



FILE: 007439

02

Extension to Lapse Date

Document Date: 10.07.2015

# *Resource Consent*

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

**NGATI KURI TRUST BOARD, 5399 MAIN NORTH ROAD, RD 4, KAITAIA 0484**

**AUT.007439.02.01** To construct and operate an 8.0 hectare mussel farm in Houhora Bay at location co-ordinates 1615462.83 E 6147664.93 N (central) (*All location co-ordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection*), subject to the following conditions:

- 1 This consent applies only to the area identified on Northland Regional Council Plan No.3402, **attached**. The north boundary shall be located 75 metres away from the southern boundary of the area concurrently applied for under application CON20010732602, to allow public access between the farms
- 2 The Consent Holder shall provide the Northland Regional Council with a Survey Office (SO) plan of the consent area, certified by a registered surveyor. No construction shall commence until the SO plan has been certified by the Northland Regional Council.
- 3 Prior to the exercise of this consent, the Nautical Information Advisor at Land Information New Zealand, and the Maritime Safety Authority shall be given written notice of the details of the structure(s) by the Consent Holder including their geographic location and method of navigation marking.
- 4 Any second hand equipment that is to be used on the marine farm and has been used in the sea at another location, shall be cleaned or treated to destroy any unwanted organisms to a standard stipulated by the Ministry of Fisheries and Northland Regional Council, and made available for inspection by the Ministry of Fisheries and Northland Regional Council before use.
- 5 The Consent Holder shall mark the marine farm with day and night markings in accordance with the standard markings given in "System of Buoyage and Beaconage in New Zealand".
- 6 The Consent Holder shall locate four orange buoys supporting lights at the corners of the marine farm. Each of the four light buoys shall be fitted with a pole to which an aluminium radar reflector disc of minimum 200mm diameter will be attached at a height of at least 1.5 metres above the water level. Light reflecting tape shall also be placed on the light buoys and poles so as to be visible from all directions.

- 7 The Consent Holder shall ensure that the lights on the four corner buoys of the marine farm shall be yellow group flashing 5 every 20 seconds. The lights shall have a 1 nautical mile range, and will be placed not less than 1 metre above the water level.
- 8 The Consent Holder shall mark the orange corner buoys with the number 7439 in bold black numbers a minimum of twenty-five centimetres in height, so that the number is clearly visible.
- 9 The Consent holder shall place additional orange marker buoys at spacings of not greater than 100 metres along the boundaries of the marine farm.
- 10 Other than buoys required by the Maritime Safety Authority to the boundaries of the marine farm, all buoys shall be permanently coloured a recessive colour (other than black) to the satisfaction of the Northland Regional Council.
- 11 Immediately on completion of the installation of all marine farm boundary marks and lighting as specified in conditions 6-10, the Consent Holder shall notify the following in writing:

Nautical Information Advisor  
Land Information New Zealand  
Private Box 5501  
Wellington

Maritime Safety Authority  
PO Box 27-006  
Wellington

The Far North District Council  
Private Bag 752  
Kaikohe

Northland Regional Council  
Private Bag 9021  
Whangarei

- 12 The Consent Holder shall maintain in good order and repair, all structures, rafts, buoys, buoyed longlines, beacons, lights, fog signals, noticeboards, marker posts and all other equipment, facilities and navigational aids in the consent area. In addition, the Consent Holder shall not allow these to be, become, or cause, in the opinion of the Northland Regional Council, a hazard or potential hazard to navigation.
- 13 The Consent Holder shall keep the Coastal Marine Area, including the adjacent foreshore, free of debris resulting from the Consent Holder's activities.
- 14 All refuse from the marine farm shall be collected and reused or disposed of on land in an approved manner or to an approved landfill.
- 15 Where from any cause, contaminant or other material associated with the Consent Holder's operation escapes, otherwise than in conformity with this consent, the Consent Holder shall:
- (a) Immediately take such action, or execute such work as may be necessary, to stop such escapes;
  - (b) Immediately notify the Northland Regional Council by telephone of the escape of contaminant or material;

- (c) Within 24 hours report to the Northland Regional Council in writing of the manner and cause of the escape, and the steps taken or being taken to effectively control and prevent such escape; and
  - (d) Remedy any adverse effect on the environment caused by the escape
- 16 This consent shall not lapse until its expiry.
- 17 Prior to the expiry, cancellation or lapsing of this consent, the Consent Holder shall remove all structures, rafts, buoys, buoyed longlines 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.
- 18 Prior to the exercising of the consent the Consent Holder shall enter into a bond with Northland Regional Council in the amount of \$25,000. Such bond shall be prepared by Northland Regional Council's solicitor and shall be signed and sealed by both parties prior to the commencement of the exercise of this consent. All costs associated with the preparation and registration of the bond shall be met by the Consent Holder. The bond will be in accordance with the principles detailed in the **attached** Schedule 1.
- 19 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 June. 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 inadequacies or inconsistencies the Northland Regional Council considers there to be in the conditions of the consent, following the establishment of the activity the subject of the consent.
  - (d) To review the results of the photographic monitoring of the seabed beneath the farm, particularly in respect of the degree of accumulation of mussels, mussel shell and other matter derived from the farming operation.

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

#### **MONITORING CONDITIONS**

- 20 A photographic survey of the seabed beneath the farm is to be undertaken at two yearly intervals, with the first survey to be undertaken within 3 months of approval of the SO plan by the Northland Regional Council.

Photographs are to be taken at 25m intervals on three 200m long lines within the farm area at the approximate locations shown in Plan 3402-1 **attached**.



A bottom line is to be laid along the photographic monitoring line from a boat using DGPS for location. The distances at which the photographs are to be taken will be marked on the line and will be at 0, 25, 50, 75, 100, 125, 150, 175, and 200m from the offshore end of the line.

Each photograph will include a rigid quadrat frame enclosing a one metre square surface area. The quadrat area will be divided into four squares by lines stretched between the mid points of the sides. The quadrat dividing lines are to be of a thickness and colour that is easily visible in the photographs. The quadrat will be placed on the southern side of the line with the bottom left hand corner of the quadrat at the distance mark on the line. Each photograph will be identified with a suitable label placed adjacent to the bottom left hand corner of the quadrat. Photographs are to be taken under good underwater visibility conditions.

Results of the photographic monitoring will be provided to the Northland Regional Council within one month of the date of photography.

- 21 The Consent Holder shall provide at yearly intervals, commencing one year from the date of granting of this consent, a report on the degree of development within the marine farm area, including the proportion of the marine farm that is utilized, the number and lengths of long lines, and the number and lengths of mussel growing ropes present on the farm.

**EXPIRY DATE: 25 JUNE 2019**

*Advice Notes:*

- (1) *A marine farming permit is required pursuant to s67J(2) of the Fisheries Act 1983 prior to the erection of any mussel farming structures in the coastal marine area (see the High Court case - Chief Executive of the Ministry of Fisheries -v- New Zealand Marine Farming Association Inc, 2003).*
- (2) *This resource consent does constitute exclusive occupation of the mussel farm area as shown on NRC plan 3402 (**attached**), only occupation of the space the structures occupy. Accordingly, vessels and the like may navigate through the mussel farm.*

**ISSUED at Whangarei this Twenty Sixth Day of April 2005**

An extension to the date after which this consent lapses, from 31 May 2015 to 25 June 2019 is granted pursuant to section 125 of the Resource Management Act 1991 this Tenth day of July 2015 under delegated authority from the Council by:



Allan Richards  
Consents Programme Manager – Coastal and Works

## **SCHEDULE 1**

### **BOND AGREEMENT PRINCIPLES**

#### **Purpose of Bond**

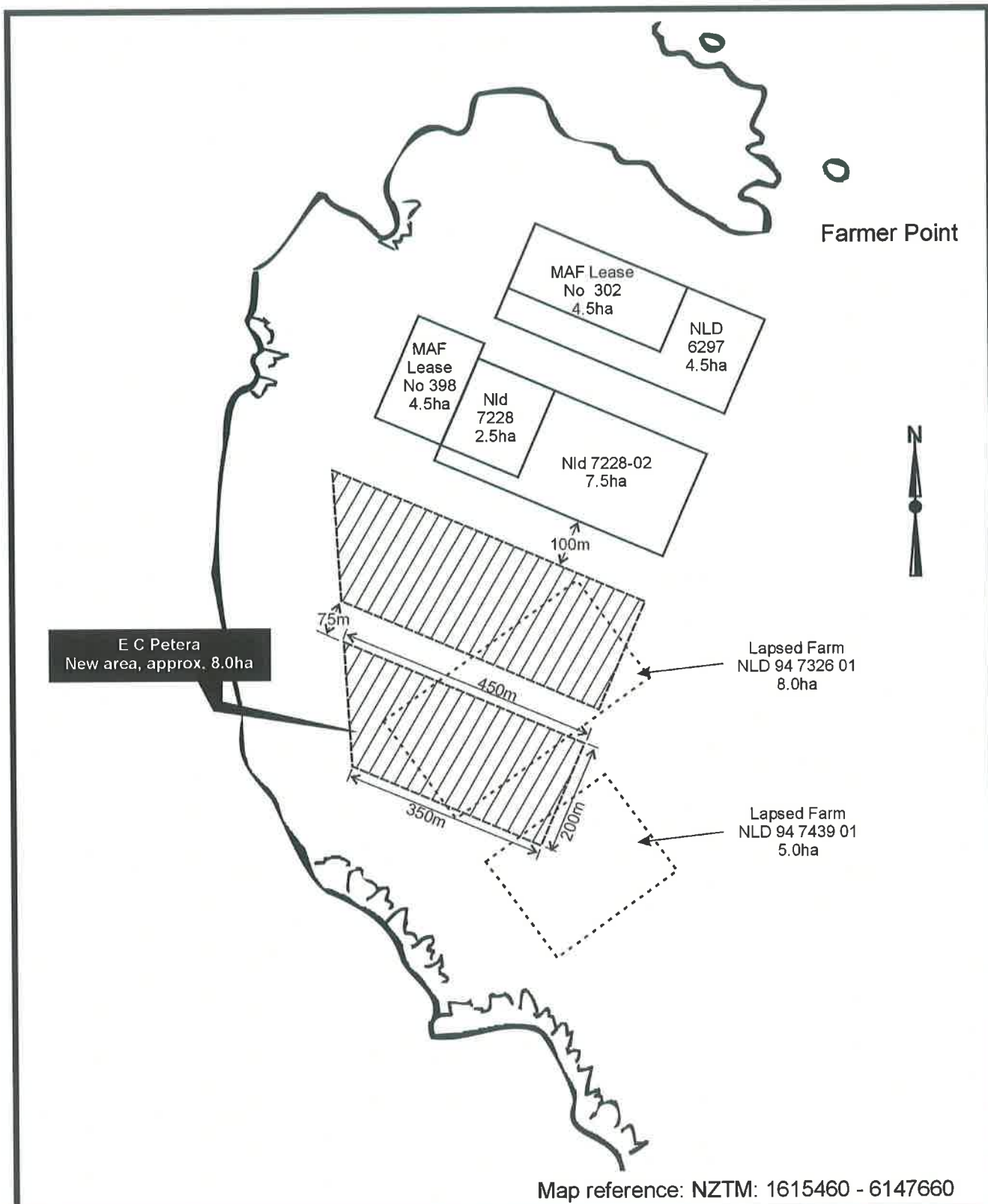
The purpose of this bond shall include the following:

- (a) To provide a mechanism to have cash immediately available to mitigate or control the environmental consequences of the inability of the Consent Holder to remove the marine farming structures and to restore the consent area to the satisfaction of the Northland Regional Council.
- (b) To provide a mechanism immediately available to the Northland Regional Council to enable:
  - (i) restoration of the marine farming site; and/or
  - (ii) Completion of the restoration of the marine farming site in an environmentally acceptable manner.
  - (iii) To provide for the likely costs involved in the planning, management administration and monitoring of the measures described in (a) and (b) above.


#### **Term of Bond**

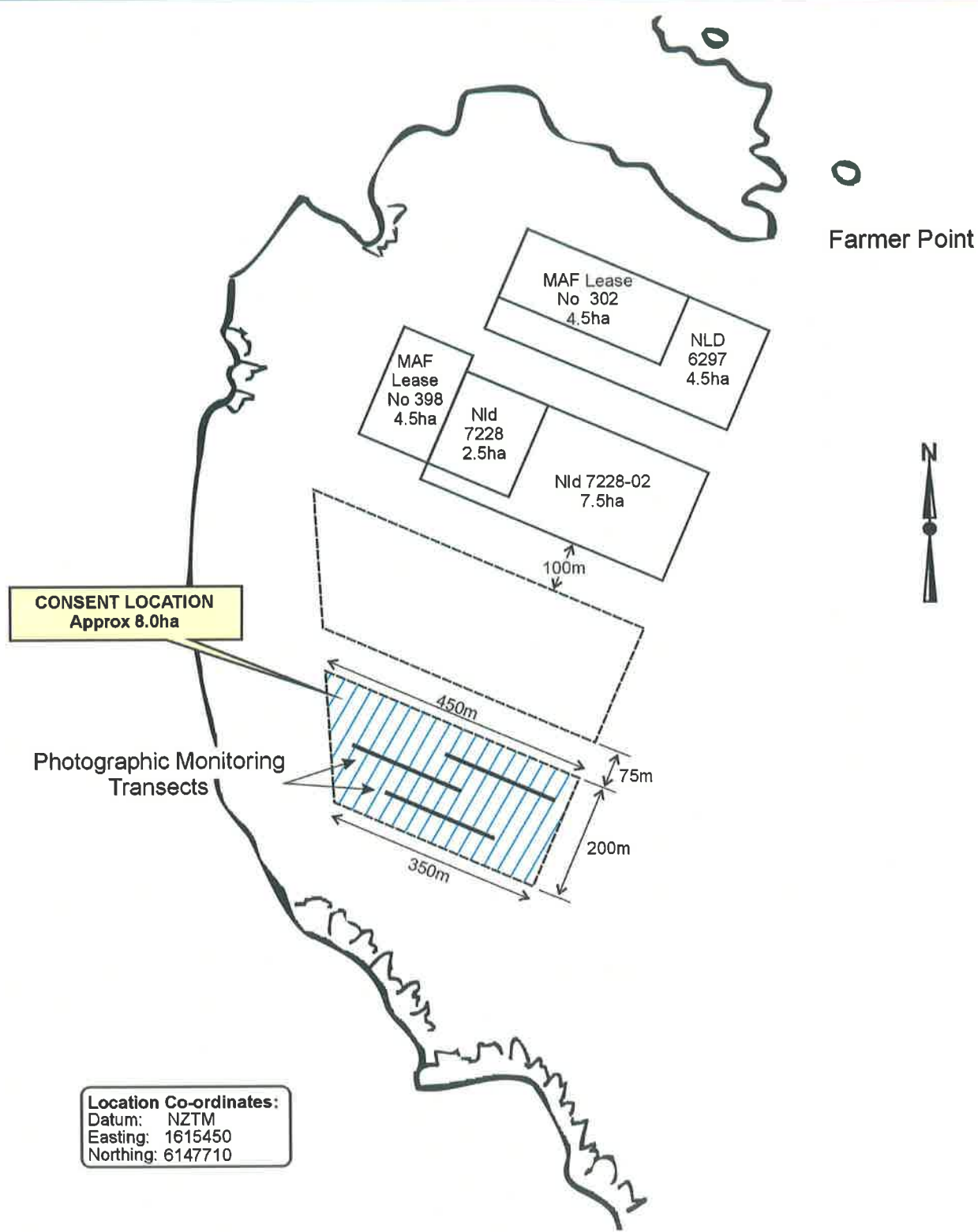
The terms of the bond shall include a provision that the bond is payable to the Northland Regional Council in the event of it being required. The bond shall take the form of a development, bank or insurance bond typically associated with construction/development projects, guaranteed by a financial institution acceptable to the Northland Regional Council

The bond shall have a term sufficient to ensure that the funds are available for the purpose described above, until the final removal of the marine farm, at which time any funds remaining shall be reimbursed to the Consent Holder.



Map reference: NZTM: 1615460 - 6147660

By		Date	<b>RESOURCE CONSENT</b> <b>CON 200107439 02</b> for <b>E C Petera</b> <b>Marine Farm - Houhora Bay</b>	<b>NORTHLAND</b> <b>REGIONAL</b> <b>COUNCIL</b> 	
Dwn.	C N Anderson	06/03		Scale	Plan No.
App'd	Amendment			N.T.S.	3402
No.	By	Date			



Location Co-ordinates:  
Datum: NZTM  
Easting: 1615450  
Northing: 6147710



**RESOURCE CONSENT**  
**CON20010743902**  
For  
**E C Petera**  
**Marine farm - Houhora Bay**

Scale:	N.T.S.
Drawn:	CNA 05/04
App'd:	
Plan No.	<b>3402-1</b>