

Resource Consent

Document Date: 15.03.2022

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

PAIHIA MARITIME PROPERTIES LIMITED

To undertake the following activities on the Paihia waterfront adjacent to Lot 1 DP 74742 at or about location co-ordinates 1699390E 6095200N:

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

- | | |
|-------------------------|---|
| AUT.042100.01.03 | Occupy space in the coastal marine area with, and use, the following existing and proposed structures: <ul style="list-style-type: none">▪ Restaurant and aquarium building and an associated deck;▪ Kitchen and bar facility;▪ Piled deck for public viewing and outdoor dining purposes;▪ Canopy structures over the deck and bar;▪ Berth piles and gantry for temporary mooring of vessels for gamefish weighing purposes;▪ Utility services including telecommunications, water and sewer lines associated with the structures and aquarium;▪ Pontoon facility (inclusive of floating pontoons and an access gangway). |
| AUT.042100.02.02 | Occupation area within the coastal marine area. |
| AUT.042100.03.01 | Place a pontoon facility in the coastal marine area adjacent to an existing deck and pile berths. |
| AUT.042100.04.01 | Discharge sea water from an aquarium to the coastal marine area. |
| AUT.042100.05.02 | Capital dredging of the coastal marine area for a vessel berth. |
| AUT.042100.06.02 | Maintenance dredging in the coastal marine area around the fixed structures. |
| AUT.042100.10.02 | Alter and extend an existing structure in the coastal marine area. |

Subject to the following conditions:

AUT.042100.01 – Occupy Space with Structures

- 1 This consent applies only to the structures identified on the **attached** drawings:
 - (a) The 'Restaurant and Aquarium Building, Bar, Outdoor Dining and Public Viewing Deck, Gantry and Piles' on Northland Regional Council Plan Number **4498B**;
 - (b) The Restaurant, Bar and Deck identified on the HB Architecture drawing referenced as Northland Regional Council Plan Number **4500A**;
 - (c) 'Canopy' and 'Deck Extension' identified on the HB Architecture drawing referenced as Northland Regional Council Plan Number **4499D**;
 - (d) The 'Pontoon Facility' identified on the Shorewise Engineering Consultants drawing referenced as Northland Regional Council Plan Number **4976/1**.
- 2 All facilities and structures covered by this consent shall be maintained in good order and repair.
- 3 The seaward end of the deck shall be marked with the number **42100** in black lettering on a white background clearly displayed and in such a manner as to be clearly visible from the sea.
- 4 An unobstructed and clear path around the exterior deck and within the Restaurant and Aquarium Building shall be maintained to provide for public access through the building during hours of operation. The path shall be clearly marked on the floor and be at least one metre in width as identified on the HB Architecture drawing referenced as Northland Regional Council Plan Number **4490D**.
- 5 Signs shall be placed as follows:
 - (a) At the entrance to the Restaurant and Aquarium Building stating that the deck is open to the public and that the aquarium is open to the public free of charge;
 - (b) On each of the doors at the ends of the designated public access through the restaurant that indicate the public entitlement to use the designated access at all times between 7.00 a.m. in summer and 8.00 a.m. in winter until 30 minutes after sunset or the restaurant/aquarium closing time, whichever is the later.
 - (c) The signs shall be no smaller than 400 millimetres by 200 millimetres with lettering clearly able to be read from a distance of 4 metres.
- 6 No signage, other than any necessary for the safety of those using the building, shall be placed anywhere on the deck located on the eastern side of the building.
- 7 Noise generated as a result of use of the structures and facilities within the coastal marine area:
 - (a) Shall not cause excessive noise as defined in Section 326 of the Resource Management Act 1991; and
 - (b) Shall comply with the operational noise standards identified in the attached **Schedule 1**.
- 8 The Consent Holder shall provide not less than ten public car parks in the vicinity of the building at Paihia.

- 9 A rubbish bin shall be provided and maintained on the deck near its entry point on the western side of the building entrance.
- 10 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.
- 11 The pontoon facility shall not be used for overnight berthing of vessels.
- 12 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 the decks.
- 13 The Consent Holder shall have the structural integrity of the foundations of the decks and of the Restaurant and Aquarium building inspected and reported on by a Chartered Professional (Structural) Engineer. The first inspection shall be undertaken prior to March 2025 and the structures shall be re-inspected at ten yearly intervals prior to the month of March in 2035, with a final inspection undertaken prior to 31 October 2043, being six months before the expiry date of this consent. An inspection report from the Chartered Professional Engineer shall be provided to the council's assigned monitoring officer within two weeks of completion of each inspection. The inspection report shall identify any maintenance that is required, the timeframe within which this maintenance is required to be carried out and shall confirm, or otherwise, the ongoing structural integrity and security of the structures.
- 14 The Consent Holder shall carry out all the maintenance required as a result of the inspections undertaken in accordance with Condition 13 above within the timeframe(s) prescribed in the inspection report. The Consent Holder shall notify the council's assigned monitoring office, in writing, as soon as the maintenance works have been completed on each occasion. This notice shall be accompanied by a statement from a Chartered Professional (Structural) Engineer confirming that any identified maintenance works have been undertaken as prescribed in the inspection report.
- 15 In the event of failure or loss of structural integrity of any part of the structures covered by this consent, the Consent Holder shall immediately:
- (a) Retrieve all affected structure elements and associated debris and dispose of these on land where they cannot re-enter the coastal marine area; and
 - (b) Advise the Regional Harbourmaster for Northland and the council's Compliance Manager of the event and the steps being taken to retrieve and dispose of the affected structures and debris.

Advice Note: *The purpose of this condition is to avoid navigation safety being compromised by floating debris and avoid contamination of the coastal marine area.*

AUT.042100.02 – Occupation Area

- 16 This consent only applies to the 'Occupation Area' identified on the **attached** Northland Regional Council Plan Number **5042**.
- 17 The occupation of space by the facilities authorised by these consents is not an exclusive occupation of space. All outdoor dining 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 or operational necessity. Any limitation of public access for reasons of safety or operational necessity shall be over the minimum area and for the minimum time necessary. Without limiting the generality of the above, the Consent Holder shall maintain a public viewing walkway and viewing deck area clear of activities associated with outdoor dining activities as identified on the **attached** Northland Regional Council Plan Number **4498B**.

AUT.042100.03 – Place a Pontoon Facility

- 18 The Consent Holder shall notify the council's assigned monitoring officer, in writing of the date installation of the pontoon facility is intended to commence, at least two weeks beforehand.

Advice Note: *Notification of the commencement of works may be made by email to info@nrc.govt.nz.*

- 19 The pontoon facility shall be installed in general accordance with the Shorewise Engineering Consultants drawings referenced as Northland Regional Council Plan Numbers **4976/1** and **4976/2**.
- 20 Immediately upon completion of the installation of the pontoon facility the Consent Holder shall notify the following organisations in writing of the installation of the facilities. Evidence of this notification shall be provided to the council's assigned monitoring officer.

Hydrographic Surveyor
Land Information New Zealand
PO Box 5501
Wellington 6145
The Maritime Safety Inspector
Maritime New Zealand
PO Box 195
Ruakākā 0151

Far North District Council
Private Bag 752
Kaikohe 0440

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

AUT.042100.04 – Discharge Seawater

- 21 The discharge shall not exceed 50 cubic metres of seawater per day.
- 22 Access to easily accessible sampling points shall be provided and maintained at the inlet of the filtration plant and at the final outlet of the aquarium tank.
- 23 The exercise of this consent shall maintain the following water quality standards in the receiving waters as measured beyond a 10 metre radius from the discharge point:
- (a) The natural temperature of the water shall not change by more than 3 degrees Celsius;

- (b) The natural pH of the water shall be within the range 6.5 to 9.0 except where due to natural causes;
- (c) The concentration of dissolved oxygen (daily minimum) shall not be reduced below 6 g/m³;
- (d) There shall be no production of conspicuous oil or grease films, scums or foams, floatable or suspended materials, or emissions of objectionable odour;
- (e) There shall be no destruction of natural aquatic life by reason of a concentration of toxic substances.

- 24 The discharge shall not cause the ammonium-nitrogen (NH₄-N) concentration of the receiving waters outside a 10 metre radius from the discharge point to fall below the following standard:

Total Ammonia, NH ₄ -N g/m ³					
pH	10°C	15°C	20°C	25°C	30°C
6.50	1.81	1.81	1.22	0.86	0.60
6.75	1.81	1.81	1.22	0.86	0.60
7.00	1.81	1.81	1.22	0.86	0.61
7.25	1.81	1.81	1.23	0.86	0.61
7.50	1.81	1.81	1.23	0.86	0.61
7.75	1.73	1.64	1.15	0.81	0.58
8.00	1.13	1.09	0.76	0.54	0.39
8.25	0.64	0.62	0.44	0.32	0.23
8.50	0.37	0.36	0.26	0.19	0.14

Note: pH and temperature, where practicable, should be measured in the mid-day early afternoon period (noon to 2.00 p.m. NZ Standard Time).

- 25 The discharge shall not cause the total copper (Cu) concentration of the receiving waters beyond a 10 metre radius from the discharge point to rise above 1.3 milligrams per cubic litre.
- 26 The filter backwash shall not, at any time, be discharged between the period 6.30 a.m. to 9.00 p.m. (NZDST).
- 27 Changes in the operation of the aquarium likely to affect the constituents of the discharge, including changes in the use of antibiotics, disinfectants and other treatment chemicals at the aquarium shall be notified, in writing, to the council's assigned monitoring officer.

AUT.042100.05 & AUT.042100.06 – Capital Dredging & Maintenance Dredging

- 28 Capital and maintenance dredging for the vessel berth alongside the deck associated with the restaurant and aquarium building shall be confined to the area identified as 'Dredging Area for Vessel Berth' on the **attached** HB Architecture drawing referenced as Northland Regional Council Plan Number **4499D**.
- 29 The Consent Holder shall notify the council's assigned monitoring officer, in writing of the date dredging is intended to commence, at least two weeks beforehand, on each occasion. The notification shall include details of method of dredging, the disposal site for dredged spoil, and duration of the planned work.

Advice Note: Notification of the commencement of works may be made by email to info@nrc.govt.nz.

- 30 As part of the written notification required by Condition 29, the council's assigned monitoring officer shall be provided with written certification from a suitably qualified and experienced person that all plant and equipment entering the coastal marine area associated with the exercise of these consents are free from unwanted or risk marine species.
- 31 A copy of the consents shall be provided to the person who is to carry out the dredging works. A copy of the consents shall be held on site, and available for inspection by the public, during dredging.
- 32 Capital dredging for the berth space and any subsequent maintenance dredging shall not exceed 2.0 metres below datum.
- 33 Works associated with these consents shall only be carried out between 7.00 a.m. and sunset or 6.00 p.m., whichever occurs earlier, and only on days other than Sundays and public holidays.
- 34 Dredging works shall only be carried out between 1 March and 15 December.
- 35 Dredging operations shall not result in the complete blockage of navigation channels at any time.
- 36 The exercise of these consents shall not cause any of the following effects on the quality of the receiving waters, as measured at or beyond a 100 metre radius from the dredger or deposition area:
- (a) The visual clarity, as measured using a Secchi disk, shall not be reduced by more than 50% of the background visual clarity at the time of measurement;
 - (b) The turbidity of the water (Nephelometric Turbidity Units (NTU)) shall not be increased by more than 50% of the background turbidity at the time of measurement;
 - (c) The Total Suspended Solids shall not exceed 40 grams per cubic metre above the background measurement;
 - (d) The production of any conspicuous oil or grease film, scums or foams, or floatable or suspended materials, or emissions of objectionable odour; and
 - (e) The destruction of natural aquatic life by reason of a concentration of toxic substances.
- 37 Monitoring of dredging shall be undertaken in accordance with the **attached Schedule 2**.
- 38 Maintenance dredging shall not take place more frequently than once in any consecutive 12 month period.
- 39 All dredged material from dredging shall be disposed of to an authorised land based site.
- 40 The council's assigned monitoring officer shall be notified in writing on completion of each maintenance dredging operation on each occasion.
- 41 Following completion of dredging on each occasion, a bathymetric survey of the dredged area 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 council's assigned monitoring officer at the same time as the bathymetric plan. The datum used for the bathymetric survey shall be the applicable Chart Datum at the site.

- 42 Immediately upon completion of the bathymetric survey, the Consent Holder shall notify the following organisations in writing, providing details of the survey. Evidence of this notification shall be provided to the council's assigned monitoring officer.

Hydrographic Surveyor
Land Information New Zealand
PO Box 5501
Wellington 6145

Far North District Council
Private Bag 752
Kaikohe 0440

The Maritime Safety Inspector
Maritime New Zealand
PO Box 195
Ruakākā 0151

The Consent Holder shall include a scale plan of the bathymetric survey with the notification.

AUT.042100.10 – Extend Structures

- 43 The extension of the deck associated with the restaurant and aquarium building shall be constructed and maintained in general accordance with the attached HB Architecture drawing referenced as Northland Regional Council Plan Number **4499D** and the **attached** Structural Sense Limited drawing titled referenced as Northland Regional Council Plan Numbers **4997/1** and **4997/2**.

General Conditions – Applying to all Consents

- 44 Noise levels associated with the exercise of these consents shall not exceed those set out in **Schedule 1 attached**.
- 45 The Consent Holder shall ensure that an oil spill kit, appropriate to the equipment being used, is provided and maintained on site during dredging and earthworks activities.
- 46 The coastal marine area shall be kept free of debris resulting from the Consent Holder's activities.
- 47 The Consent Holder shall, on becoming aware of any discharge associated with the Consent Holder's operations that is not authorised by these consents:
- (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain the discharge; and

- (b) Immediately notify the council by telephone of the discharge; and
- (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the discharge; and
- (d) Report to the council's Compliance Manager in writing within one week on the cause of the discharge and the steps taken or being taken to effectively control or prevent the discharge.

For telephone notification, during the council's opening hours, the council's assigned monitoring officer for these consents shall be contacted. If that person cannot be spoken to directly, or it is outside of the council's opening hours, then the Environmental Emergency Hotline shall be contacted.

Advice Note: *The Environmental Emergency Hotline is a 24 hour, seven day a week, service that is free to call on 0800 504 639.*

48 These consents shall not lapse until 31 March 2030.

49 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 annually during the month of March to deal with any adverse effects on the environment that may arise from the exercise of these consents and which it is appropriate to deal with at a later stage. The Consent Holder shall meet all reasonable costs of any such review.

EXPIRY DATE: 31 MARCH 2044

These consents are granted this Fourteenth day of December 2021 under delegated authority from the council by:


.....

Stuart Savill
Consents Manager

SCHEDULE 1

ENVIRONMENTAL STANDARDS – NOISE

CONSTRUCTION NOISE

The noise from all construction activities seaward of the line of Mean High Water Springs (MHWS) shall comply with the construction noise limits prescribed in NZS6803:1999 “Acoustics – Construction Noise

Sound levels shall be measured in accordance with New Zealand Standard NZS 6801:2008 “Acoustics – Measurement of environmental sound” and assessed in accordance with NZS 6802:2008 “Acoustics – Environmental noise”.

Based on Table 2, NZS 6803: 1999 “Acoustics – Construction Noise”, Standards New Zealand

Time of Week	Typical Duration	Typical Duration (dBA)		Short-term Duration		Long-term Duration	
		L _{eg}	L _{max}	L _{eg}	L _{max}	L _{eg}	L _{max}
Weekdays	0630 – 0730	60	75	65	75	55	75
	0730 – 1800	75	90	80	95	70	85
	1800 – 2000	70	85	75	90	65	80
	2000 – 0630	45	75	45	75	45	75
Saturdays	0630 – 0730	45	75	45	75	45	75
	0730 – 1800	75	90	80	95	70	85
	1800 – 2000	45	75	45	75	45	75
	2000 – 0630	45	75	45	75	45	75

Noise measurements shall be measured in accordance with NZS 6801: 2008 “Acoustics – Measurement of environmental sound” and assessed in accordance with NZS 6802: 2008 “Acoustics – Environmental noise”. Measurement shall be at the notional boundary of any dwelling landward of mean high water springs. Construction noise shall comply with, and be measured and assessed in accordance with, the requirements of the Standard.

The notional boundary is defined in NZS 6801:2008 “Acoustics – Measurement of environmental sound” as a line 20 metres from any part of any dwelling, or the legal boundary where this is closer to the dwelling.

OPERATION

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 L₁₀
2200 hrs to 0700 hrs the following day	45 dBA L₁₀
	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.

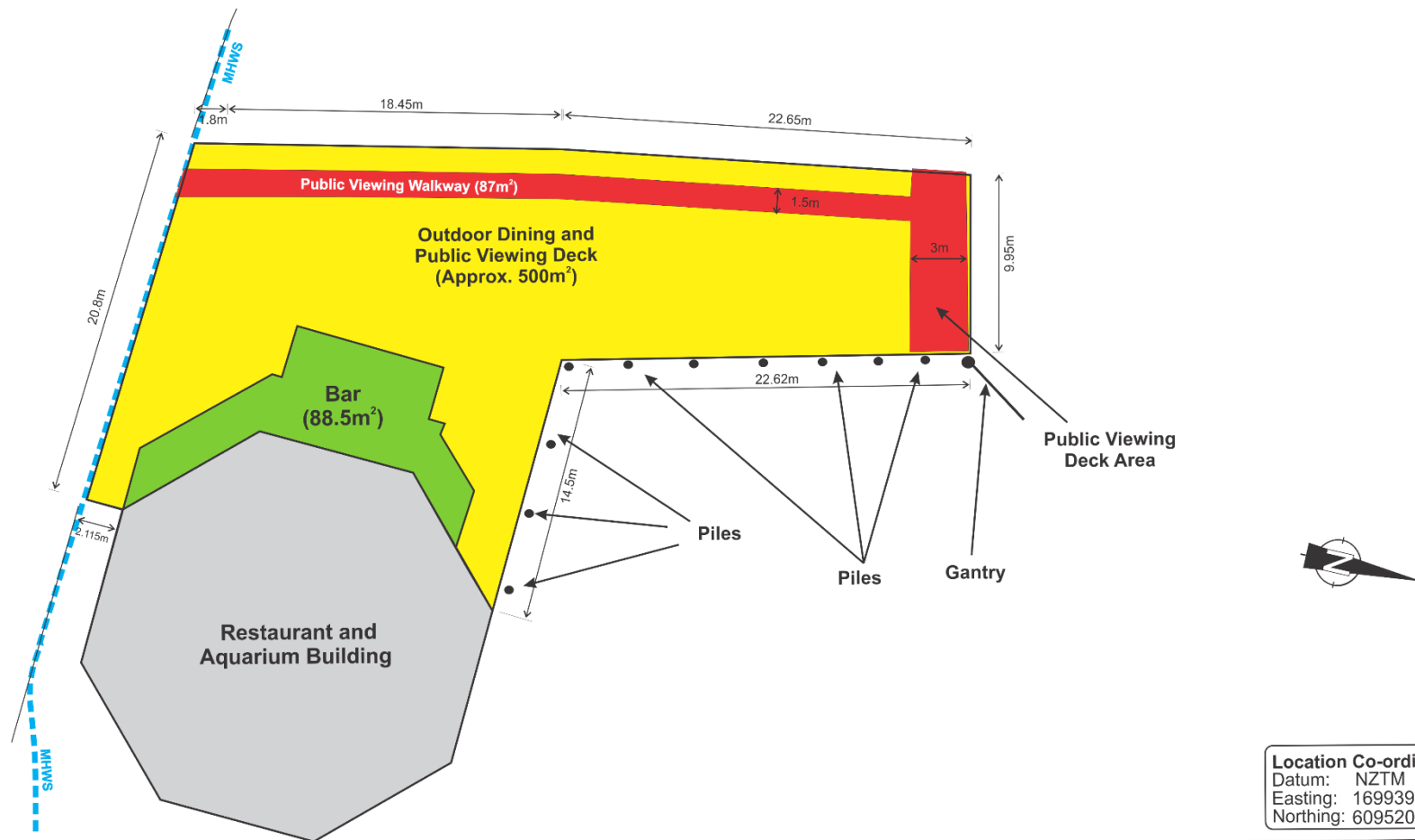
SCHEDULE 2

DREDGE MONITORING PROGRAMME

During dredging operations, daily inspections of the waters adjacent to the dredge excavation areas will be undertaken by the dredging contractor, or the Consent Holder's nominated agent, in order to identify any visually observable change in clarity (turbidity) of the receiving waters at or beyond 100 metres from the point of the dredging operations. Results of the daily inspections are to be recorded in a written log book by the Consent Holder or the Consent Holder's nominated agent, and submitted weekly to the council's assigned monitoring officer by email.

Should the visual inspection indicate any change in clarity at or beyond 100 metres from the point of the dredging operations, then the Consent Holder will implement the following monitoring programme to assess compliance with the relevant conditions of this consent.

Clarity measurements, using Secchi disc methods are to be taken at the boundary of the down-current edge of the mixing zone within the area of changed clarity. The same measurements are to be taken at least 50 metres up-current from the dredging activity to be used as control measurements for comparison with the down-current effect measurements. Three measurements are to be undertaken at each upstream and downstream location and the median used to assess compliance with the water quality standards stated and identified in the consent. Water samples shall also be collected at the edge of the mixing zone and at the control sites for analysis of suspended solids (TSS) and turbidity (NTU) for analysis for compliance against the standards in Condition 36. Results of this monitoring are to be reported to the council's assigned monitoring officer in writing within one week of the occurrence of monitoring.

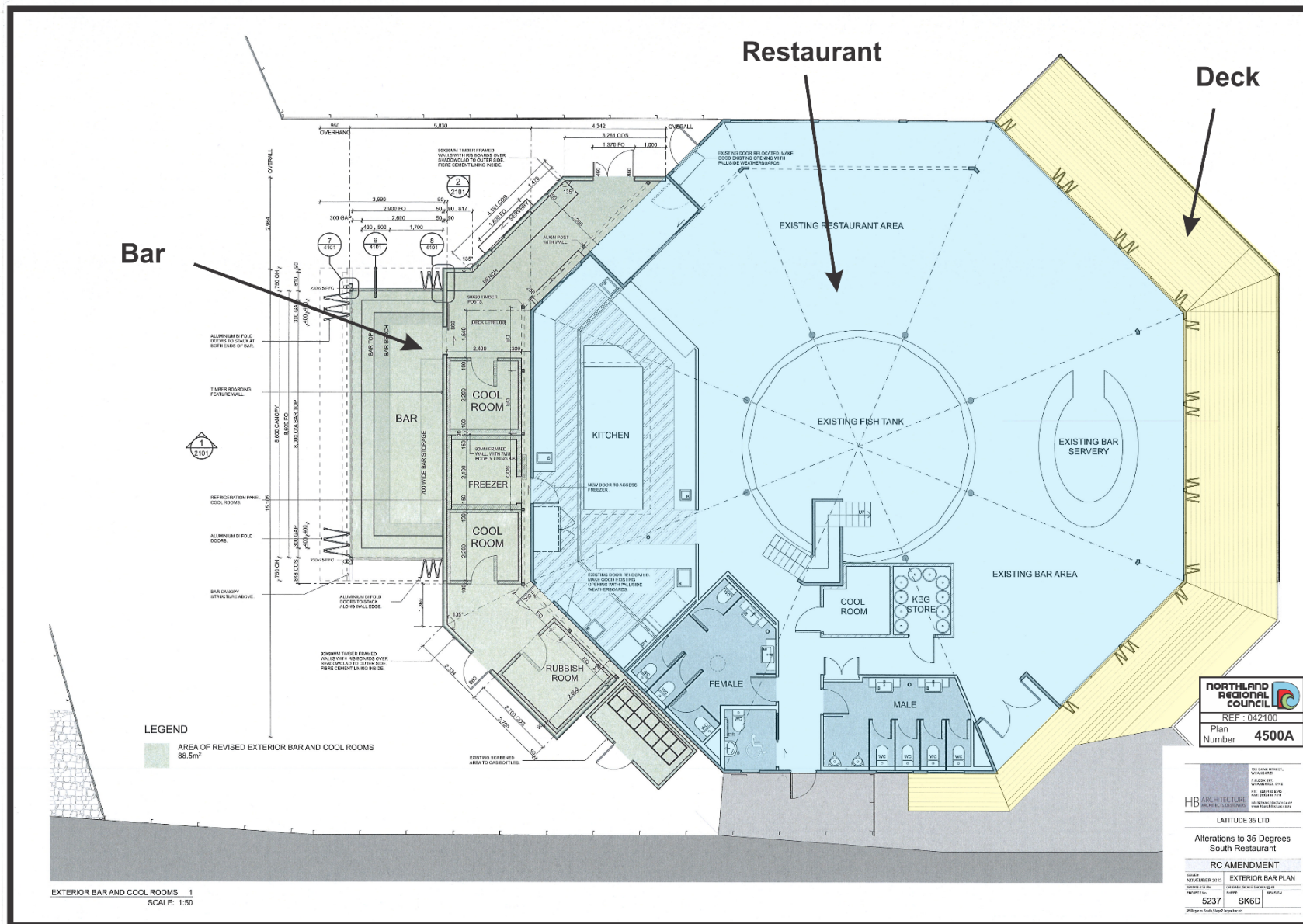


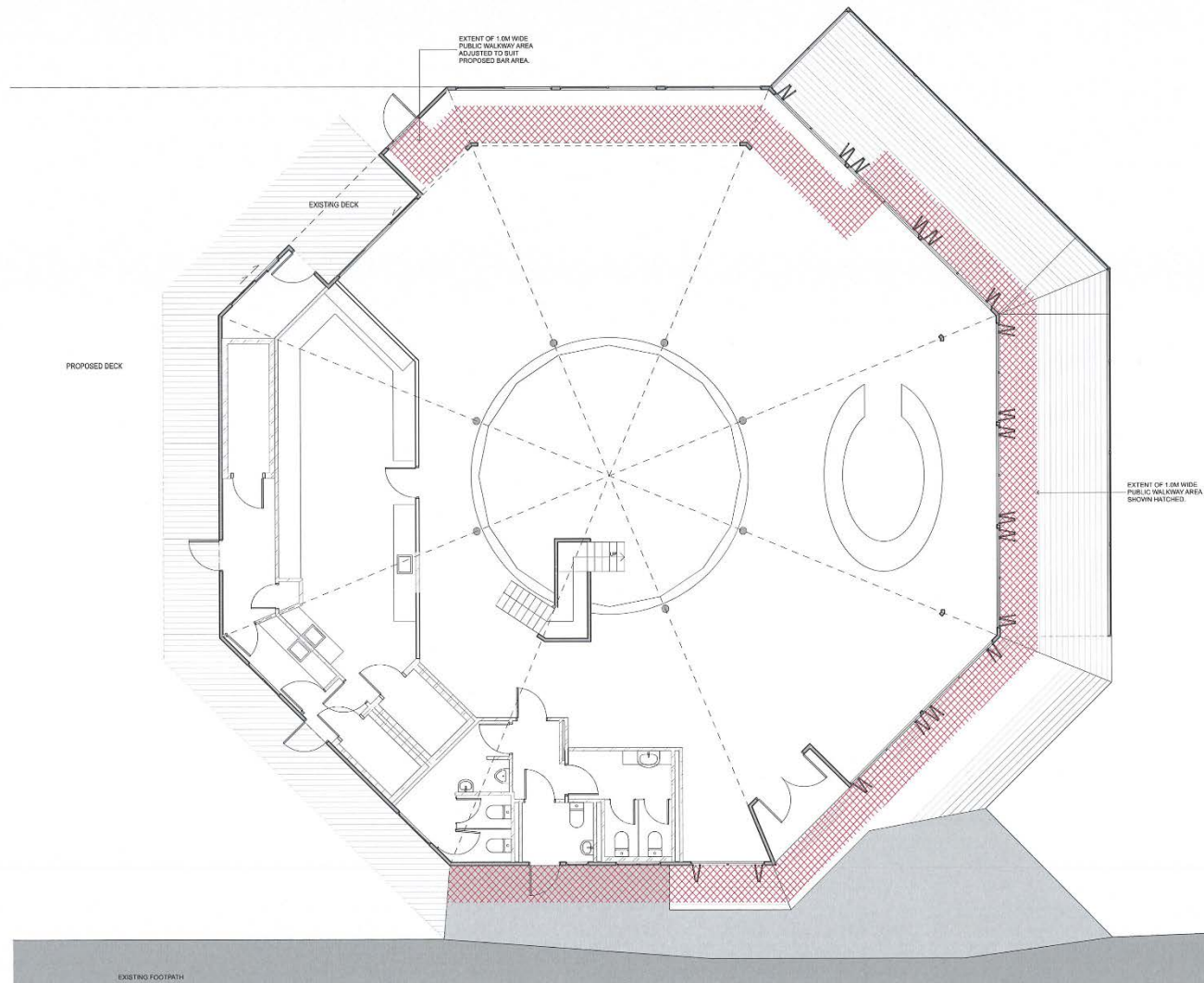
Location Co-ordinates:
Datum: NZTM
Easting: 1699390
Northing: 6095200



**Restaurant and Aquarium Building, Bar,
Outdoor Dining and Public Viewing Deck
Gantry and Piles
at
Paihia Waterfront, Bay of Islands**

Scale:	N.T.S.
Drawn:	PMAX 10/20
REF:	42100
Plan Number.	4498B





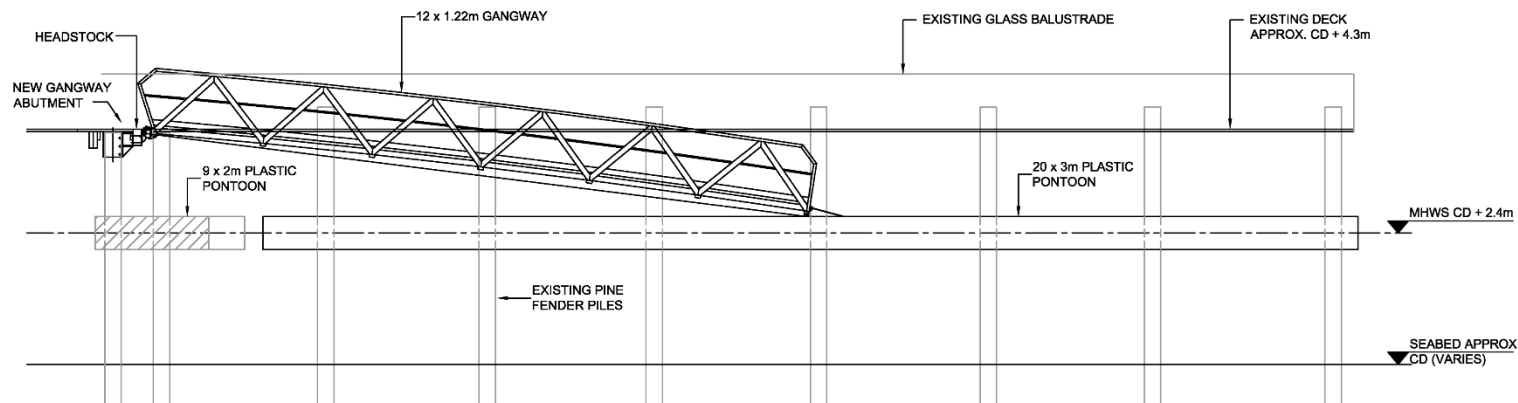
Existing Plan with 1m wide public walkway adjusted to suit proposed bar area
SCALE: 1:50

	
REF: 042100	
Plan Number	4490D
HB ARCHITECTURE ARCHITECTS/DESIGNERS 105 RIVER STREET WHANGAREI 01 204 001 010 01 204 001 010 www.hbarchitects.co.nz	
LATITUDE 35 LTD	
Alterations to 35 Degrees South Restaurant	
BC AMENDMENT	
DATE: 2019	PUBLIC WALKWAY
DATE: 2019	DATE: 2019
5237	1006A
35 Degrees South Design BC, 2019	



SHOREWISE
ENGINEERING CONSULTANTS
www.shorewise.co.nz
This design & drawing is the copyright Shorewise Engineering Consultants & is not to be reproduced without written permission.

CLIENT	REV	DETAILS	DATE	PROJECT	STATUS		
STF MARINE	-	-	-	THE DECK PAIHIA	DRAWN BY	APPROVED BY	SHT
				- PROPOSED NEW PONTOONS	WS	RB	A3
				SHEET DESCRIPTION	PROJECT NO.	SHEET NO.	REV
				GENERAL ARRANGEMENT PLAN	20-0055	01	



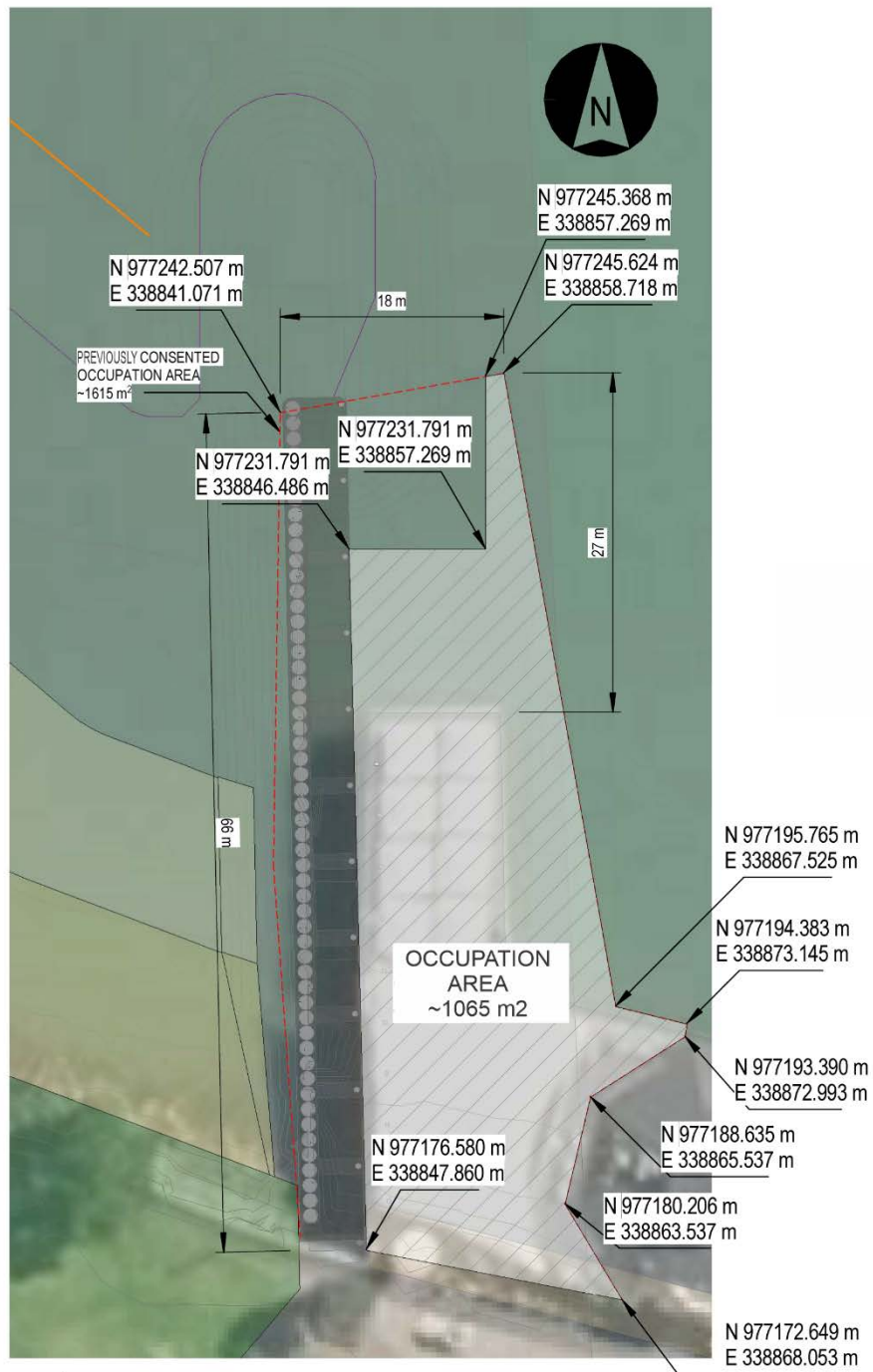
ELEVATION A
1:75
S01



www.shorewise.co.nz

This design & drawing is the copyright Shorewise Engineering Consultants & is not to be reproduced without written permission.

CLIENT	REV	DETAILS	DATE	PROJECT	STATUS		
STF MARINE	-	-	-	THE DECK PAIHIA - PROPOSED NEW PONTOONS SHEET DESCRIPTION GENERAL ARRANGEMENT ELEVATION	DRAWN BY	APPROVED BY	SHT
					WS	RB	A3
					PROJECT NO.	SHEET NO.	REV
					20-0055	02	



COORDINATES IN M: EDEN 2000



**Occupation Area
for a
Deck and Associated Facilities
Paihia, BOI**

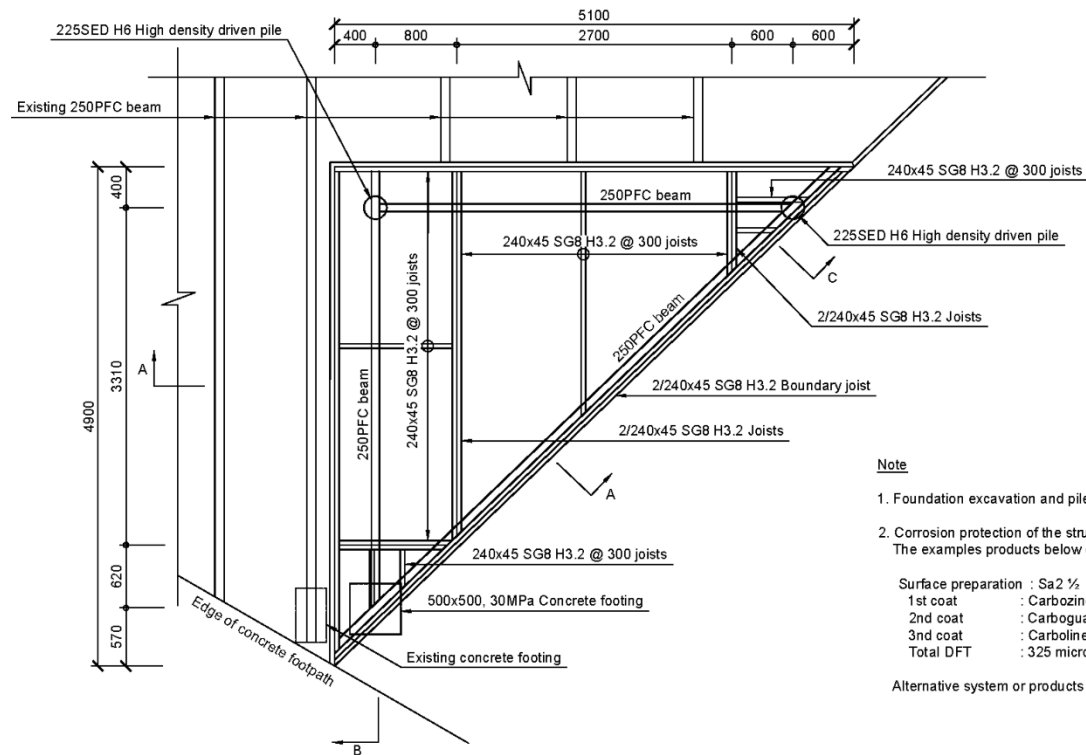
Scale: N.T.S.

Drawn: PMAX 09/21

REF: 42100

Plan Number.

5042



Structural plan
1:40 @ A3

Note

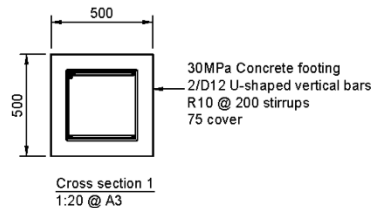
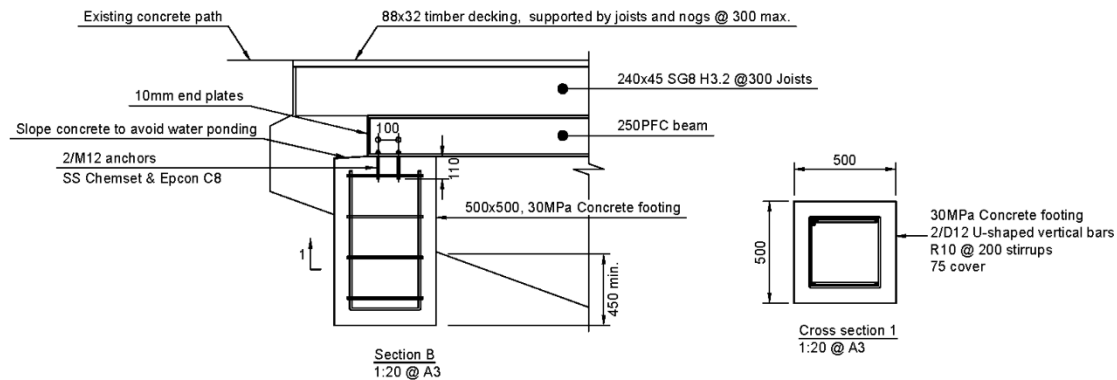
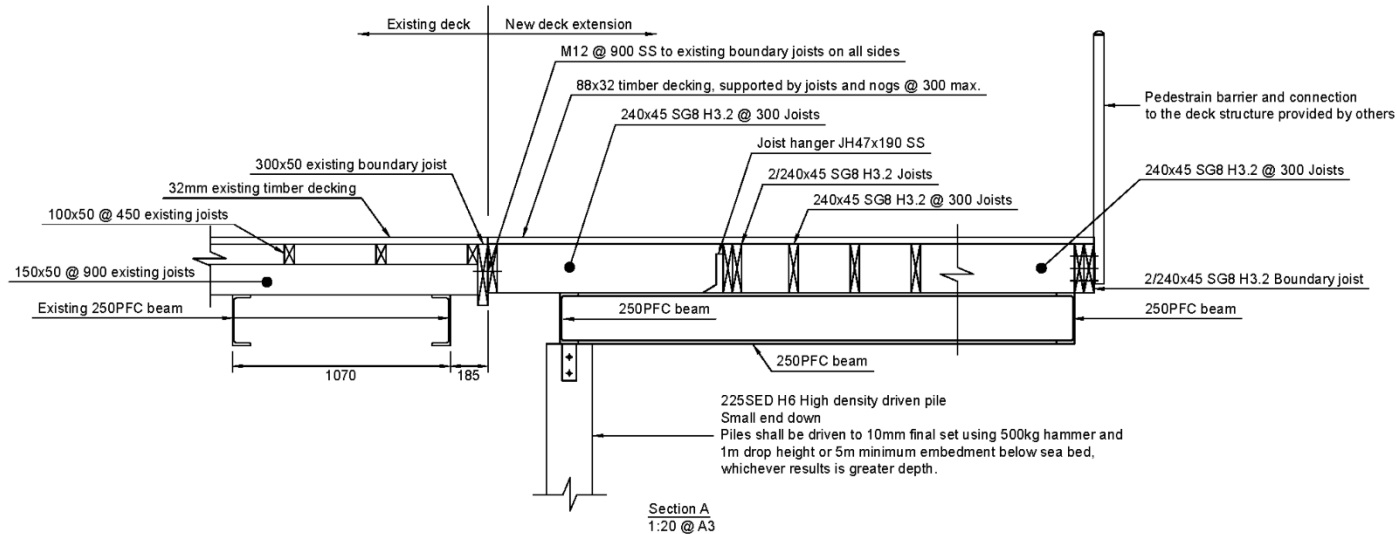
1. Foundation excavation and pile driving shall be inspected by design engineer.
2. Corrosion protection of the structural steel shall be PUR5 system as per NZS2312.1. The examples products below can be used.

Surface preparation : Sa2 ½
 1st coat : Carbozinc 858 (Zinc-rich primer), 75 DFT
 2nd coat : Carboguard 636 (High build epoxy), 200 DFT
 3rd coat : Carboline E-Line 379 (Poly-urethane gloss), 50 DFT
 Total DFT : 325 microns

Alternative system or products shall be approved by engineer before use.



0	27/10/20	For consent/construction
Rev	Date	Description
Project:		
Zane Greys Restaurant and Bar 69 Marsden Road, Paia		
Title:		
Structural plan		
Structural Sense Limited PO Box 314, Paia, 0247 09 930 6370 / 022 515 5210 hello@structuralsense.co.nz		
Drawn: NS	Checked: PC	Approved: PC
Sheet	01 of 04	Rev: 0



0	27/10/20	For consent/construction
Rev	Date	Description
Project		
Zane Greys Restaurant and Bar 69 Marsden Road, Pahia		
Title		
Sections		
Structural Sense Limited PO Box 314, Pahia, 6247 09 930 6370 / 022 515 5210 hello@structural-sense.co.nz		
Drawn: NS	Checked: PC	Approved: PC
Sheet 02 of 04	Rev: 0	