Resource Consent

Document Date: 26.09.2019

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

FAR NORTH HOLDINGS LIMITED, P O BOX 7, OPUA 0290

To carry out activities associated with the proposed Opua Wharf Redevelopment, as described in the following sections, at Opua, between location co-ordinates 1701776E 6091898N and 1701956E 6091720E, in accordance with the following conditions:

GENERAL CONDITIONS

(Applying to all consents (AUT.010934.02 to AUT.010934.04 and AUT.010934.06 to AUT.010934.09), issued by the Northland Regional Council):

1 The construction of the facilities shall be in general accordance with the following plans:

Northland Regional Council Plan Number	Plan Name	Consent Holder Figure Reference		
3435/1	Opua Wharf Development Plan	Figure 2		
3435/1B	Opua Wharf Development Plan	RS Eng Ltd drawing reference Rev A, File 16478, Sheet 1, dated 25/07/19		
4474	Proposal of New Pontoon at Opua Wharf	Rev.1.1, dated 04/03/13, Sheet No 02.		
3435/2B	Plan of Proposed Services	RS Eng Ltd drawing reference Rev A, File 16478, Sheet 2, dated 25/07/19		
3435/3	Plan of Proposed Dredging	Figure 8		
3435/4	Floor Plan of Proposed Sunsail Boat Charters Building	Figure 9		
3435/5 (Not used)				
3435/6	Plan of Proposed Pontoon Building	Figure 13		
3435/7	Plan of Proposed Public Toilets	Figure 14		



3435/8	Plan of Proposed Deck Figure 15 (with the position of the café/restaurant building amended to lie outside the esplanade reserve as shown on Sheet No. I of Northern-Civil Plan Number 1060 "Proposed Kerbing Plan & Sections"			
3435/9	Plan of Proposed Seats & Shelter	Figure 20		
3435/10	NRC Plan "Resource Consent CON20031093401 to 09 for Far North Holdings Ltd Wharf Redevelopment Opua"	-		
3434/2	Plan of Completed Reclamation (Note: Plan applies to the layout of reclamation and cantilever deck only, and not to gangway, pontoon and jetty structures)	Figure 25		
3434/2a	Indicative Layout Plan	Drawing No. OR 1-01		
3434/2b	F Pier Works	Drawing No. OR 3- 01		
3434/2c	F Pier Works Gangway Elevation	Drawing No. OR 3- 02		
3434/2d	E Pier Works General Layout.	Drawing No. OR 4- 01		
3434/3	Completed Reclamation Cross-sections & Stormwater Treatment Facilities	Figure 26		
3434/4	Plan of Reclamation Sheet Pile Walls and Walkway	Figure 27		

- 1A Notwithstanding the general layout of the facilities identified in Northland Regional Council Plan Numbers **3435/1** and **3435/1B** above, the finished Opua Wharf Berths shall be configured in accordance with Northland Regional Council Plan Number **4448** (attached).
- 2 The Consent Holder shall, for the purposes of adequately monitoring the consent as required under Section 35 of the Act, on becoming aware of any contaminant associated with the Consent Holder's operations escaping otherwise than in conformity with this consent:
 - (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain such escape; and
 - (b) Immediately notify the council by telephone of an escape of contaminant; and
 - (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the escape; and
 - (d) Report to the council in writing within one week on the cause of the escape of the contaminant and the steps taken or being taken to effectively control or prevent such escape.

- 3 The council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions of this consent. Such notice may be served 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 Council's monitoring of the state of the environment in the area.
 - (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment.
 - (c) To provide for compliance with rules in any regional plan that has been made operative since the commencement of the consent.
 - (d) To deal with any inadequacies or inconsistencies the council considers there to be in the conditions of the consent, following the establishment of the activity the subject of the consent.
 - (e) To deal with any material inaccuracies that may in future be found in the information made available with the application. (Notice may be served at any time for this reason.)
 - (f) To change existing, or impose new limits on consent conditions.

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

4 This consent shall not lapse until the earlier of 31 December 2008, its date of cancellation, revocation, or expiry date.

- AUT.010934.02.02 Construction of a cantilevered walkway structure approximately 3 metres wide and 105 metres long along the outer edge of the proposed reclamation.
- AUT.010934.03.03 Relocation of existing gangways and construction of new gangways between the walkway structure and the existing marina and associated alterations to the layout of marina berths to create 4 additional berths.
- AUT.010934.04.02 Removal of an existing dinghy ramp within the area of the proposed reclamation.
- AUT.010934.06.02 Occupation of the coastal marine area, where not owned by the Consent Holder, by parts of the proposed reclamation.
- AUT.010934.07.04 Construction, use and occupation of coastal marine area with:
 - a floating walkway-pontoon structure approximately 230 metres long with associated gangways, five finger piers, and placement of piles, along the southwestern (inner) side of the wharf for the purposes of berthing, servicing and undertaking minor maintenance of approximately 18 commercial or recreational craft,
 - (ii) a floating walkway approximately 120 metres long and 4 metres in width, and associated gangways, and placement of piles along the northeastern (outer) side of the wharf for the purposes of berthing, servicing and undertaking minor maintenance of approximately 3 commercial or recreational craft.
 - (iii) a pergola structure, and
 - (iv) a public berthing space for vessels up to 12 metres long, complete with works and services and with exclusive occupation of the floating walkway and pier structures.
- AUT.010934.08.02 Construction, use and occupation of coastal marine area with:
 - (i) a workshop for servicing charter boats and other craft,
 - (ii) one building ("Sunsail building") for charter boat business,
 - (iii) a public amenities building containing toilets, a shower and washbasins,
 - (iv) public shelters and seats,
 - (v) a piled deck, and
 - (vi) a café/restaurant, complete with works and services.
- AUT.010934.09.02 Dredging of approximately 2300m³ of material from the seabed for the purposes of providing boat access to the proposed berths on the southwestern side of the proposed wharf and incidental discharges.
- 1 This consent applies only to the area shown as consent area on Northland Regional Council Plan Number **3434/1** and shown as occupation area on Northland Regional Council Plan Number **3435/10 attached**.
- 2 The Consent Holder shall retain a Chartered Professional Engineer with appropriate experience to supervise the development of the detailed design and the construction of the structural facilities.

- 3 Prior to commencing construction of the facilities, the Consent Holder shall provide the council's assigned monitoring officer with a statement, signed by the Chartered Professional Engineer who supervised the development of the detailed design, describing the works to be constructed and stating that the particular works have been suitably investigated and properly designed in accordance with good engineering practice.
- 4 At least one month prior to construction works commencing on the facilities, the Consent Holder shall provide a procedure for dealing with oil spills that may occur during its construction or operation to the council's Compliance Manager for its certification.
- 5 The Consent Holder shall notify the council's assigned monitoring officer in writing of the date construction work is to commence at least two weeks beforehand.
- 6 The Consent Holder shall contact the Harbourmaster, at least one month in advance of any construction, to initiate the issue of a Notice to Mariners regarding any necessary navigation warning arising from construction activities.
- 7 The Consent Holder shall prepare a Management Plan, covering the construction and operation of the facilities. The proposed Management Plan shall be sent to the council's Compliance Manager for certification within three months of the date of commencement of this consent but no later than two weeks before any on-site construction commences. The Management Plan shall generally follow the guidelines set out in Schedule 3, **attached**.
- 8 Noise levels associated with the construction and operation of the facilities shall not exceed those set out in Schedule 1, **attached**.
- 9 Construction work shall only be carried out during the hours 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.
- 10 Prior to completing the construction of the works, the Consent Holder shall propose navigation lighting on the facilities to the Director of Maritime Safety, through the Regional Harbourmaster.
- 11 Other than any lighting required by the Director of Maritime Safety for navigational safety purposes, lighting in and around the facilities shall not create light spill to surrounding areas, in such a manner that creates nuisance, in the opinion of an enforcement officer of the council.
- 12 The Consent Holder shall notify the council's assigned monitoring officer in writing as soon as the works are completed.
- 13 Immediately upon completion of the construction of all works associated with this consent the Consent Holder shall, in writing, notify:

Hydrographic Surveyor Land Information New Zealand Private Box 5501 Wellington

The Far North District Council Private Bag 752 Kaikohe Maritime Safety Authority P O Box 27-006 Wellington The Consent Holder shall include a plan of the completed works with the notification. Evidence of this notification shall be provided to the council's assigned monitoring officer.

- 14 Within three months of completion of the construction of the facilities, the Consent Holder shall provide the council's assigned monitoring officer with a statement, from the Chartered Professional Engineer who supervised the development of the detailed design for the facilities, stating that the works have been constructed in accordance with his/her design and in accordance with good engineering practice.
- 15 The Consent Holder shall mark the new structures with the number **10934** in black lettering on a white background clearly displayed and in such a manner as to be clearly visible from the land.
- 16 The operation of the café/restaurant shall not commence until at least 53 car parking spaces, complying with Far North District Council District Plan criteria for car parking spaces, have been provided in the locality, in addition to those in existing at the time of commencement of consent.
- 17 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.
- 18 The Consent Holder shall provide at least two 12 metre berths adjacent to the Opua Wharf for public use at all times. These berths shall be readily identifiable from their seaward side as being available for public use (i.e. via signage on the berth face).
- 19 No discharge of wastes (e.g. sewage, oil, bilge water) shall occur to the coastal marine area from any vessel constructing or using the facilities or from any other activity carried out by the Consent Holder in the construction or use of the facilities. Notwithstanding the generality of this, the Consent Holder shall not allow any vessel to use any berth, unless either:
 - (a) The vessel is equipped with an operational sewage holding tank that is fitted with an effective outlet sealing device to prevent any discharge, or
 - (b) If the vessel is not equipped with a holding tank, all toilets on it are sealed with an effective device to prevent discharges, this device remaining in place at all times whilst the vessel is berthed.
 - Advice Note: For the avoidance of doubt, the discharge through sewage pump-out or other closed pipe systems to associated onshore treatment and/or disposal facilities are not discharges to the coastal marine area."
- 20 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.
- 21 The main deck of the wharf, the piled café/restaurant deck, the two public berths and the public facilities thereon, 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. The rest of the floating pontoon walkway/finger pier structures shall be available for public pedestrian access and use, free of charge, during daylight hours, other than at times when it is necessary to limit public pedestrian access for reasons of safety, or where facility or vessel operations are such that it is necessary to limit public pedestrian access and use. Any limitation of public access for reasons of safety or operational necessity shall be over the minimum area and for the minimum time necessary.

Notwithstanding the generality of the above, a three metre wide public pedestrian walkway route along the Opua General Store edge and seaward edge of the proposed 'café/restaurant' deck shall be identified by signage and by marking on the deck and shall be kept completely clear for public pedestrian access at all times.

- 22 The Consent Holder shall keep the coastal marine area free of debris resulting from the Consent Holder's activities:
- 23 The Consent Holder shall ensure that no discharge of contaminants arises from any activity at the facilities and shall exercise this consent in a manner which ensures that the quality of the receiving waters at the boundary of the occupation area does not, as a result of the exercise of this consent, fall below the following standard:

	Standard		
Natural visual clarity	Not reduced more than 20%		
Oil/grease film, scum, foam, odour	No conspicuous oil or grease film, scums or foams, 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.		

24 The concentration of the following metals in the sediments midway along the floating pontoon walkway to the inside of the Opua Wharf, shall not, as a result of the exercise of this consent, exceed the following limits:

Metal	Limit in Milligrams per Kilogram (dry weight)			
Copper	65			
Lead	50			
Zinc	200			

25 The concentration of the following metals in the seawater at the sampling locations indicated in Schedule 2, shall not, as a result of the exercise of this consent, exceed the following limits:

Metal	Limit in Milligrams per Cubic Metre			
Total Copper	1.3			
Total Lead	4.4			
Total Zinc	15			

- 26 The facilities 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; and
 - (b) No significant discharge or deposition of contaminants occurs into the coastal marina area; and
 - (c) There is no use of explosives.

27 Monitoring

Various elements of the monitoring may be carried out by the Consent Holder with the agreement of the council's Compliance Manager.

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 council's assigned monitoring officer and the Consent Holder, be amended, subject to the prior written approval of the council's Compliance Manager.

Advice Note: Monitoring of the consent will be carried out by the council, except as otherwise approved by the council's Compliance Manager.

- 28 Prior to the expiry or cancellation 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 council, unless an application for a replacement consent has been properly made beforehand or the activity is permitted by a rule in the Regional Plan.
- 29 These consents shall not lapse until their expiry.
- 30 Two berths, with a minimum total length of 50 metres, shall be provided for fishing vessels on the eastern side of the wharf at all times. This berthage shall include provision for operational requirements such as servicing and provisioning the vessels including any necessary vehicle access for these purposes, as well as lay-up berthage if required.

Advice Note: Fishing vessels means commercial fishing vessels associated with Moana Pacific Fisheries Limited or other commercial fishers.

- 31 The hours of operation of the café/restaurant shall fall within the following times on the same day:
 - (a) Indoors: 7am to midnight.
 - (b) Outdoors (deck area): 7am to 10.00pm,

except that the hours of operation on 31 December in regard to both indoor and outdoor areas may be extended to 2.00am the following day, 1 January.

32 The Consent Holder shall signpost the toilets, that are available to the public, located at the northern end of the Opua Cruising Club building.

EXPIRY DATE: 31 DECEMBER 2038

These changes to consent Condition 1 are granted this Twenty Sixth day of September 2019 under delegated authority from the council by:

2

Paul Maxwell Coastal & Works Consents Manager

Note: The plans attached to this consent are reduced copies and therefore may not be to scale and may be difficult to read. In the event that compliance and/or enforcement action is to be based on compliance with the attached plans, it is important that the original plans, are sighted and used. Originals of the plans referred to are available for viewing at the council's Whangārei office.

SCHEDULE 1

ENVIRONMENTAL STANDARDS - NOISE

CONSTRUCTION

From NZS 6803: 1999 "Acoustics - Construction Noise", Standards New Zealand

Time Period	Weekdays (dBA)			Saturdays (dBA)		Sundays and public holidays (dBA)			
	L_{10}	L_{95}	L _{max}	L_{10}	L_{95}	L _{max}	L_{10}	L_{95}	L _{max}
0630 - 0730	60	45	70	**	**	**	**	**	**
0730 – 1800	75	60	90	5	60	90	**	**	**
1800 - 2000	70	55	85	**	**	**	**	**	**
2000 - 0630	**	**	**	**	**	**	**	**	**

** At these times the relevant provisions of NZS 6802 apply. This means that no noisy construction work can take place during these hours.

Note: The definitions of L_{10} , L_{90} and L_{max} are given in NZS 6801:1991.

OPERATION

Based on Rule 10.8.5.1.14 of the Revised Proposed 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.

Time Period	Noise Limit			
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 a line of mean high water springs and the radius of 100 metres of the source of the noise or, in the case of any dwelling within this radius, shall be a line 20 metres from any part of the dwelling, or the legal boundary where this is closer to the dwelling.

Operation Sound levels shall be measured in accordance with New Zealand Standard NZS 6801:2008 Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise

SAMPLING & TESTING PROGRAMME

(As far as is possible, sampling for this programme will be carried out in conjunction with the Opua Marina (Stage 1 and 2) and Bay of Islands Boat Yard sampling programme.)

DURING CONSTRUCTION

During dredging operations, temperature, ammoniacal nitrogen, 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.

The clarity shall be measured at 3 sites (at approximately 10 metre spacing's across current) 50 metres down-current and also at 3 sites (at approximately 10 metre spacing's across current) 50 metres up-current from the operating position of the dredger/excavator bucket, and at 3 sites (at approximately 10 metre spacing's across current) 50 metres down-current and also at 3 sites (at approximately 10 metre spacing's 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 3 down-current measurements) is reduced by more than 20% of the up-current visual clarity (the value being the median of the 3 up-current measurements), then this shall be interpreted as a change to a conspicuous extent.

On not less than one of the monitoring occasions, water samples of equal volume shall also be collected at each of the up-current and down-current sampling sites. The 3 up-current samples shall be combined to form a single "up-current composite sample" and the 3 down-current samples shall be combined to form a single "down-current composite sample". Both samples shall then be tested for total copper, total lead and total zinc to check compliance with the limits contained in the relevant condition of consent.

DURING OPERATION

Testing shall be carried out for faecal coliforms for compliance with the standard.

Testing for faecal coliforms shall be based on not fewer than five samples within a 30 day period and the median faecal coliform count should be less than 150/100 ml and 80% le less than 600/100 ml.

Samples shall be taken at three sites, being the Opua Cruising Club dinghy pontoon, midway along the floating walkway to the inside of the Opua Wharf and approximately 50 metres south west of the floating walkway to the inside of the Opua Wharf (approx. Grid Reference 2612625 6653780). The testing will be carried out between 1 December in one year and 1 April in the following year.

Two other one-off sampling runs shall be carried out during each year.

Sampling shall be carried out at the same time for, temperature, salinity and dissolved oxygen for compliance with the standard.

Testing for metals in the water column in the wharf area and at the stormwater discharge locations shall be carried out once a year at the same sites and using the same methods as described in the above Section "During Construction". Testing for metals in seabed sediments at stormwater discharge locations and the wharf area shall be carried out every second year.

The two discharges from the reclamation shall be sampled after a moderate rainfall event after an extended dry period. They shall be sampled at the point of discharge and at 10 metres down-current of the discharge outfalls.

SCHEDULE 3

MANAGEMENT PLAN

TO COVER BOTH CONSTRUCTION AND OPERATION OF THE FACILITIES

While the details of the Management Plan need to be derived according to the particular circumstances, it should include the principal matters set out below and any other matters that are required by conditions of consent:

(1) Statement of Management Goals

(2) Facility Management Structure and Accountability

- during construction
- during operation

(3) Environmental Policies and objectives

- general construction/operational management
- environmental
- public safety
- maintenance
- public relations

(4) **Procedures**

Day to Day

- general daily operation
- compliance with resource consent conditions
- inspection and maintenance of facility structures, facilities and utility services
- identifying activities with potential to cause adverse environmental effects and describing methods of dealing with these
- rubbish collection and disposal
- emergencies (per identified emergency)
- monitoring and review of these procedures

During Construction

- general daily operation during construction
- compliance with resource consent conditions
- identifying activities with potential to cause adverse environmental effects and describing methods of dealing with these (for example dust and vibration control, vehicle tyre cleanliness,
- public safety, including, but not limited to those safety issues associated with the construction of the reclamation
- emergencies (per identified emergency)
- monitoring and review of these procedures

Operation and Use of the facilities

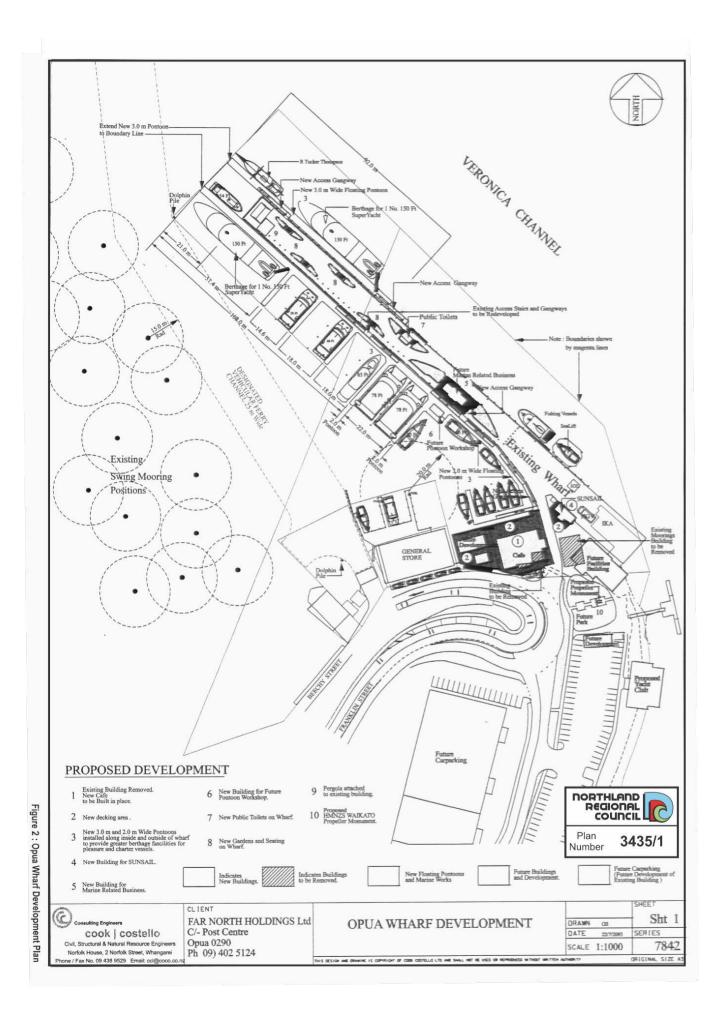
- general daily operation
- compliance with resource consent conditions
- identifying activities with potential to cause adverse environmental effects and describing methods of dealing with these
- emergencies (per identified emergency)
- monitoring and review of these procedures

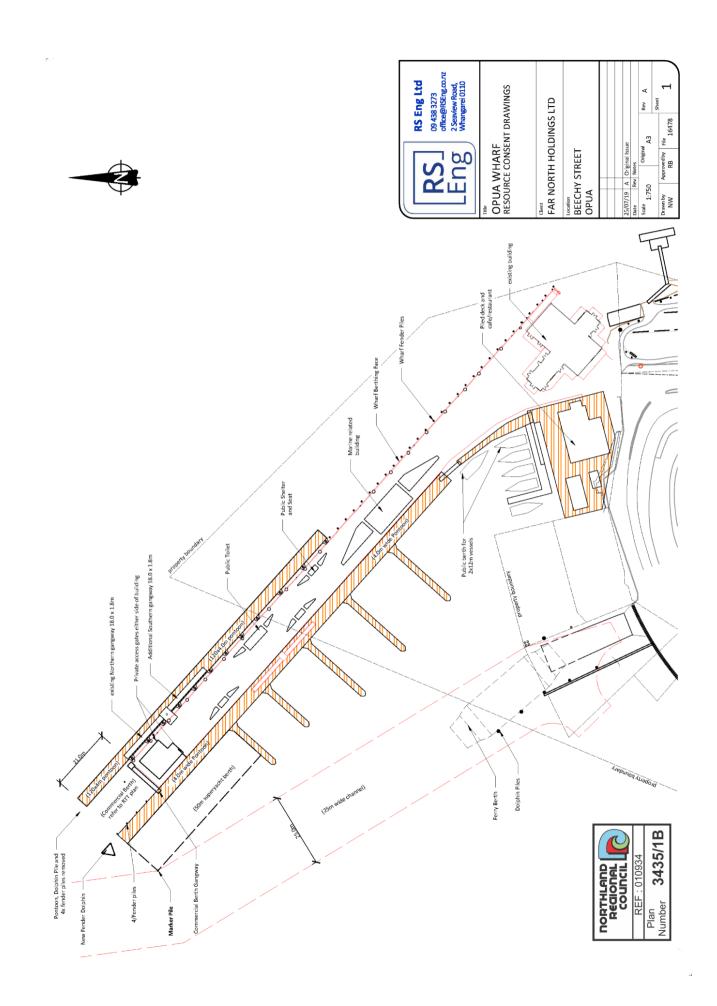
(5) **Control of Activities**

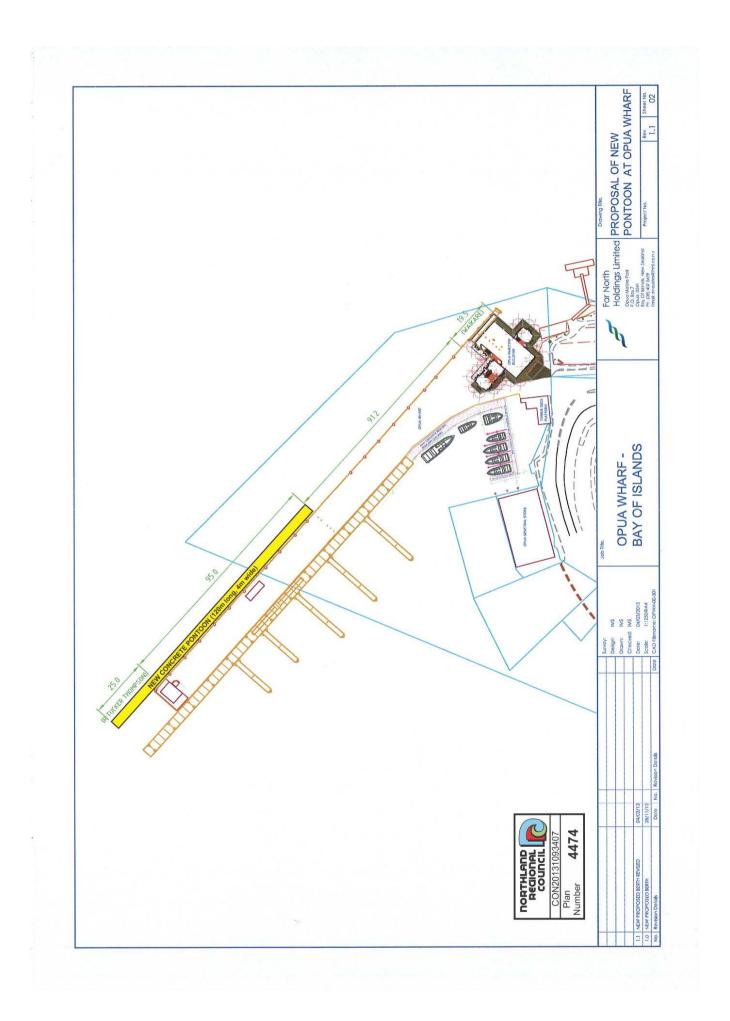
- -
- facility rules compliance standards
- resource consent conditions

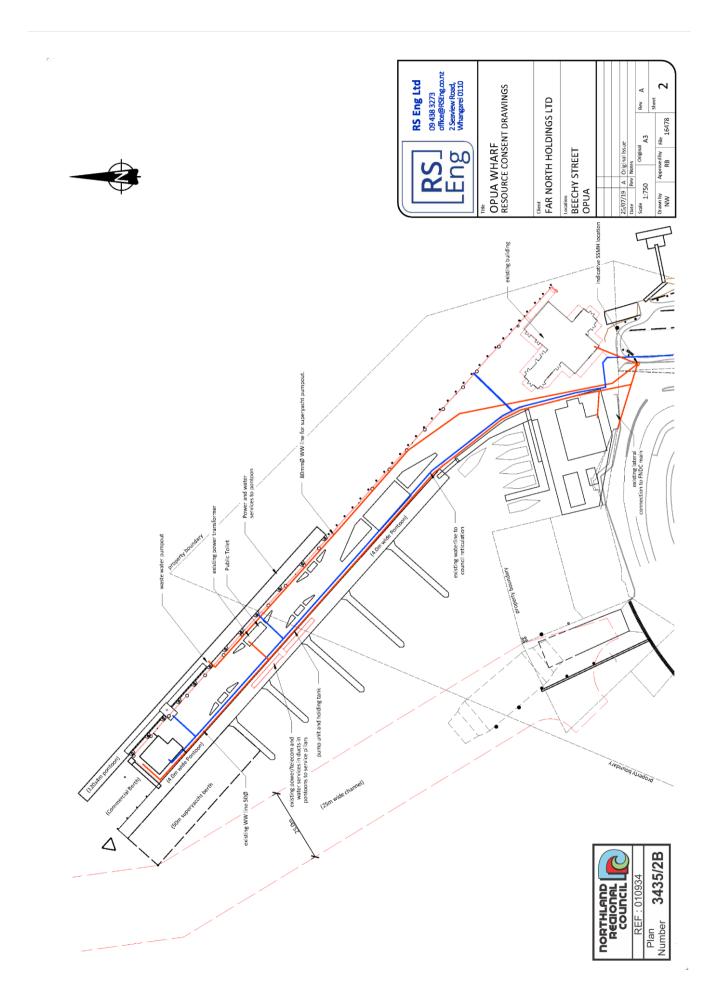
(6) **Management Plan Review**

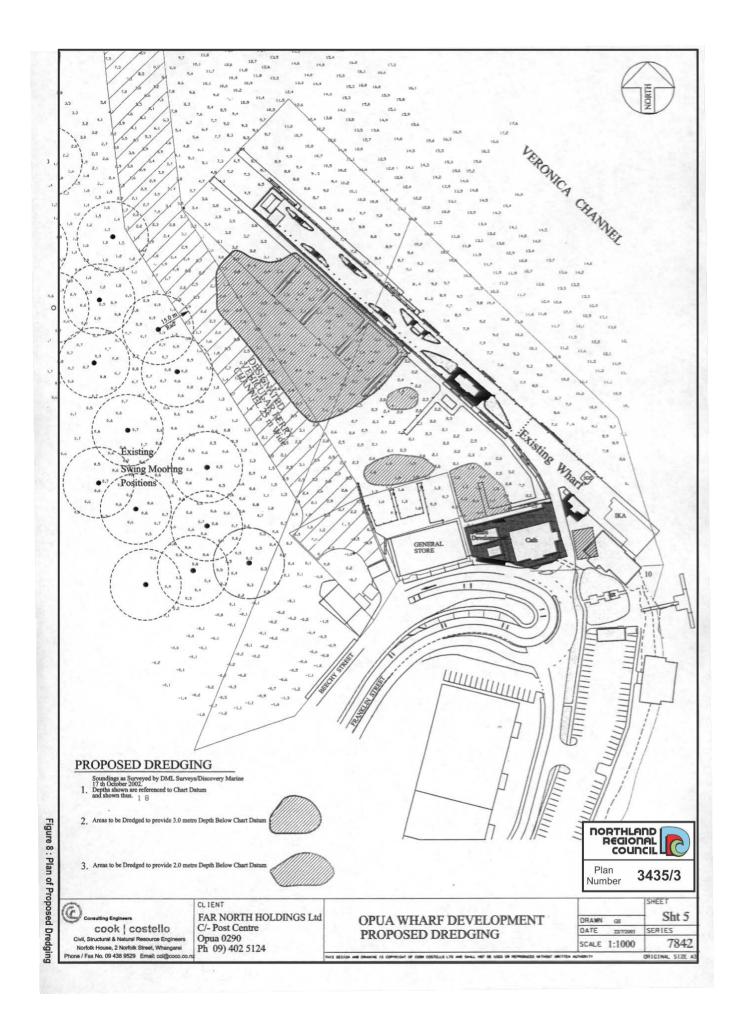
- frequency of review review method -
- -
- approval of changes to plan _

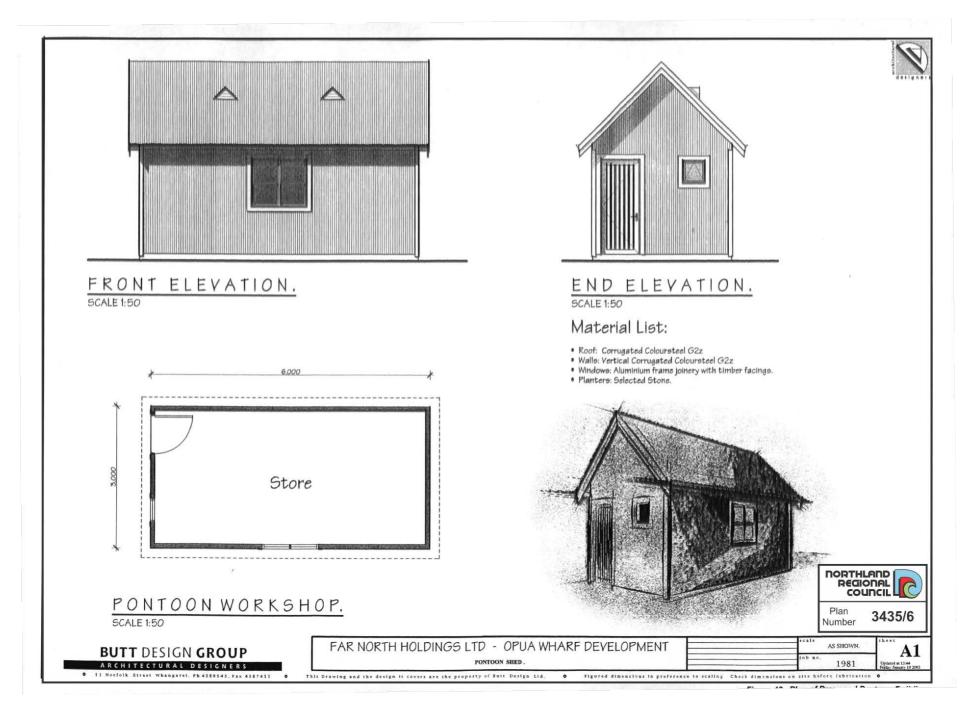




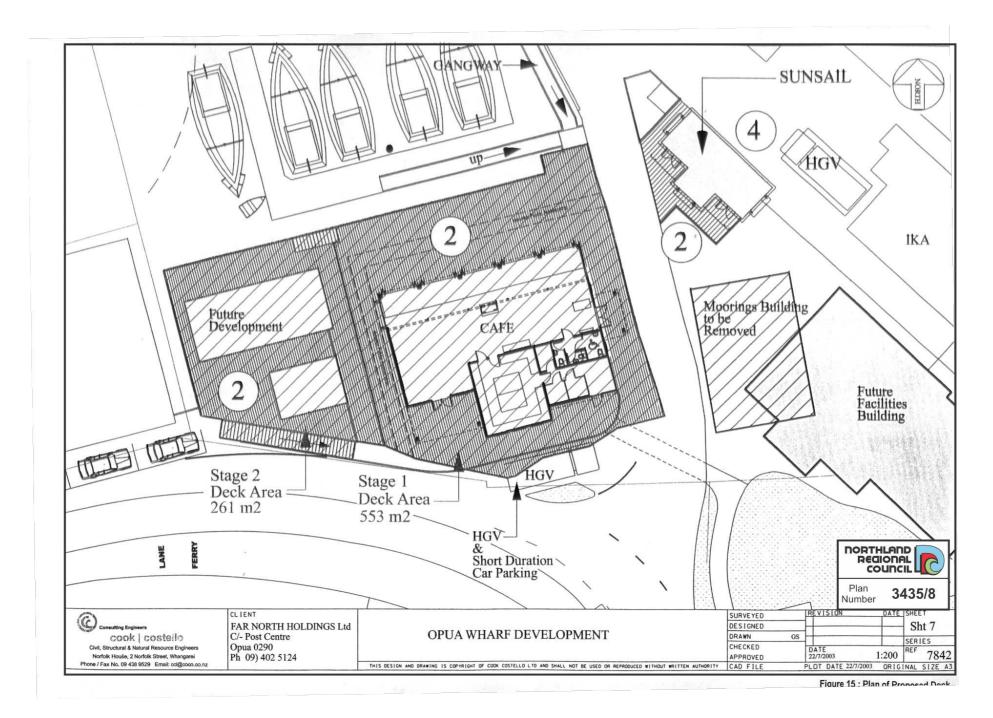


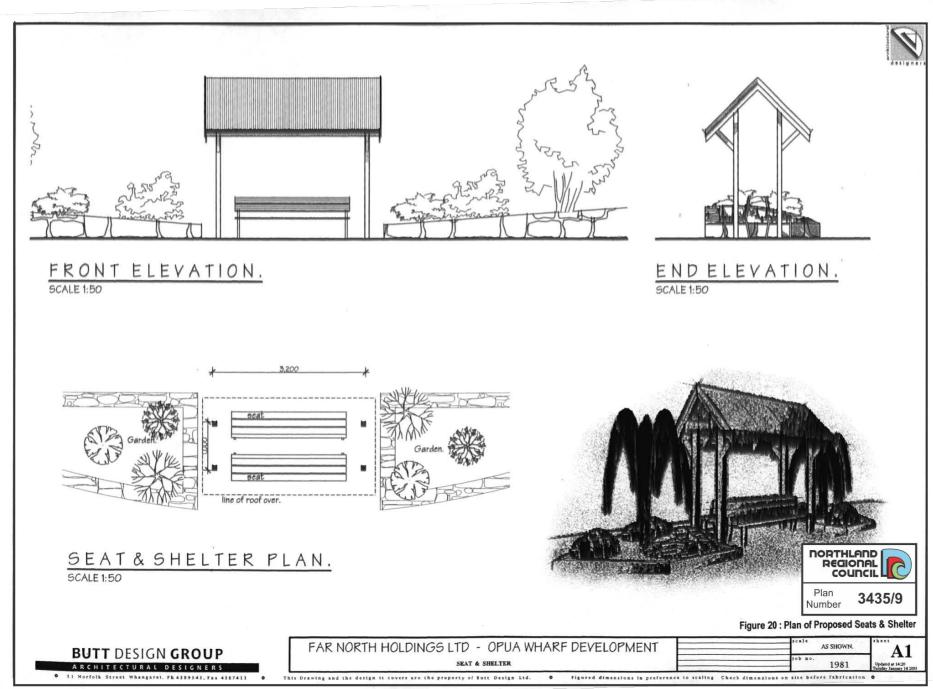


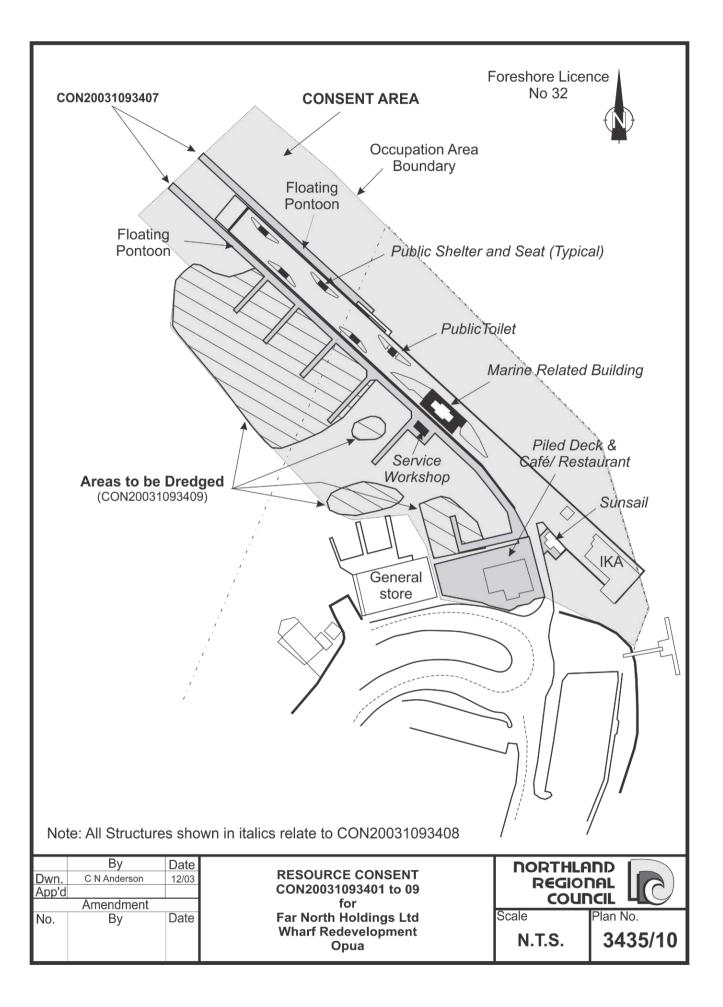


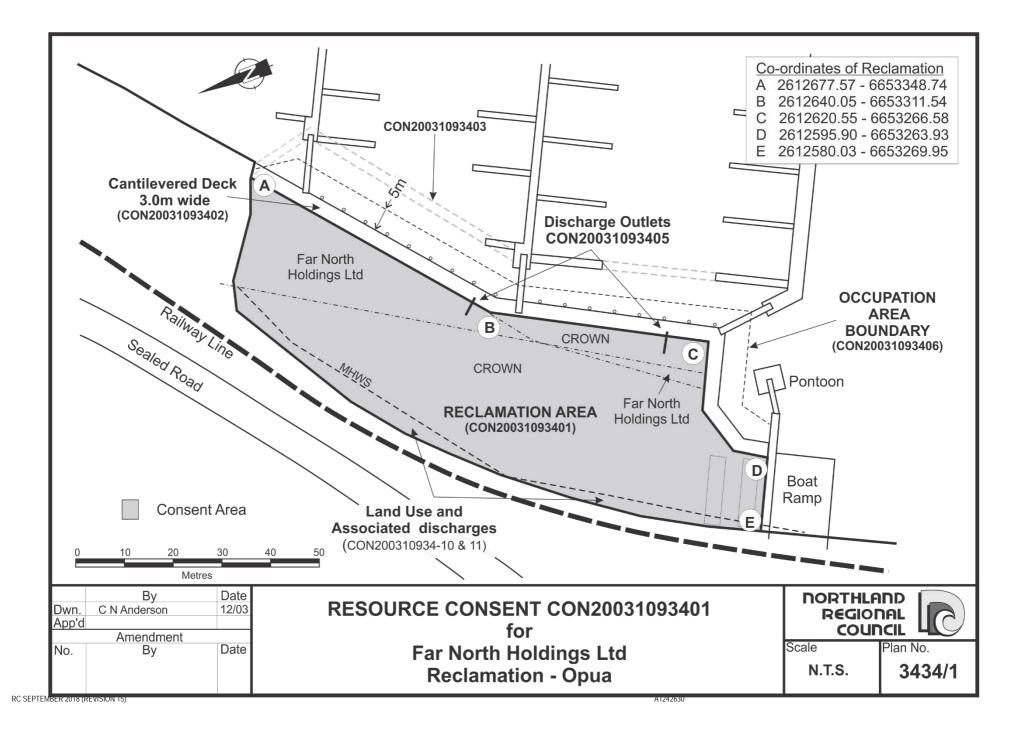


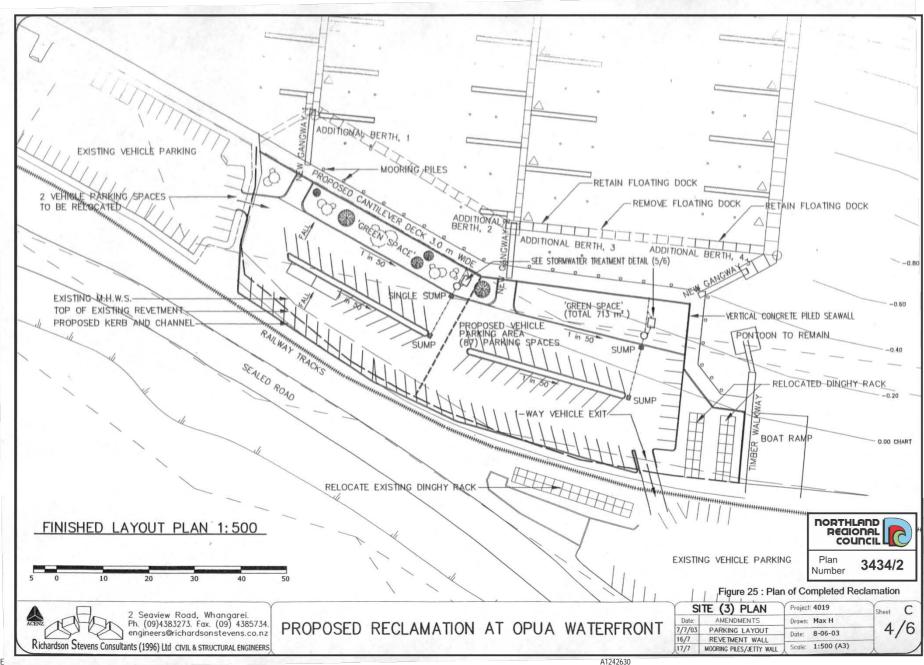


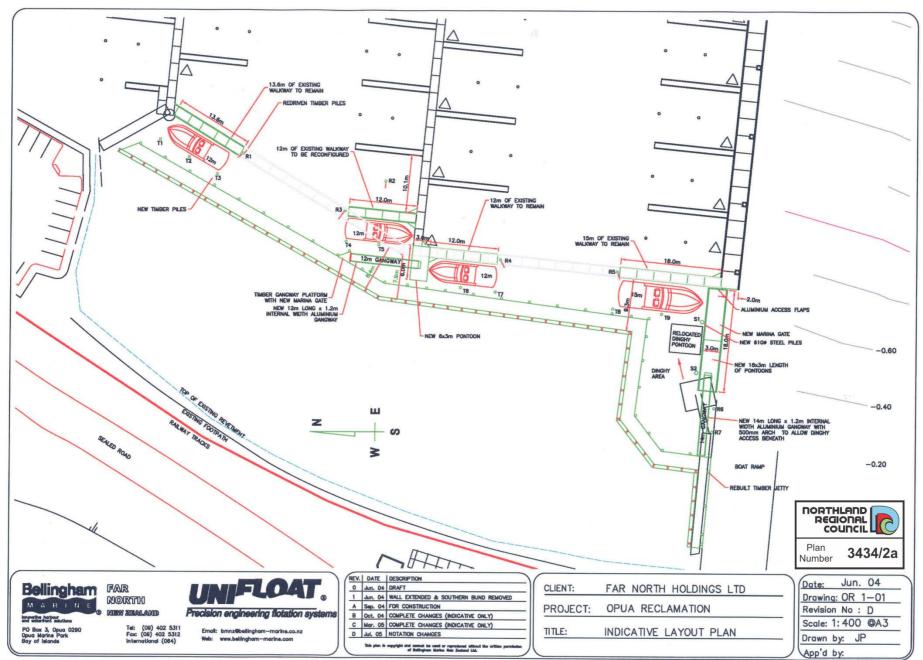




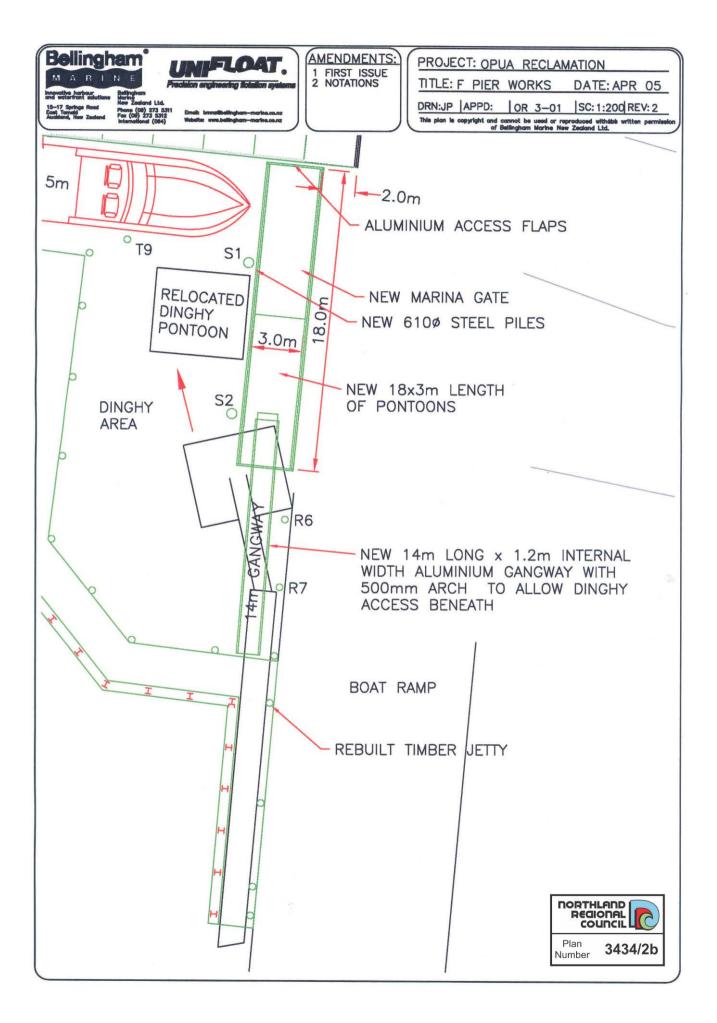


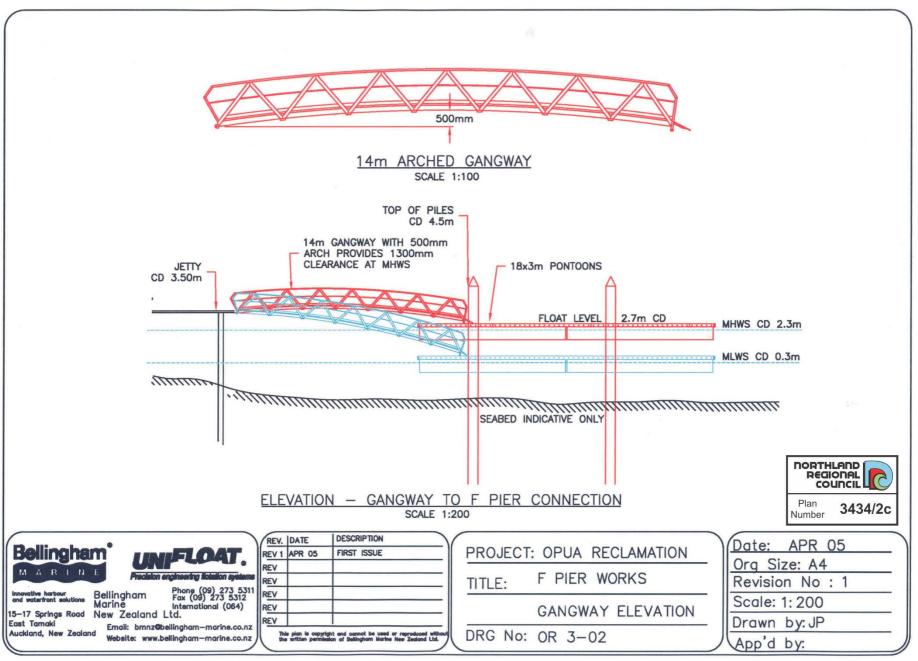


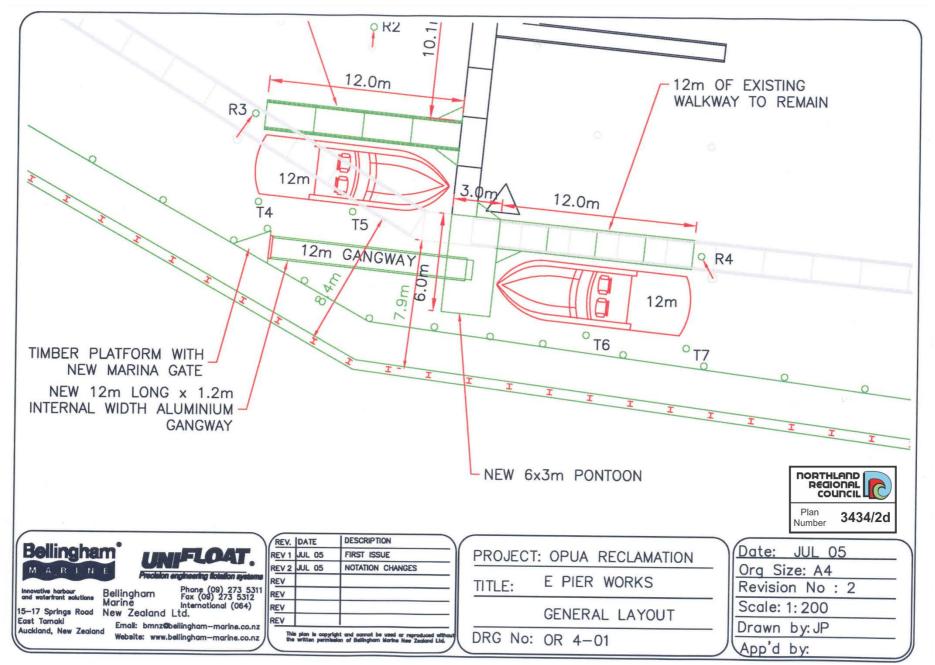


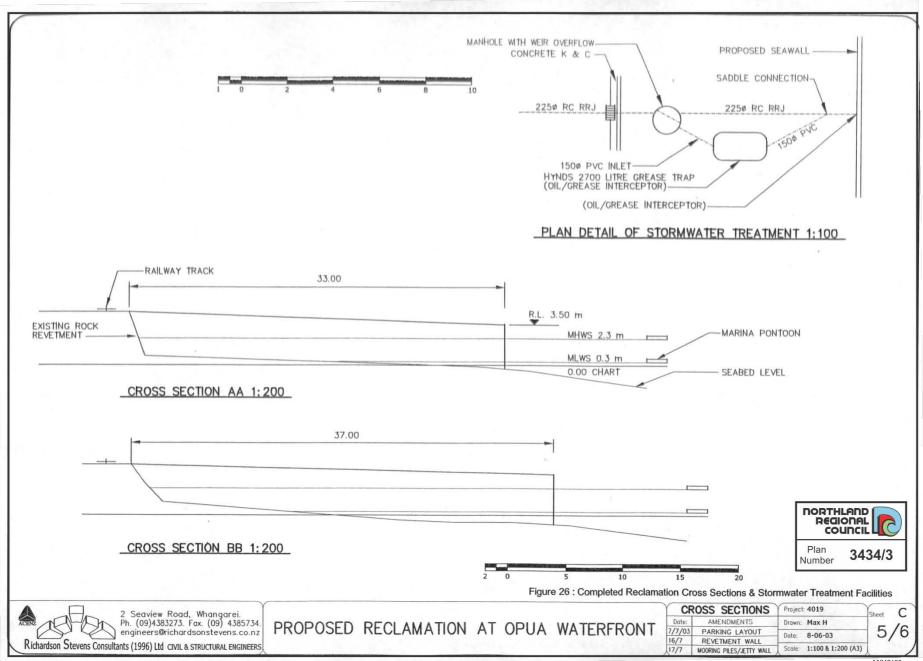


RC SEPTEMBER 2018 (REVISION 15)









RC SEPTEMB

