi Disk methods. If the clarity down-current (the value being the median of the three down-current measurements) is reduced by more than 20% of the up-current visual clarity (the value being the median of the three up-current measurements), then this shall be interpreted as a change to a conspicuous extent.

SCHEDULE 3

GENERAL PERFORMANCE STANDARDS

(Section 31.8.12 of the Regional Coastal Plan for Northland)

The following standards shall apply to all specified permitted, controlled, restricted discretionary and discretionary activities, and to all non-complying activities, listed in the Marine 6 Management Area:

- (a) Noise generated as a result of activity within the coastal marine area shall comply with the following standards:
 - (i) the activity shall not cause excessive noise as defined in Section 326 of the Resource Management Act; and
 - (ii) the level of noise received at or beyond the Coastal Marine Area boundary shall not exceed the level imposed by the relevant district plans.
- (b) All lighting associated with activities in the coastal marine area shall not by reason of its direction, colour or intensity, create:
 - (i) a hazard to navigation and safety; or
 - (ii) a hazard to traffic safety on wharves, ramps, and adjacent roads; or
 - (iii) a nuisance to other users of the surrounding coastal marine area or adjacent land.
- (c) Parking shall be provided to the extent required by the relevant district plan or proposed district plan. If a particular activity is not referred to in the appendix of the relevant district plan or proposed district plan, use the closest, most similar activity for the proposal. The parking shall be provided within a reasonable and practical distance to service the activity.
- (d) Discharges to water shall, after reasonable mixing, comply with the relevant receiving water quality standards and shall not contain any contaminants which could cause:
 - (i) The production of conspicuous oil or grease film, scum or foam, or floatable or suspended materials.
 - (ii) Any conspicuous change in the colour or decrease in the visual clarity of the receiving waters.
 - (iii) Any emission of objectionable odour.
 - (iv) Accumulation of debris on the foreshore or seabed underlying or adjacent to the discharge point.
 - (v) Any significant adverse effects on aquatic life or public health.
- (e) Any modification of the contour of the foreshore caused during any authorised construction or maintenance activity, other than dredging or reclamation, shall be restored as soon as practicable after the completion of the construction or maintenance activity.

- (f) Unless expressly authorised to do so by a coastal permit, structures within the coastal marine area shall not unduly impede safe navigation within natural drainage channels or unduly restrict the flow of flood waters within such channels.
- (g) Design and Appearance of Buildings on Wharves for Opua

Height: 10 metres (above surface/deck of wharf).

Colour: Where building is to be painted, the colour should be sympathetic and appropriate to the landscape setting (both natural and built) that the building is to be located within. Large areas of reflective materials such as unpainted roofs and the use of iridescent or vivid colours is to be avoided. Some degree of harmony should be exercised in the selection of roof colours, with a preference for heritage colours.

SCHEDULE 4

LIST OF PLANS RELATING TO RESTRICTED COASTAL ACTIVITIES

Figure No.	Applicant's Figure Title/ General Content of Plan	Applicant's Plan Title or Other Identifier (if any)
1	Master Plan	
2	Landscape Masterplan	
3	Landscape Plan of Proposed Reclamation	
5	Draft Paihia Waterfront Plan	
12	Plan of Existing Wharf Facilities	Butt Design Group, Job No. 2056 Sheet 1_001
	General Layout of Development (Note: Alternative Breakwater Footprint not approved)	Bellingham Marine, General Layout, PWD 1-01, Rev. 5, July 08
	Plan of Proposed Northern Reef Breakwater (Note: Alternative Breakwater Footprint not approved)	Bellingham Marine, Northern Breakwater, PWD 1-03, Rev. 5, July 08
	Plan of Proposed Outer Western Reef Breakwater	Bellingham Marine, Outer West Breakwater, PWD 1-05, Rev 4, April 06
	Plan of Proposed Dredging Area	Richardson Stevens Consultants Ltd, Channel layout, Mooring and Sample Plan, Project 2534, Plan No. 12B, Dated 09/07/08.
18	Cross and Long Sections of Proposed Navigation Channel	Richardson Stevens, Dredging Cross-sections, Project 2534, Sheet 2A, March 2006
19	Plan of Wharf Area Dredging and New Structures	Richardson Stevens, Wharf Layout, Project 2534, Sheet 8B, March 2006
	Plan of Proposed Reclamation	Richardson Stevens, Reclamation Plan, Project 2534, Sheet 5D, March 2006,
	Plan of Proposed Western Abutment and Breakwater. (Note: Inner West Breakwater not approved)	Bellingham Marine, Inner West Breakwater and Western Beach Abutment, PWD1-04, Rev 4, April 06
46	Plan of Management Area Boundaries and Proposed Facilities	Butt Design Group, Job No. 2056, Sheet 1_002
47	Plan of Management Area Boundaries Around South-eastern Pier	Butt Design Group, Job No. 2056, Sheet 1_003

SCHEDULE 5

LIST OF PLANS RELATING TO RESOURCE CONSENTS TO BE DECIDED BY NORTHLAND REGIONAL COUNCIL

Figure No.	Applicant's Figure Title/ General Content of Plan	Applicant's Plan Title or Other Identifier (if any)
1	Master Plan	
2	Landscape Masterplan	
3	Landscape Plan of Proposed Reclamation	
4	Landscape Plan of Wharf Entry and Beach Area	
12	Plan of Existing Wharf Facilities	Butt Design Group, Job No. 2056 Sheet 1_001
	General Layout of Development (Note: Alternative Breakwater Footprint not approved)	Bellingham Marine, General Layout, PWD 1-01, Rev. 5, July 08
	Plan of Proposed Northern Reef Breakwater (Note: Alternative Breakwater Footprint not approved)	Bellingham Marine, Northern Breakwater, PWD 1-03, Rev. 5, July 08
	Plan of Proposed Outer Western Reef Breakwater	Bellingham Marine, Outer West Breakwater, PWD 1-05, Rev 4, April 06
	Plan of Proposed Dredging Area	Richardson Stevens Consultants Ltd, Channel layout, Mooring and Sample Plan, Project 2534, Plan No. 12B, Dated 09/07/08
18	Cross and Long Sections of Proposed Navigation Channel	Richardson Stevens, Dredging Cross-sections, Project 2534, Sheet 2A, March 2006
19	Plan of Wharf Area Dredging and New Structures	Richardson Stevens, Wharf Layout, Project 2534, Sheet 8B, March 2006
	Plan of Proposed Reclamation	Richardson Stevens, Reclamation Plan, Project 2534, Sheet 5D, March 2006,
21	Plan of Proposed Northern Deck and Finger Piles	Richardson Stevens, Deck Elevation and Sections, Project 2534, Sheet 4d, March 2006
	Plan of Redeveloped Wharf Area	Bellingham Marine, Redeveloped Wharf Area, PWD 1-02, Rev 5, July 08
23	Cross Section Plan of Proposed Finger Piers and Eastern Attenuator	Bellingham Marine, Typical Details of Southeast Pier and Commercial Berths
24	Plan of Proposed Mediterranean Moorings	Travel and Moore/Ade Consultants, Chain Moorings System, May '02.
25	Plan of Proposed Fuel Berth	Bellingham Marine, Typical Details of Fuel Berth and Berth Adjacent to Wharf, PWD 2-02, April 05
	Eastern Beach Abutment and Renourished Beach	Bellingham Marine, Eastern Beach Abutment and Renourished Beach, PWD 1-06, Rev 5, July 08.
	Plan of Proposed Western Abutment and Breakwater. (Note: Inner West Breakwater not approved)	Bellingham Marine, Inner West Breakwater and Western Beach Abutment, PWD1-04, Rev 4, April 06
28	Plan of Proposed Western Deck and Boardwalk	Richardson Stevens, Decking at Aquarium and Timber Board Layout, Project 2534, Sheet 6C, March 2006
29	Plan of Proposed Helipad	Richardson Stevens, Helicopter Pad Details Southern Deck and Cribwalls, Project 2534, Sheet 3d, March 2006
30	Plan of Proposed Helicopter Flight Paths	Northern Civil, Helicopter Flight Lines Plan, Job 1142, Sheet 1, Jan 2005
39	Plan of Proposed Finger Pier Services	Richardson Stevens, Services Layout, Project 2534, Sheet 7, March 2006
40	Plan of Stormwater Layout	Richardson Stevens, Stormwater Layout, Project 2534, Sheet 9C, March 2006
46	Plan of Management Area Boundaries and Proposed Facilities	Butt Design Group, Job No. 2056, Sheet 1_002

Figure No.	Applicant's Figure Title/ General Content of Plan	Applicant's Plan Title or Other Identifier (if any)
47	Plan of Management Area Boundaries Around South-eastern Pier	Butt Design Group, Job No. 2056, Sheet 1_003
59	Plan of Existing Moorings	Richardson Stevens, Mooring Layout, Project 2534, Sheet 12, March 2006
60	Plan of Casual Berthing Areas	Bellingham Marine, Redeveloped Wharf Area, PWD 1-02, Rev 3, Dec 05.

SCHEDULE 6

SIGNAGE

The sign shall include the following information:

- (1) Information regarding emergency procedures. The emergency procedure information must detail how to respond to a product spillage, a fire or an equipment failure. In all cases the procedures for keeping people safe, stopping the refuelling operation and minimising pollution of the marine environment is to be clearly displayed.
- (2) The location and access details for spill response equipment held on site, such as sorbent materials.
- (3) Emergency response organisation contact details for the following organisations:
 - The refuelling site operator's 24 hour contact number;
 - The Northland Regional Council's environmental hotline number 0800 504 639;
 - The Rescue Co-ordination Centre of New Zealand (Maritime New Zealand contact) 0508 472 269; and
 - The New Zealand Fire service 111.
- (4) The delivery nozzle is to be attended at all times when being operated.

SCHEDULE 7

I BOND AGREEMENT PRINCIPLES

A USE OF RENOURISHMENT CAPITAL WORKS BOND

The use of this bond shall include the following:

- (a) To provide a mechanism to have finance immediately available to the Northland Regional Council to mitigate or control the environmental consequences of the inability of the Consent Holder to complete the beach renourishment.
- (b) To provide a mechanism immediately available to the Northland Regional Council to enable:
 - (i) restoration of Horotutu Beach to an appropriate form should the beach replenishment works not be completed; and /or
 - (ii) completion, or partial completion, of the beach replenishment works to an environmentally acceptable state; and
- (c) To provide for the costs involved in the planning, management administration and monitoring of the measures described in (a) and (b) above.

B USE OF RENOURISHMENT MAINTENANCE WORKS BOND

The use of this bond shall include the following:

- (a) To provide a mechanism to have finance immediately available to the Northland Regional Council to mitigate or control the environmental consequences of the inability of the Consent Holder to maintain the renourished beach, to the extent enabled by the value of the Bond; and
- (b) To provide for the costs involved in the planning, management administration and monitoring of any measures described in (a) above.

II TERMS OF BANK BOND OR OTHER SECURITY

The terms of these bonds or securities shall include a provision that the bond or security is available to the Northland Regional Council on demand, without restraint of any kind, in the event of it being required. The bond or security shall take the form of a development, bank or insurance bond or a guarantee by a financial institution or other entity acceptable to the Northland Regional Council.

Each bond or security shall have a period sufficient to ensure that the funds are available for the purpose described above, until the time specified in the relevant condition of this consent, at which time any funds remaining will be reimbursed to the Consent Holder.

IV PAYMENT OF NET INTEREST ON CASH BONDS TO CONSENT HOLDER AND DEFAULT

Net interest on any cash bond will be paid to the Consent Holder annually by 30 August for the previous year (July to June).

The net interest paid will be any residual interest following deduction of inflation (nominally set at 3%, but subject to revision in accordance with the assumptions in the Northland Regional Council's Long Term Council Community Plan [LTCCP] and Annual Plan) from the interest earned based on the bond fund for each Consent Holder at the average 90 day cash deposit rate over the financial year.

In the event that the gross interest in any year is less than the inflation rate used, then no payment will be made to the Consent Holder. All inflation amounts will be accrued into the bond amount held.

If the Consent Holder defaults on any payment required in respect of inflation related to the bond, then all subsequent payments of net interest will immediately cease until the default payment is rectified by the Consent Holder.

RESOURCE CONSENT ISSUED BY THE FAR NORTH DISTRICT COUNCIL

DECISION 1

RC-2061019-RMA LUC

Pursuant to Sections 104, 104B, and 108 of the Act, the application by Far North Holdings Limited for the redevelopment of Paihia Central Waterfront, which breaches District Plan rules relating to impermeable surfaces, earthworks, traffic intensity, building height, and parking, and which is subject to the provisions of Section 77C of the Resource Management Act 1991 is granted, subject to the following conditions:

General

1. Unless otherwise required by conditions below, the proposed activity shall be carried out in general accordance with all information and the plans submitted with the application, including the following:

LIST OF PLANS RELATING TO RESOURCE CONSENTS ISSUED BY THE FAR NORTH DISTRICT COUNCIL

Figure No.	Applicant's Figure Title	Applicant's Plan Title or other identifier (if any)
1	Master Plan	
2	Landscape Masterplan	
3	Landscape Plan of Proposed Reclamation	
4	Landscape Plan of Wharf Entry and Beach Area	
12	Plan of Existing Wharf Facilities	Butt Design Group, Job No. 2056 Sheet 1_001
	General Layout of Development(Note: Alternative Breakwater Footprint not approved)	Bellingham Marine, General Layout, PWD 1-01, Rev. 5, July 08
	Plan of Proposed Northern Reef Breakwater (Note: Alternative Breakwater Footprint not approved)	Bellingham Marine, Northern Breakwater, PWD 1-03, Rev. 5, July 08
	Plan of Proposed Outer Western Reef Breakwater	Bellingham Marine, Outer West Breakwater, PWD 1-05, Rev 4, April 06
	Plan of Proposed Dredging Area	Richardson Stevens Consultants Ltd, Channel layout, Mooring and Sample Plan, Project 2534, Plan No. 12B, Dated 09/07/08
18	Cross & Long Sections of Proposed Navigation Channel	Richardson Stevens, Dredging Cross-sections, Project 2534, Sheet 2A, March 2006
19	Plan of Wharf Area Dredging & New Structures	Richardson Stevens, Wharf Layout, Project 2534, Sheet 8B, March 2006
	Plan of Proposed Reclamation	Richardson Stevens, Reclamation Plan, Project 2534, Sheet 5D, March 2006
21	Plan of Proposed Northern Deck & Finger Piles	Richardson Stevens, Deck Elevation & Sections, Project 2534, Sheet 4d, March 2006
	Plan of Redeveloped Wharf Area	Bellingham Marine, Redeveloped Wharf Area, PWD 1-02, Rev 5, July 08
23	Cross Section Plan of Proposed Finger Piers & Eastern Attenuator	Bellingham Marine, Typical Details of Southeast Pier & Commercial Berths
24	Plan of Proposed Mediterranean Moorings	Travel & Moore/Ade Consultants, Chain Moorings System, May '02.

Figure No.	Applicant's Figure Title	Applicant's Plan Title or other identifier (if any)
25	Plan of Proposed Fuel Berth	Bellingham Marine, Typical Details of Fuel Berth & Berth Adjacent to Wharf, PWD 2-02, April 05
	Eastern Beach Abutment and Renourished Beach	Bellingham Marine, Eastern Beach Abutment and Renourished Beach, PWD 1-06, Rev 5, July 08
	Plan of Proposed Western Abutment and Breakwater (Note: Inner West breakwater not approved)	Bellingham Marine, Inner West Breakwater and Western Beach Abutment, PWD1-04, Rev 4, April 06
28	Plan of Proposed Western Deck & Boardwalk	Richardson Stevens, Decking at Aquarium & Timber Board Layout, Project 2534, Sheet 6C, March 2006
29	Plan of Proposed Helipad	Richardson Stevens, Helicopter Pad Details Southern Deck & Cribwalls, Project 2534, Sheet 3d, March 2006
30	Plan of Proposed Helicopter Flight Paths	Northern Civil, Helicopter Flight Lines Plan, Job 1142, Sheet 1, Jan 2005
31	Plan of Proposed Maritime Business Building	Butt Design Group, Job No. 2056, Sheet 8-002
32	Plan of Proposed Restaurant	Butt Design Group, Job No. 2056, Sheet 8-001
33	Plan of Proposed Food Kiosk	Butt Design Group, Job No. 2056, Sheet 8-003
34	Plan of Proposed Shelters	Butt Design Group, Job No. 2056, Sheet 8-006
36	Layout Plan of Selwyn Rd Parking Area	Northern Civil, Selwyn Street Car Parking Proposal, Job 1060, Sheet 3, Sept. 2004
37	Plan of Existing Reclamation & Wharf Services	Northern Civil, Maritime Area – Existing Services Draft Plan, Job 1142, Sheet 1, Dec. 2005
38	Plan of Proposed Building Services	Richardson Stevens, Services to Reclamation, Project 2534, Sheet 10, March 2006
39	Plan of Proposed Finger Pier Services	Richardson Stevens, Services Layout, Project 2534, Sheet 7, March 2006
40	Plan of Stormwater Layout	Richardson Stevens, Stormwater Layout, Project 2534, Sheet 9C, March 2006
41	Plan of Proposed Banner, Flag & Light Poles	Butt Design Group, Job No. 2056, Sheet 8-005
42	Plan of Proposed Signs	Butt Design Group, Job No. 2056, Sheet 8-004
46	Plan of Management Area Boundaries & Proposed Facilities	Butt Design Group, Job No. 2056, Sheet 1_002
47	Plan of Management Area Boundaries Around South-eastern Pier	Butt Design Group, Job No. 2056, Sheet 1_003
59	Plan of Existing Moorings	Richardson Stevens, Mooring Layout, Project 2534, Sheet 12, March 2006
60	Plan of Casual Berthing Areas	Bellingham Marine, Redeveloped Wharf Area, PWD 1-02, Rev 3, Dec 05.
64	Plan of Building Heights	Butt Design Group, Job No. 2056, Sheet 8-008

Construction

2. The Consent Holder shall notify the Far North District Council in writing of the date construction work is to commence at least two weeks before the on-site starting date. Prior to the commencement of any construction on the site the Consent Holder shall submit to the satisfaction of the Council's Resource Consents Manager a construction works programme that outlines the expected stages of the project and their approximate timing.
3. Prior to the commencement of any construction on the site in a stage, the Consent Holder shall submit a Construction Management Plan for the stage to the satisfaction of the Council's Resource Consents Manager. This plan shall be prepared in consultation with the NZ Transport Agency. The Construction Management Plan shall include, but not limited to, specific details relating to avoiding, remedying or

mitigating adverse effects on the environment and management of all works associated with the development as follows:

- i. Details of the site manager, including contact details (phone, facsimile, postal address);
 - ii. Construction timetable;
 - iii. The location of a large noticeboard on the site that clearly identifies the name, telephone number and address for service of the site manager;
 - iv. Measures to be adopted to maintain the site in a tidy condition in terms of disposal/storage of rubbish, storage and unloading of building materials and similar construction activities;
 - v. Storage of fuels and lubricants;
 - vi. Maintenance of plant and machinery
 - vii. Proposed hours of work on the site (NB: hours shall correspond with any other condition in this consent relating to working hours).
 - viii. Measures for waste management which include designated sites for refuse bins, and for recycling bins for glass, plastic and cans storage and collection.
 - ix. Location of workers' conveniences (eg. portaloos);
 - x. Measures to provide for public safety;
 - xi. Location of site hoardings;
 - xii. Wheel wash facilities.
4. The above details shall be shown on a site plan and supporting documentation as appropriate. The approved Construction Management Plan(s) shall be implemented and maintained throughout the entire earthworks period, and updated with each ensuing Building Consent application.

Construction Traffic Management Plans

5. Prior to the commencement of any construction in a stage on the site, the Consent Holder shall prepare a Construction Traffic Management Plan for the stage to the satisfaction of the Council's Resource Consents Manager. Construction may only commence once approval in writing has been granted in respect of the content and details of the plan. In the preparation of this Plan the Consent Holder shall consult with the New Zealand Transport Agency to ensure that the requirements of that Agency are accommodated as the road controlling authority for SH 11. The Construction Traffic Management Plan shall include, but not be limited to, specific details relating to avoiding, remedying or mitigating adverse effects on the environment and management of all works associated with the development as follows:
- i. Machinery during site works period.
 - ii. Proposed numbers and timing of truck movements throughout the day and the proposed routes.
 - iii. Proposed numbers and timing of truck movements throughout the day including identification of heavy vehicle routes which avoid residential streets.
 - iv. Procedures for managing construction.

- v. Safe and clear pedestrian access and thoroughfare on roads and footpaths adjacent to the site.
6. The above details shall be shown on a site plan and supporting documentation as appropriate. The approved Construction Traffic Management Plan(s) shall be implemented and maintained throughout the entire demolition and earthwork period, and updated where necessary with each ensuing Building Consent application.

Prevention of Damage to State Highway 11

- 7. The Consent Holder shall not damage State Highway 11 or any Crown-owned infrastructure, or adversely affect State Highway drainage during construction activities, beyond those activities specifically authorised by resource consent or otherwise agreed with the land owner. Should damage occur, the Consent Holder shall promptly advise this to the land owner.
- 8. The Consent Holder shall ensure that safe and clear pedestrian access and thoroughfare is maintained on all roads and footpaths adjacent to the site at all times, to the satisfaction of the Council’s Resource Consents Manager.
- 9. All commercial construction equipment or similar shall be stored or parked on site at all times and not on surrounding streets. All storage of materials and loading and unloading of equipment associated with the site works shall take place within the site boundaries.
- 10. All earthworks and construction works shall be restricted to the hours between 7.30 a.m. to 6.00 p.m. Monday to Friday and 8.00 a.m. to 2.00 p.m. Saturday. No such work shall occur on Sundays or public holidays, including the period commencing 24 December to 3 January inclusive. (NZTA evidence)
- 11. No construction machinery or materials are to be stored on Taylor or Motumaire Islands.

Earthworks

- 12. The Consent Holder shall minimise any dust nuisance to adjoining sites during the earthworks stage, through the wetting of surfaces, particularly in dry weather, to the satisfaction of the Council’s Resource Consents Manager.

Construction Noise

- 13. The Consent Holder shall ensure that all construction work on the subject site shall be undertaken to ensure that construction noise does not exceed the relevant noise levels outlined in NZS 6803: 1999 “Acoustics – Construction Noise”, Standards New Zealand.

Time of Week	Time Period	Noise Limit (dBA)	
		<i>L_{eq}</i>	<i>L_{max}</i>
Weekdays	0630 -0730	60	75
	0730-1800	75	90
	1800-2000	70	85
	2000-0630	45	75

Time of Week	Time Period	Noise Limit (dBA)	
		L_{eq}	L_{max}
Saturdays	0630 -0730	45	75
	0730-1800	75	90
	1800-2000	45	75
	2000-0630	45	75
Sundays	No construction activity		

Note: The definitions of L_{eq} and L_{max} are given in NZS 6803:1991.

14. The Consent Holder shall prior to the commencement of any construction works in a stage, submit a Construction Noise Management Plan (CNMP) to the satisfaction of the Council's Resource Consents Manager. The CNMP must include but shall not be limited to:
- a. Description of the construction methodology, including a list of potentially noisy plant and equipment, the estimated noise levels and the approximate locations within the site;
 - b. Where the predicted noise levels exceed the relevant standard, the specific noise mitigation measures which will be implemented, which may include but not be limited to acoustic screening, alternative equipment etc;
 - c. Noise monitoring must be undertaken during each phase of the works that are likely to exceed the relevant standards. Additional monitoring shall be undertaken in the event of any complaints received;
 - d. In the event of the measured noise levels exceeding the relevant standard, the Council's Resource Consents Manager must be notified immediately and further mitigation options shall be investigated and implemented;
 - e. A complaints management system must be implemented. It must specify the responsible persons for maintaining the complaints register, procedures to be followed in investigating and resolving complaints and procedures for reporting complaints to Council's Resource Consents Manager; and
 - f. The name and contact telephone numbers of the Site Manager or other persons responsible for supervision of the works, implementation of the Noise Management Plan and complaint receipts and investigations.

Operational Noise

15. Noise from facilities approved by this consent shall not exceed the limits set out in Rule 7.7.5.1.8 of the District Plan.

Parking

16. Twenty five car parks in the Selwyn Road car park are to be set aside and identified by signs or as being for the use of customers and staff of the new facilities at Paihia Wharf authorised by this consent.
17. Prior to commencement of construction, the Consent Holder shall engage a suitably independent and qualified traffic engineer to undertake a parking occupancy survey in Paihia town centre between 15 December and the end of January (excluding the peak weeks of 1 January to 15 January). In the event that the parking occupancy survey identifies that there is not adequate parking availability within Paihia town centre for the activity authorised by this consent during the survey period (to

accommodate any parking shortfall), the Consent Holder shall provide the required additional parking spaces elsewhere within Paihia town centre. These additional car parks shall be identified by signs as being for the use of customers and staff of the new facilities at Paihia Wharf authorised by this consent.

Buildings, Shelters, Landscaping, Lighting, Paving and Open Space Furniture

18. The Consent Holder shall within three months of completion of the reclamation submit to the Council's Resource Consents Manager plans of the buildings, shelters, landscaping, lighting, paving, open space furniture and other facilities proposed for the reclamation and beach berm area, along with reports on their key design components. The Council's Resource Consents Manager will, at the Consent Holder's expense, appoint a Design Review Panel consisting of a Registered Architect with a minimum of five year post qualification experience and a landscape architect with a minimum of five years experience as an Associate of the NZ Institute of Landscape Architects, to review the plans and reports. The findings of the Design Review Panel are to be provided to the Consent Holder within one month of Council receipt of the plans and reports.

Advice Note: *The purpose of this condition is to enable the approved 'concept' plans for the waterfront area to be reviewed by an independent expert panel and refined, and detailed where necessary, before the 'final' detailed plans are submitted for Council approval. The Council will, in conjunction with the Consent Holder, establish terms of reference for the panel to ensure that its role is limited to refinement and detailing of plans that have been through community consultation and resource consent processes, rather than a complete review of the underlying 'concepts', including the locations of buildings and other key facilities.*

19. The Consent Holder shall prepare detailed landscaping implementation plans for the renourished beach and beach berm area. The plans shall be designed to give effect to the landscape concept plans included in the application and the findings of the Design Review Panel. The plans are to be accompanied by reports that explain how the landscaping is to be implemented, including a timetable, and maintained thereafter on an ongoing basis.

The plan for the beach renourishment is to cover the area from the eastern end of the reclamation to the western edge of the eastern (beach) abutment. This plan shall be submitted to and must be approved by the Council's Resource Consents Manager prior to the construction of new buildings on the reclamation.

The plan for the beach berm area is to cover the area from the western edge of the eastern (beach) abutment to Nihonui Point. This plan shall be submitted to and must be approved by the Council's Resource Consents Manager prior to placement of any dredged or imported sand material on the beach.

20. The landscaping shall be established in accordance with a timetable set out in the landscaping implementation plans and maintained in accordance with the landscaping implementation plans and maintained thereafter by the Consent Holder.
21. The minimum width of the grassed and landscaped berm between State Highway 11 and the renourished Horotutu Beach shall be 10 metres.
22. In preparing the detailed landscaping plan the Consent Holder shall ensure that the location, size, (when fully grown) and species of plants shall not reduce available sight distances from the access points to the site onto State Highway 11.

23. In order to ensure that the landscaping is carried out successfully, the Consent Holder shall enter into a bond with Council prior to the commencement of construction on the site. The value of the bond shall be equivalent to 1.5 times the estimated cost of the landscaping works and shall either be in cash or guaranteed by a registered trading bank in accordance with Council's bonds policy. The bond shall be held for a minimum period of 24 months from the date of planting. The bond shall be released when in the opinion of Council's Resource Consents Manager the landscaping has been successfully established.
24. The bond document shall be prepared by the Consent Holder at his/her expense and submitted to Council's Resource Consents Manager for approval. Any costs incurred by Council in preparing, checking, assessing and release of this bond shall be met by the Consent Holder.

Public Access

25. Public access shall be provided on a permanent and continuing basis to the open space and promenade areas shown on the plans.

Building Design

26. Further to Condition 1 above, buildings approved by this consent shall comply with Rules 7.7.5.1.1 Building Height, 7.7.5.1.2 Sunlight, 7.7.5.1.4 Setback From Boundaries in the Partly Operative Far North District Plan.

Services

27. The proposed development is to be reticulated with a water supply and fire mains to Council requirements. The Consent Holder is to pay any cost of upgrading the existing water supply mains to the Council's requirements. Fire hydrant and valves are to be positioned to Council and New Zealand Fire Service requirements.
28. Fire Hydrants and any necessary additional water mains are to be installed and situated so that no part of the proposed development is more than 135 metres from a hydrant.

Archaeology

29. If sub-surface archaeological evidence is unearthed during construction, work shall cease in the immediate vicinity of the remains and the project archaeologist and/or Historic Places Trust should be contacted.
30. In the event of koiwi (human remains) being uncovered, work shall cease in the immediate vicinity and the tangata whenua, the Resource Consents Manager, New Zealand Historic Places Trust and NZ Police should be contacted so that appropriate arrangements can be made.

Review

31. Pursuant to Section 128 of the Resource Management Act 1991 the terms of this consent may be reviewed annually in order to ensure that there are no adverse effects on the environment arising from the exercise of the consent, and in particular effects arising in respect of the provision of parking.
32. This resource consent will expire 10 years after the date of commencement of consent unless:
 - (a) It is given effect to before the end of that period; or

- (b) Upon an application made prior to the expiry date, the Council fixes a longer period.

Advice Notes:

1. *The statutory considerations, which apply to extensions of the expiry dates for resource consents, are set out in Section 125(1)(b) of the Resource Management Act 1991*
2. *The Consent Holder needs to obtain all other necessary consents and permits, including those under the Building Act 2004, and comply with all relevant Council Bylaws. It is further noted that this consent does not constitute building consent approval. Please check as to whether or not a building consent is required under the Building Act 2004. If a building consent application is already lodged with the Council or has already been obtained, you are advised that, unless otherwise stated, the use shall not commence until conditions of this resource consent have been met. Furthermore, if this consent and its conditions alter or affect a previously approved building consent for the same project, you are advised that a new building consent may need to be applied for.*
3. *A copy of this consent shall be held on site at all times during the establishment and construction phase of the activity.*
4. *The Consent Holder is requested to notify the Council, in writing, of the intention to begin works, a minimum of seven days prior to commencement. Such notification should include the following details:*
 - *name and telephone number of the project manager and site owner*
 - *site address to which the consent relates*
 - *activity to which the consent relate*
 - *expected duration of works.*
5. *If you disagree with any of the above conditions or with any additional charges relating to the processing of the application, you have a right of objection pursuant to Section 357 of the Resource Management Act 1991 which shall be made in writing to the Council within 15 working days of notification of the decision. The Council will as soon as practicable consider the objection at a hearing. Pursuant to Section 116, the consent will not commence until any objection or appeal has been withdrawn or decided.*
6. *The Consent Holder shall obtain approval from the Council for any proposed sewer connections and/or modification to existing public sewers, including the removal of manholes.*
7. *All works in close proximity to public drains shall comply with Council's standards. Details of how the development complies are to be submitted with a building consent application. The integrity of public services is to be maintained at all times during construction.*
8. *The Consent Holder shall obtain approval from the Council for any required construction and/or alteration to the public water supply system.*
9. *Council has adopted a financial contributions policy under the LGA 2002 and the applicant will be advised separately should such contributions be required in terms of that policy.*

DECISION 2

RC-2061019-RMA LUC

That pursuant to Sections 104, 104B and 127 of the Act, Condition 6 of resource consent RC1960780 [requiring toilets to be provided in the existing maritime building] is amended as follows:

- “6. The public toilets in the existing maritime building shall not be closed to public use until such time as new public toilets are opened for use in the new maritime business building authorised by resource consent Ref. RC-2061019-RMALUC.”

APPENDIX A

SUMMARY TABLE OF SUBMISSIONS RECEIVED BY NORTHLAND REGIONAL COUNCIL AND FAR NORTH DISTRICT COUNCIL

FAR NORTH HOLDINGS LIMITED – PROPOSED PAIHIA WATERFRONT REDEVELOPMENT

Submissions to Northland Regional Council:

Name of Submitter	Oppose/ Support	Issues of Concern
D S Mullan 20 Tui Grove Paihia 0200	Support	<ul style="list-style-type: none"> Development not to be held up by details.
Explore NZ (2004) Limited PO Box 400 Paihia 0247	Support	<ul style="list-style-type: none"> Visually appealing. Contribution to wharf safety. Breakwaters will ensure safer transfer of water passengers.
Fullers Bay of Islands Limited PO Box 145 Paihia 0252	Support	<ul style="list-style-type: none"> Paihia is gateway to Bay of Islands and development will sustain tourism. Existing facilities inadequate. Breakwaters will contribute to safety of the wharf and for transfer of water passengers. Reestablishment of beach. Waterfront will be enhanced. Need to resolve issues such as rain cover for visitors, general aesthetics, safe fuel facilities, pontoon heights, loading design for passenger safety, vessel turning circle and manoeuvrability consultation.
H & P W Hadfield PO Box 51 Paihia 0247	Support	<ul style="list-style-type: none"> No mention in application of the close proximity of the proposed re-routed navigational channel to mooring Nos. 106, 747, and 2589. Moorings may need to be relocated.
Paihia Planning Group C/O 20 Tui Grove Paihia 0200	Support	<ul style="list-style-type: none"> Proposal is well co-ordinated plan for future development.
Paihia & Districts Residents & Ratepayers Assoc. PO Box 374 Paihia 0247	Support	<ul style="list-style-type: none"> Long standing problem with erosion of Horotutu Beach. Proposal will enhance amenities for locals and tourists. Need clarification of ongoing responsibility of maintenance and monitoring.
G Marshall 69 Williams Road Paihia 0200	Support	<ul style="list-style-type: none"> Object to war memorial better use of area would be a recreational building. Little activities for tourists to do in poor weather. Recreational building to contain heated swimming pool, outside pool, squash court, gym, theatre etc.
Anchorage Motel PO Box 505 Paihia 0247	Support	<ul style="list-style-type: none"> Paihia needs this development. Improve Paihia's image to tourists and local businesses. Protection for on water tourist operators. Enhanced ambience.
Ashgrove Motel C/O F & W Grindlay PO Box 213 Paihia 0247	Support	<ul style="list-style-type: none"> Improve look and facilities at Paihia waterfront. Suggest the I-Site be relocated to Williams Road carpark. Carry out phases of development quickly.
B Rogers PO Box 171 Paihia 0247	Support	<ul style="list-style-type: none"> The existing waterfront requires extensive repairs – redevelopment. Breakwaters will remove threat of a major disaster.

Name of Submitter	Oppose/ Support	Issues of Concern
Bay of Islands Tourism Operators Group PO Box 150 Paihia 0247	Support	<ul style="list-style-type: none"> ▪ Good for Paihia and district as it will boost tourism.
B M Marti 39 Bayview Road Paihia 0200	Support	<ul style="list-style-type: none"> ▪ Development well overdue and should be completed asap. ▪ Will benefit tourists and district.
Business Paihia Inc. PO Box 339 Paihia 0247	Support	<ul style="list-style-type: none"> ▪ Will maximise benefits of tourism to town and region.
D Yarrall 2 MacMurray Road Paihia 0200	Support	<ul style="list-style-type: none"> ▪ Paihia needs an attractive and safe waterfront.
Destination Northland Limited PO Box 365 Paihia 0247	Support	<ul style="list-style-type: none"> ▪ Enable Paihia to maintain its "premier resort" status. ▪ Good sustainable economic growth. ▪ Enhance visitors' experience.
Enterprise Northland PO Box 1762 Whangarei 0115	Support	<ul style="list-style-type: none"> ▪ The development will ensure Paihia remains a premier destination for tourism. ▪ Sustainable tourism by enhancing tourists' experience.
Explore NZ (2004) Limited PO Box 400 Paihia 0247	Support	<ul style="list-style-type: none"> ▪ Visually appealing. ▪ Contribution to wharf safety. ▪ Breakwaters will ensure safer transfer of water passengers.
G Jones PO Box 239 Paihia 0247	Support	<ul style="list-style-type: none"> ▪ Tourism is growing in North and Paihia is entry point to BOI.
G Rye PO Box 524 Paihia 0247	Support	<ul style="list-style-type: none"> ▪ Paihia is gateway to BOI. Progressive development to be undertaken to ensure sustainment of tourist numbers, local businesses and new residents. ▪ Progress as quickly as possible.
G B & P J Cunningham 162 A Marsden Road Paihia 0200	Support	
G C & P W Chard 164 B Marsden Road Paihia 0247	Support	<ul style="list-style-type: none"> ▪ Long overdue. ▪ Will be safer. ▪ Condition at present is an eyesore.
Guyco Holdings Limited PO Box 605 Whangarei 0140	Support	<ul style="list-style-type: none"> ▪ Positive social and economical impacts on Paihia and district.
H Marti 39 Bayview Road Paihia 0200	Support	<ul style="list-style-type: none"> ▪ Development well overdue.
H V Wallace 2 School Road Paihia 0200	Support	<ul style="list-style-type: none"> ▪ Present wharf facilities are inadequate. ▪ Require safe transit of water passengers. ▪ Waitangi River floodwaters be directed out to sea instead of under Paihia Wharf.
J McKiernan Pt Veronica Lodge 39 Pt Veronica Drive Opuia	Support	<ul style="list-style-type: none"> ▪ Improve tourists' experience and safety.
J G & C F Guy PO Box 605 Whangarei 0140	Support	<ul style="list-style-type: none"> ▪ Positive social and economical impacts on Paihia and district.
M Gray PO Box 214 Paihia 0247	Support	<ul style="list-style-type: none"> ▪ Provide functional recreation space for tourists.

Name of Submitter	Oppose/ Support	Issues of Concern
M Sadler 65 Williams Road Paihia 0200	Support	<ul style="list-style-type: none"> ▪ The waterfront needs to be improved.
M P O'Connor The Paihia Surgery Selwyn Road Paihia 0200	Support	<ul style="list-style-type: none"> ▪ Consistent planning for Paihia.
New Zealand Historic Places Trust C/O Northland Co-ordinator P O Box 836 Kerikeri 0470	Support	<ul style="list-style-type: none"> ▪ Wishes to see development undertaken in a heritage sympathetic manner. ▪ Motu Maire and Kuia Rongouru are registered waahi tapu areas. ▪ Consultation with iwi/hapu necessary. ▪ Archaeological authority required if middens site on Flagstaff Hill is disturbed. ▪ Advice on earthworks authority in various areas.
Northland Tourism Development Group PO Box 150 Paihia 0247	Support	<ul style="list-style-type: none"> ▪ Key tourism destination. ▪ Enhance tourists' experience. ▪ Good for Paihia and district. ▪ Allows for increase in tourists in a sustainable manner.
P Boisen PO Box 166 Paihia 0247	Support	<ul style="list-style-type: none"> ▪ Helicopter pad be relocated around the corner, further away from reclamation. ▪ Buildings – will block views. ▪ Breakwaters to be no higher than MHWS.
P Jarvis PO Box 182 Paihia 0247	Support	<ul style="list-style-type: none"> ▪ Upgrade is long overdue for both locals and tourists.
P Sharp 3 Austin Street Opuia 0200	Support	<ul style="list-style-type: none"> ▪ Development would make the waterfront safer. ▪ Existing problem of loss of beach. ▪ Ensure tidal flows are correct. ▪ 5 year completion date. ▪ Development would allow use of area 365 days per year.
R J & R D Wilson 31 Bayview Road Paihia 0200	Support	<ul style="list-style-type: none"> ▪ Will improve the wharf area. ▪ Good for tourism.
T McInnes 3 Kane Street Opuia 0200	Support	<ul style="list-style-type: none"> ▪ Waterfront is currently unattractive. ▪ Improvement for tourists and locals.
T F Grass PO Box 541 Paihia 0247	Support	<ul style="list-style-type: none"> ▪ Breakwaters will provide safe passenger terminal and attractive beach, calm anchorage. ▪ Undertake work asap. ▪ Paihia is gateway to BOI and is currently not particularly attractive or functional and has a rock wall that endangers pedestrians when it collapses.
T R Pike 5 - 75 Williams Road Paihia 0200	Support	<ul style="list-style-type: none"> ▪ Run extension arm from the Bluff end to divert tidal flow out and push the Bluff over and make a parking area.
Waitangi Resort Joint Venture PO Box 150 Paihia 0247	Support	<ul style="list-style-type: none"> ▪ Paihia is key tourist destination. ▪ Will allow for increase in tourists in a sustainable manner.
B & E Killen PO Box 249 Paihia 0247	Oppose	<ul style="list-style-type: none"> ▪ Lack of accountability for reef and breakwaters and affect on beach.
B Chapman 64 School Road Paihia 0200	Oppose	<ul style="list-style-type: none"> ▪ Build a concave seawall between proposed Eastern abutment and the Bluff. Reclaim behind seawall for an esplanade and allow for the widening of Marsden Road. ▪ Stormwater outlet discharges into the bay will result in any beach being not attractive or necessary.

Name of Submitter	Oppose/ Support	Issues of Concern
B Larkins C/O P O Box 156 Paihia 0247	Oppose	<ul style="list-style-type: none"> ▪ Irreparable damage to marine environment (tides). ▪ Annihilation of cultural and environmental values (orca, dolphin tohu maori). ▪ Contravenes opportunity for maori in tourism from a tuturu perspective.
Bay of Islands Coastal Watchdog Inc. C/O Mr M Leiding 7 Kaha Place RD 1 Russell 0272	Oppose	<ul style="list-style-type: none"> ▪ Breakwater and reclamation will significantly change natural and historic character of Paihia. ▪ Application to be assessed on its natural and cultural effects because it will set a precedent. ▪ Applicant trying to do too much at once. ▪ Breakwaters will change sea patterns, may cause erosion. Applicant's AEE does not address what affects are. Conditions to include no future development. May result in more commercial activities that are inappropriate to ambiance and character of Paihia. The breakwater may allow predators to wildlife. ▪ Rebuilding eroded beach may be possible without breakwaters. ▪ Dredging southeast of Taylor Island may change sea pattern. Hydrological study required. ▪ Reclamation southeast of existing building serves to privatise public space, negative effects on Flagstaff Hill, blocks water views from the Village Greens and Williams House. Contrary to NZ Coastal and Regional Policies. Carparking inadequate and does not comply with FNDC's parking requirements. ▪ Helicopter pad adjacent to reclamation not appropriate because of negative effects from pollution and noise. Occupation and Use for 35 years – opposed if this includes inside breakwater. ▪ Where does the money come from. Rate increase unacceptable.
Director General of Conservation C/O Northland Conservator PO Box 842 Whangarei 0115	Oppose	<ul style="list-style-type: none"> ▪ Proposed breakwaters between Nihonui Pt and Motumaire Islands and between Motumaire Island and Taylor Island will have significant adverse affects on historic and cultural values and more than minor adverse effect on natural, landscape, ecological (including marine mammal) and amenity values. ▪ The applicant has not provided sufficient analysis that the breakwaters, reclamation, dredging potential to adversely alter coastal processes. The proposal will be affected by sea level change. ▪ Disposal site for dredgings has not been identified. ▪ Proposed reclamation south of existing wharf inappropriate and irreversible. Loss of small beach and adverse impact on heritage and landscape of Flagstaff Hill. Proposed buildings to be placed elsewhere in Paihia. ▪ Restoration of beach at Paihia can proceed without breakwaters, other reclamations or dredging. ▪ Occupancy area sought is excessive and contrary to the sustainable management of the coastal marine area. Public access to coastal marine area. ▪ Navigation around wharf is managed by Northland Regional Council. Not appropriate to add another layer of control. ▪ The proposal does not provide for matters of national importance (Sections 6 and 7 of RMA). Overall the proposal is not consistent with NZ Coastal Policy Statement, Regional Policy Statement for Northland, and contrary to the Regional Coastal Plan for Northland. Proposal does not achieve purpose of the Act.
J M Hoggard PO Box 355 Paihia 0247	Oppose	<ul style="list-style-type: none"> ▪ Unneeded development to gain profit for the applicant. ▪ Day-use berthing, parking, improvement of Marsden Rd, protection of Bluff, lack attention.

Name of Submitter	Oppose/ Support	Issues of Concern
L A Elliott 60 Du Fresne Place Tapeka Point Russell 0255	Oppose	<ul style="list-style-type: none"> ▪ Environmental effects not justified or mitigated. ▪ Reports do not accurately portray Paihia. Omission of strong currents. Safety hazard. ▪ Breakwaters will restrict flow, causing silt trap. ▪ Effect of breakwaters on beach south of development. ▪ Boat traffic affected by restriction of flow causing dredged area to be 2.0m at low tide. ▪ Tourist numbers does not justify proposal. ▪ Socially isolate Russell. ▪ The islands will have easier access by foot at low tide. ▪ Too much control will go to the applicant. ▪ Proposal, if actioned, cannot easily be undone. ▪ If proposal goes ahead, breakwaters should be built first to ensure safety of water users. Reclamation and breakwater need to be done in sequence. Earthworks to be completed in short span of time. Time constraints should be imposed. Should be reviewed annually.
W E Elliott 60 Du Fresne Place Russell 0255	Oppose	<ul style="list-style-type: none"> ▪ Silting will occur from damming effect of the breakwaters. This will effect livelihood. ▪ Loss in aesthetic value. ▪ Marina will make ferry manoeuvring hazardous in windy weather. ▪ Wharf users may be charged for continuous dredging, which will raise cost of public transport to Russell and cause more isolation to Russell. ▪ Redesign wharf as a commercial port excluding a marina. ▪ Public have already rejected this concept because a marina zone was not included in the Coastal Plan for Northland.
Paihia & District Citizens' Association Inc C/O Mr J Hoggard P O Box 355 Paihia 0247	Oppose	<ul style="list-style-type: none"> ▪ Unneeded development to gain profit for the applicant. ▪ Day-use berthing, parking, improvement of Marsden Rd, protection of Bluff, lack attention.
Nga Whanau O Horotutu C/O Emma Gibbs 10 Matauwhi Bay Road Russell 0255	Oppose	<ul style="list-style-type: none"> ▪ Changes from original consultation. ▪ No cultural impact assessment, heritage assessment, environmental impact assessment, provision for iwi access to cultural sites or recognition for traditional protocols involved, invitation to participate in public forum.
Te Runanga A Iwi O Ngapuhi Natural Resources Manager P O Box 263 Kaikohe 0400	Oppose	<ul style="list-style-type: none"> ▪ Assessment of Effects not undertaken. ▪ Significant cultural value. ▪ Approval of Te Runanga A Iwi O Ngapuhi not sought or provided. ▪ No cultural impact report.
Transit New Zealand C/O Regional Planner P O Box 1459 Auckland Central 1030	Oppose	<ul style="list-style-type: none"> ▪ Defer application until long term effect of altered wave action/currents on State Highway 11 are identified and addressed.
R M & E J May 11 Te Kemara Avenue Paihia 0200	Oppose	<ul style="list-style-type: none"> ▪ Prefer to see attention to a permanent seawall from Aquarium restaurant to the Bluff. Widen Marsden Rd and waterfront promenade.

LATE SUBMISSIONS

Name of Submitter	Oppose/ Support	Issues of Concern
Kingsgate Hotel Paihia PO Box 109-636 Auckland 1030	Support	<ul style="list-style-type: none"> ▪ The beach at Paihia is disappearing and waterfront is a mess. ▪ Need development to keep up with tourism.

Name of Submitter	Oppose/ Support	Issues of Concern
P McCorkindale 14 MacMurray Road Paihia 0271	Support	<ul style="list-style-type: none"> ▪ Encourage vision and foresight of applicant.
F Osler-Weppsnaar 54 Puketona Road Paihia 0271	Support	<ul style="list-style-type: none"> ▪ Worthwhile proposal.
W K Pearson 80 Te Haumi Drive Paihia 0200	Oppose	<ul style="list-style-type: none"> ▪ General public need loading/unloading wharf space and dinghy dock. ▪ Rebuild the beach without breakwaters. ▪ Preserve coastal marine area natural features, visual amenity and public access.
I T Mounsey 2 English Bay Road Opuia 0290	Not indicated	<ul style="list-style-type: none"> ▪ Application is different to first application.
Paihia Centre Limited PO Box 99887 Newmarket Auckland 1149	Support	

Submissions to Far North District Council:

Name of Submitter	Oppose/Support	Issues of Concern
Fullers Bay of Islands	Support	<ul style="list-style-type: none"> ▪ The development and management of the Paihia waterfront, wharf and ancillary activities are critical to sustainable tourism in the future. ▪ The proposal will contribute to safety of the wharf environment, and its enhancement.. ▪ Issues remain to be resolved eg. rain cover, fuel facilities, pontoon heights and loading design etc.
Billy Larkins	Oppose	<ul style="list-style-type: none"> ▪ Annihilation of cultural and environmental values. ▪ Contravenes opportunity for Maori in tourism.
Transit New Zealand	Oppose	<ul style="list-style-type: none"> ▪ Application does not clearly indicate the part of the State Highway reserve to be affected. This information has yet to be provided to Transit. ▪ A full traffic assessment of the proposal on the State Highway has not been provided. ▪ Concern regarding impact of landscaping along Marsden Road, construction traffic and damage to the State Highway. ▪ The above issues could potentially be resolved through conditions of consent, however, in Transit's view the application should be deferred until the above issues are resolved.
Department of Conservation	Oppose	<ul style="list-style-type: none"> ▪ The issues raised pertain to Northland Regional Council matters (breakwaters, the reclamations, dredging and occupation of coastal marine area). ▪ However, overall the proposal would have an adverse effect on the natural character; landscape values and ecological values of the area; historical values as Motumaire Island is a historic reserve and amenity values.
Guyco Construction Limited	Support	<ul style="list-style-type: none"> ▪ The proposal will have positive social and economic effects.
Carol Fay Guy & Greg Guy	Support	<ul style="list-style-type: none"> ▪ Support the application due to the social and economic impacts the development will have on Paihia and the District.
BOI Major Accom Providers & Act Operators Group C/- David Perks	Support	<ul style="list-style-type: none"> ▪ The Bay of Islands is recognised as one of the most desirable tourist destinations. ▪ The proposal will change the area and mean that visitors will enjoy their experience here more. ▪ It is good for the economy, while reducing human impact on the Bay in a sustainable manner.
Northland Tourism Development Group C/- David Perks	Support	<ul style="list-style-type: none"> ▪ The Bay of Islands is recognised as one of the most desirable tourist destinations. ▪ The proposal will change the area and mean that visitors will enjoy their experience here more. ▪ It is good for the economy, while reducing human impact on the Bay in a sustainable manner.
Nga Whanau O Horotutu Me Taputaputa O Pahi (Emma Gibbs-Smith)	Oppose	<ul style="list-style-type: none"> ▪ No Cultural Impact Assessment; ▪ No Heritage Assessment; ▪ No Environmental Impact Assessment; ▪ No provision for Iwi access to cultural sites or recognition for traditional protocols; ▪ No invitation to participate in public forum; ▪ Changes from initial consultation, and inadequately updating Iwi.
J M Hoggard	Oppose	<ul style="list-style-type: none"> ▪ The breakwaters, reclamation and buildings are unneeded. Is to gain profit only at the expense of the environment. ▪ Day-use boating, waterfront parking, upgrading of Marsden Road, protection of the Bluff etc, lack attention.
Paihia & Districts Residents & Ratepayers	Support	<ul style="list-style-type: none"> ▪ Supported provided that any costs to ratepayers are transparent and agreed to. ▪ That ongoing maintenance and monitoring is carried out.

Name of Submitter	Oppose/ Support	Issues of Concern
Enterprise Northland Trust	Support	<ul style="list-style-type: none"> ▪ The proposal will ensure the ongoing viability of the Bay. ▪ Positive economic effect.
Destination Northland	Support	<ul style="list-style-type: none"> ▪ The proposal ensures that Paihia maintains its status as a premier resort. ▪ It is good sustainable economic development. ▪ Provides infrastructure for the future.
New Zealand Historic Places Trust	Support	<ul style="list-style-type: none"> ▪ Following a meeting between the Trust and the applicant to discuss any concerns the Trust may have it was more or less agreed that the proposal would not impact adversely on built heritage, with any impacts on archaeological heritage unlikely to be major. In terms, of the latter, it was agreed that the Trust's Northland Archaeologist would offer comment, following which a letter would be sent to Far North Holdings. The letter is dated 2 August 2006.
William Kenneth Pearson	Oppose	<ul style="list-style-type: none"> ▪ Oppose the whole application except the extra parking, public usage of wharf space, dinghy docking and beach rebuilding
Betty Chapman	Oppose	<ul style="list-style-type: none"> ▪ Oppose construction of the restaurant and 2 storey building due to views of Russell and the sea being blocked
Roy Mita May	Oppose	<ul style="list-style-type: none"> ▪ Oppose construction of the restaurant and 2 storey building due to views of Russell and the sea being blocked
BOI Coastal Watchdog	Oppose	<ul style="list-style-type: none"> ▪ Adverse effect on the natural and historic character of Paihia ▪ This application will set a precedent for future applications that are non-complying ▪ Concern that FNHL are trying to achieve too much at once, with only one consent. The application should therefore be split up
Paihia & District Citizens Association Inc C/- John Hoggard	Oppose	<ul style="list-style-type: none"> ▪ The breakwaters, reclamation and buildings are unneeded. Is to gain profit only at the expense of the environment. ▪ Day-use boating, waterfront parking, upgrading of Marsden Road, protection of the Bluff etc, lack attention.
David Stewart Mullan	Support	<ul style="list-style-type: none"> ▪ The concept will provide a significant opportunity for consistent, planned development in this vitally important area.
Pita Apiata	Oppose	<ul style="list-style-type: none"> ▪ Oppose on the grounds that Tangata Whenua have not undertaken an Impact Analysis and Assessment. ▪ Lack of mitigation measures ▪ Lack of a reporting and decision making process to include Tangata Whenua ▪ Lack of monitoring and auditing ▪ Tangata Whenua's perspective has not been considered.
Te Runanga A Iwi O Ngapuhi	Oppose	<ul style="list-style-type: none"> ▪ Not engaged in discussion prior to lodgement of consent; ▪ No Cultural Impact Assessment from Tangata Whenua has been gained. ▪ Proposal will have a significant effect on the area's cultural value. ▪ Lack of information to determine the application in terms of Section 6(e), 6(f) and 7(a) of the Act.
Lois Elliot	Oppose	<ul style="list-style-type: none"> ▪ Tourist numbers is not justification for approval ▪ The development is promoting Paihia, but not Russell ▪ The development should be delayed ▪ The stages of the development are not in the correct order ▪ Issue of pollution following reclamation ▪ Lack of public parking