

# Consent Evaluation Report

<b>Applicant :</b> Incorporated	Whangamata Marina Society	<b>File Number:</b>	61 01 65A
<b>Address of Site:</b>	Whangamata Harbour - Moanaanuanu Channel	<b>Project Code:</b>	RC10951
<b>Consent Type(s):</b> Coastal permit	Disturbance	<b>Application Number(s):</b>	125909

---

## 1 Description of application

The Whangamata Marina Society proposes to disturb up to 1,000 m<sup>3</sup> of marine material per month. The proposed disturbance will occur by dragging a purpose built blade behind a launch during peak tidal flow velocities on an outgoing tide to suspend bed material into the water column. The activity is proposed to occur in the Moanaanuanu channel of Whangamata Harbour at the confluence to the main harbour navigation channel.

The application documentation including assessments of environmental effects are documented as number 2319244 in the Waikato Regional Council document system.

### 1.1 Application made and activity status under the Plan

The proposal is a new application. It is considered under rule 16.6.11 (Minor Disturbances/Deposits) being a controlled activity in the Waikato Regional Coastal Plan. Control is reserved over the following matters:

- The location of material to be disturbed or deposited.
- The information and monitoring requirements.
- The method and timing of the disturbance/deposit.
- The frequency of any disturbance or deposit.
- The particle size and composition of the deposition.
- The location, extent and timing of the use of vehicles.

### 1.2 Purpose of application

The purpose of the application is to obtain authorisation for regular maintenance works to improve the navigability of the marina access channel. The application does not seek to increase the already authorised dredging volume of 10,000 m<sup>3</sup> (consent 121398) but to authorise a different method for channel maintenance works. This will increase flexibility for the method used for maintenance dredging of the marina access channel.

### 1.3 Location

The activity will be undertaken at the confluence of the Moanaanuanu channel (marina access channel) with the main harbour navigation channel as shown in Figure 1 below. The disturbance will be limited to the marina access channel between the three downstream port side marker posts immediately upstream of the main harbour navigation channel.

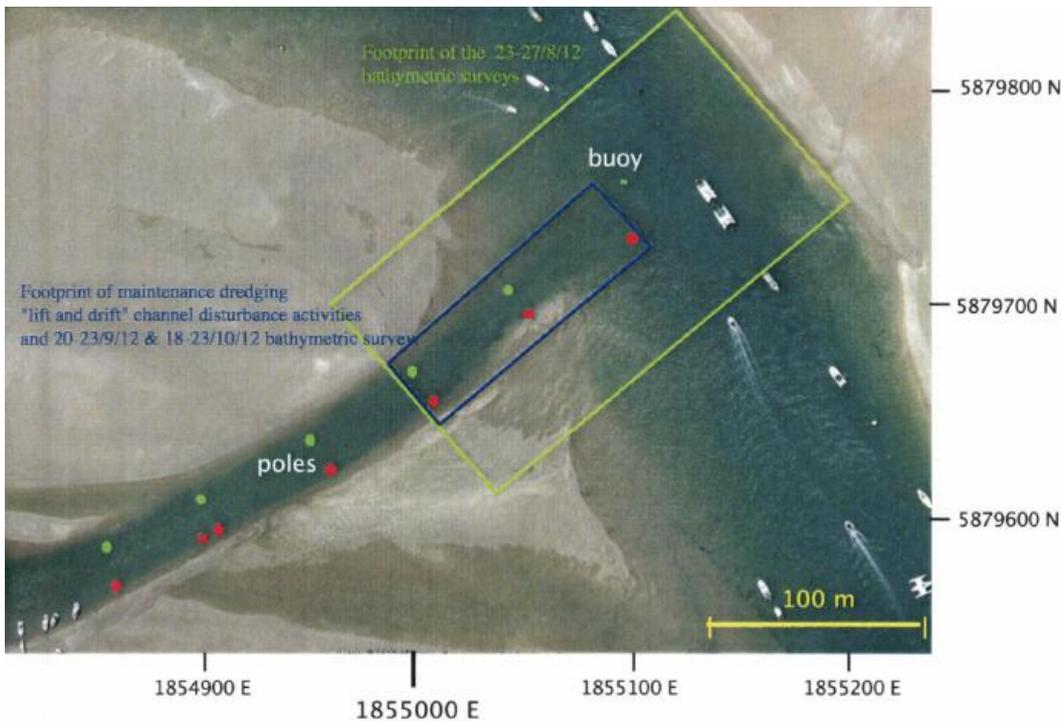


Figure 1: The blue lined area indicates the area at which the proposed disturbance is to occur. The red dots indicate the downstream port side marker posts.

#### 1.4 Term sought/rationale

The applicant seeks a term of 28 years for this consent to coincide with the expiry of the maintenance dredging (by digger) and associated deposition (beach nourishment) consents 121398 and 121399 held by the Whangamata Marina Society which expire on 18 December 2041. The applicant advises that the term would provide certainty and justify the financial investment, long term decision making and future planning of the society.

#### 1.5 Background

The Whangamata Marina Society hold consent for maintenance dredging of the marina access channel (121398) and associated deposition of material in the coastal marine area (121399). The maximum authorised dredging volume is 10,000 m<sup>3</sup> in combination with any other authorisations for channel maintenance dredging. Other authorisations include consent 119263 held by Thames Coromandel District Council (TCDC) for maintenance dredging of the marina access channel near a public boat ramp. TCDC obtained the consent in case the Marina Society's maintenance dredging works do not adequately dredge the boat ramp area. In previous years, there has been no need for TCDC to exercise their consent. The Marina Society has undertaken one large scale dredging event at the end of each year. In addition, the Marina Society has undertaken small scale monthly disturbances under the permitted activity rule (PA rule) 16.6.10 of the Waikato Regional Coastal Plan (RCP) near the confluence of the marina access channel with the main harbour navigation channel. Activities under the PA rule limit disturbances to 100 m<sup>3</sup> per month. Compliance with this volume was challenged and following further investigation by the Marina Society this application was lodged.

#### 1.6 Description of specific works/processes

The Whangamata Marina Society proposes to disturb in any one calendar month up to 1,000 m<sup>3</sup> of marine material. The disturbance works would occur on no more than 6 days per month and within a total timeframe of no more than 24 hours and 42 minutes per month. Survey information indicates that the proposed time limits can maintain the maximum disturbance volume of 1,000 m<sup>3</sup>.

The disturbance of marine material will occur by dragging a purpose built 1.5 m wide blade with a 80 mm large cut behind a launch during peak tidal flow velocities on an outgoing tide to suspend

bed material into the water column. The launch will be moving at an average speed of approximately 1.8 knots.

Based on this standardised dredging methodology it is proposed to use time as a surrogate for monitoring disturbed volumes.

## 1.7 Consultation

No consultation has been undertaken in respect to this application. I consider that this is appropriate as adverse effects are less than minor as detailed in section 3.2 below.

## 2 Process matters

<b>Applications lodged</b>	19 December 2012
<b>Further information request (s92(1)RMA)</b>	16 January 2013
<b>Further information received</b>	18 February 2013
<b>Applicant's agreement to s37 time extension</b>	7 March 2013 – 4 April 2013
<b>Affected party approvals</b>	N/A

## 3 Statutory matters

### 3.1 Identification of relevant matters

<b>Matter</b>	<b>Relevant (yes/no)</b>	<b>Comment (if relevant)</b>
RMA - post 1/10/10	Yes	
Controlled activity	Yes	See section 1.1
S89A (MNZ comment)	Yes	Comments sought on 21 December 2012. No comments received.
Permitted baseline effects disregarded (S104(2))	N/A	The applicant suggests that a permitted baseline may apply as rule 16.6.10 authorises minor disturbances as a permitted activity. In my view a permitted baseline does not exist in this case. The permitted activity rule limits disturbances and associated effects to 100 m <sup>3</sup> per month but this application seeks to disturb 1,000 m <sup>3</sup> per month which is a tenfold increase in disturbance. The effects of this 10 fold disturbance are likely to be much greater than the baseline. No other regional plan or national environmental standard permits an activity with that effect.
S105		Sediment discharges will occur within the CMA in an area which is already subject to authorised disturbances. The effects of the discharges have been assessed as part of this application and are considered to be no more than minor. The activity has a functional need to occur in the CMA. There are no alternative discharge locations.

S107		In my opinion the discharges are of temporary nature should any of the effects listed in section 107(1)(c) – g) should occur.
Hauraki Gulf Marine Park Act 2000	Yes	I consider the proposal to be consistent with the HGMPA 2000.
Statutory acknowledgements	No	There are no statutory acknowledgements for the proposed location.
S104A	Yes	Recommendation is to grant the consent subject to conditions over which control is reserved.

### 3.2 Effects of the activity

Potential Effect	Description	Conditions to address effect
Coastal Processes	<p>The proposal has the potential to alter coastal processes within the sediment system and potentially affect the ebb tidal delta which is recognised as a surf break of national significance in the NZCPS.</p> <p>The applicant engaged suitable professionals who undertook a number of surveys to quantify the disturbance volume (DML) and assess the effects on the wider sediment system (Eco Nomos Ltd). Based on the survey data, Eco Nomos Ltd concluded that the disturbance is small and most of the disturbed sediments are deposited close (40 m) to the dredged channel, even during fairly extreme hydro-dynamic conditions. Eco Nomos Ltd further concluded that the proposed disturbance is unlikely to have significant effects on areas seaward of the harbour entrance including the ebb tidal delta which is located approximately 900 m from the disturbance site. Eco Nomos also suggested that even if the entire disturbance volume was to be transported to the ebb tidal delta it would result in a seabed level change of less than 1.5 mm over the delta area. In addition, resuspended muddy and very fine sediments are highly unlikely to settle on the ebb tidal delta due to its high energy nature. These sediment will deposit further offshore in deep water.</p> <p>Dr Vernon Pickett, WRC coastal scientist, reviewed the survey information and associated assessment by Eco Nomos Ltd. Dr Pickett considers the technical information and assessment appropriate to determine disturbance volume and associated effects.</p> <p>Dr Pickett agrees with the conclusion reached by Eco Nomos and also considers that the small disturbed volumes will have a de minimus effect on the ebb tidal delta.</p> <p>Dr Pickett agrees that operating time is an appropriate surrogate for determining disturbed volumes provided that the used equipment including settings and timing is standardised. In addition, he recommends that further surveys be undertaken as a condition of consent. This will verify and/or ensure that the disturbance remains within the parameters governing the application.</p> <p>The activity is considered a 'disturbance' for the purpose of this consent application and associated provisions in the RCP. However, Dr Pickett is of the view the disturbance in this case constitutes the characteristics of 'dredging'. Dr Pickett reiterated that the proposal must be an alternative</p>	<ul style="list-style-type: none"> <li>• Limit disturbance volume to 1,000 m<sup>3</sup> per month</li> <li>• Standardise disturbance methodology</li> <li>• Monitoring and reporting of disturbed volumes (operating hours and surveys)</li> <li>• Limit disturbance in the marina access channel for all authorisations to 10,000 m<sup>3</sup></li> </ul>

	<p>but not additional to the maintenance dredging carried out under consent 121398 and therefore a total annual dredging/disturbance limit of 10,000 m<sup>3</sup> including all dredging/disturbance authorisations for the marina access channel shall be maintained. A volume of 10,000 m<sup>3</sup> was determined to maintain the design parameters of the marina access channel during previous applications.</p> <p>I adopt the recommendations made by Dr Pickett and based on his assessment I consider adverse effects on coastal process to be less than minor.</p>	
Ecology	<p>The seabed disturbance is likely to affect benthic communities and associated habitat.</p> <p>The applicant engaged Brian T. Coffey and Associates Ltd (Brian Coffey) to assess the potential effects on benthic communities. Brian Coffey concluded that the proposed disturbance is likely to reduce both the abundance and range of benthic taxa in the works area. However, Brian Coffey considers these effects localised and relatively short term. He considers the effects of the proposal on benthic communities in the Whangamata Harbour will be minor.</p> <p>Dr Philip Ross, contracted WRC Ecologist, reviewed the report prepared by Mr Coffey. Based on the scale and significance of the application and given that the subject location is an already disturbed environment; Dr Ross considers the assessment sufficient to determine the likely impact of the proposed activity.</p> <p>Dr Ross agrees with the findings and conclusions of the report that the dredging decreases the abundance and diversity of benthic taxa in the channel. He also agrees that the data presented suggests that the impact is likely to be restricted to the channel and that adjacent intertidal flats do not appear to be significantly affected.</p> <p>It is also to note that the proposed location is already subjected to disturbance by the maintenance dredging consent 121398 held by the Whangamata Marina Society. I consider the exercise and associated effects of consent 121398 to be part of the existing environment from which effects must be assessed.</p> <p>Based on Dr Ross' assessment and the consideration that the existing environment is already modified by an authorised activity it is my view that adverse effects of the proposed activity are likely to be less than minor.</p>	<ul style="list-style-type: none"> <li>• Limit disturbance volume to proposed volumes</li> <li>• Standardise disturbance methodology</li> <li>• Monitoring and reporting</li> </ul>
Navigation and Safety	<p>The activity may affect safe navigation in the marina access channel due to the presence of a launch and associated disturbance equipment on a regular basis.</p> <p>Mathew Collicott, Acting Whangamata Harbourmaster, is of the view that the use of the proposed vessel will not affect safe navigation as there will be sufficient room for transiting vessels.</p> <p>Mr Collicott recommends that the Harbourmaster shall be notified prior to works commencing. The notification will allow the Harbourmaster to place a warning on Coastguard radio to alert skippers to take caution in the works area.</p> <p>Mr Collicott also recommends ceasing works during the busy holiday period from 20 December to 31 January in each year. Mr Collicott considers that avoidance of works during weekends throughout the year is not necessary.</p> <p>Based on Mr Collicott's assessment and the recommended mitigation measures I consider any effects on safe navigation less than minor.</p>	<ul style="list-style-type: none"> <li>• Notification to Harbourmaster five working days prior to commencement of works</li> <li>• Prohibition of works during summer period and statutory holiday weekends</li> </ul>

Cultural	<p>Activities in the coastal marine area (CMA) may affect cultural values.</p> <p>The proposed location is already subjected to disturbance by the dredging consent 121398 held by the Whangamata Marina Society. I consider the exercise and associated effects of consent 121398 are part of the existing environment against which effects must be assessed. The proposed activity differs from the authorised activity merely in the applied method of the dredging/disturbance. The volume and area of disturbance remains the same. I do not consider that any effect on cultural values increases due to the different methodology.</p> <p>Therefore it is my view that any effects on cultural values are less than minor.</p>	<ul style="list-style-type: none"> <li>• None</li> </ul>
----------	--	--

### 3.3 Policies and Plans

Policy instrument	Relevant to application?	Consistent with policy instrument?	Comment (where inconsistent)
NZCPS	Yes	Yes (Policies 6, 11, 16, 23)	
Other NPS – Fresh water – Electricity Trans'n – Renewable electricity generation	No		
RPS (operative)	Yes	Yes (Policies 3.5.4 and 3.5.7),	
RPS (Appeals Version)	Yes	Yes (Policies 7.2, 11.4, 12.4, 12.5 and 12.6)	
Regional Coastal Plan	Yes	Yes (Policies 3.3.1, 3.4.2, 3.4.3, 4.1.1, 7.2.1, 9.1.1, 9.1.3, 12.1.3)	
NES Telecommunications Drinking water sources Air pollutants Electricity transmission	No		
S89 matters	No		
Hauraki Iwi Environmental Plan	Yes	Yes (section Tangaroa Rerenga Wai Tai)	

### 3.4 Part 2 Matters

Statutory provision	Relevant to application?	Consistent with provision?	Comment (where inconsistent)
<b>Section 6 matters</b> a) Natural character b) Outstanding features c) Indigenous d) Public access e) Relationship of Maori f) Historic heritage g) Recognised customary activities	d)	Yes	
<b>Section 7 matters</b> a) Kaitiakitanga aa) Stewardship b) Efficient use ba) Efficiency of end use c) Amenity values d) Intrinsic values ecosystems f) Quality of environment g) Finite characteristics h) Trout and salmon i) Climate change j) Renewable energy	c), f),	Yes	
<b>Section 5 matters</b> (sustainable management purpose)	Yes		

### 3.5 Conclusions

The Whangamata Marina Society proposes to disturb up to 1,000 m<sup>3</sup> of marine material per month. The activity is considered under controlled activity 16.6.11 of the Coastal Plan. The proposed conditions will ensure that the activity will be undertaken as proposed. Monitoring of the activity and evaluation and reporting of actual and potential effects are also recommended conditions.

### 3.6 Consent Term

The applicant requested the consent expiry date to be the 18 December 2041 to coincide with the expiry of the main marina consent 953758 and the maintenance dredging consents 121398 and 121399 which authorise the dredging of the channel using an alternative method. The requested expiry date equates to a consent term of approximately 28 years.

The RMA allows for a consent duration of no more than 35 years with a default duration of 5 years. The WRC Resource Use Group "Consent duration – Internal Guidelines" recommend a consent term for disturbances in the CMA of 10 years. The rationale being that the coastal area is a highly valued environment. Concerns in relation to the coast and activities that occur in the CMA are likely to increase in the future. Disturbances have a high potential to affect use, values and enjoyment of coastal areas.

I agree with the rationale set out in the WRC internal guidelines and consider a consent duration of 10 years appropriate after which the dredging methodology should be re-assessed against the features and values of the coastal environment.

## 4 Recommended Decision

I recommend that in accordance with s104A resource consent application 125909 be granted in accordance with the duration and conditions prescribed in the attached Resource Consent Certificate for the following reasons:

- The activity will have acceptable actual or potential adverse effects on the environment
- The activity is not unacceptably inconsistent with relevant policies, plans, national standards or regulations;
- The activity is consistent with the purpose of the Resource Management Act 1991;
- The activity is unlikely to result in more than temporary effects as described in s107(1)(c) to (g).

\_\_\_\_\_ Date: \_\_\_\_\_

Christin Atchinson  
**Senior Resource Officer, Coastal Programme**

## 5 Decision

I hereby grant/decline the resource consent application in accordance with above recommendations.

\_\_\_\_\_ Date: \_\_\_\_\_

Amy Robinson  
**Team Leader, Coastal Programme**

Acting under authority delegated subject to the provisions of the RMA 1991 which at the time of decision had not been revoked.