

APPENDIX 35

PERMITTED ACTIVITIES TABLE

APPENDIX 35: PERMITTED ACTIVITIES FORMING PART OF THE PROJECT – Schedule 5, Clause 5(5)(a)

Introduction

Schedule 5, clause 5(5)(a) of the Fast-track Approvals Act 2024 requires the application to include a description demonstrating that any permitted activity forming part of the Project complies with the applicable requirements, conditions and permissions, such that resource consent is not required under section 87A(1) of the Resource Management Act 1991.

Table 1 identifies the activities forming part of the Project that are intended to be undertaken as permitted activities. It identifies the applicable rule or regulation, each relevant permitted activity requirement, the Project information demonstrating compliance and the supporting application document.

Table 1: Permitted activities

Whangarei District Plan				
Provision	Project activity	Location	Applicable permitted activity requirements	Proposal specific assessment
LIGHTING				
LIGHT-R2 and LIGHT-REQ1; ‘Artificial lighting’	Artificial lighting associated with the activity	Reclaimed land, buildings, hardstand, car parking and access areas	Lighting must: - be shielded or use suitable optics so light is projected below the horizontal plane; - be static; - comply with applicable boundary illuminance limits; and - be assessed using LIGHT-REQ1 (requires specific assessment) - The general limits are 15 lux at a road-reserve boundary and 10 lux at another site boundary. Health and safety or navigational lighting may instead fall within LIGHT-R4 where its requirements are met.	The Project lighting will be designed to comply with the requirements of LIGHT-R2.
LIGHT-R4 ‘Any health and safety or navigation artificial light’	Health and safety and navigation artificial lighting associated with the proposal	Reclaimed land, buildings, hardstand, car parking and access areas	Applies to: - Artificial lighting is required for health and safety purposes and complies with the requirements of the relevant standards or legislation. - Artificial lighting which is a navigational aid or installation is erected or constructed by the relevant authority (or their authorised representative) and operated in accordance with the relevant legislation.	Any health and safety or navigation artificial light associated with the Project will be designed to comply with the requirements of LIGHT-R4.
NOISE AND VIBRATION				
NAV-R2 ‘Noise arising from activities within zones’	Operational shipyard and access related noise	Reclaimed land, ‘Port Zone’ land	At the Open Space Zone and Residential zones: Daytime: 55dB L_{Aeq} Night-time: 45dB L_{Aeq} 75dB L_{AFmax}	Confirmed in the Terrestrial Noise and Vibration report (Appendix 23)
NAV-R3 ‘Construction noise’	Noise from demolition and construction	Terrestrial land (outside CMA)	Compliance with the guidelines and recommendations of NZS 6803: 1999 <i>“Acoustics – Construction Noise</i>	Confirmed in the Terrestrial Noise and Vibration report report (Appendix 23)
NAV-R18 ‘Vibration’	Vibration from operations and construction	Reclaimed land, buildings, hardstand, car parking and access areas	Compliance with maximum vibration level in Table NAV 9 and Table NAV 10	Confirmed in the Terrestrial Noise and Vibration report report (Appendix 23)
SIGNAGE				
SIGN-R4 ‘Any sign within the Heavy Industrial, Port,	Signs in carpark, on access, and within reclaimed shipyard		Where:	Project signage will comply with the requirements of SIGN-R4.

and Strategic Rural Industries Zone			1. The height of any sign affixed to a building or structure does not exceed the height of the building or structure to which the sign is affixed. 2. The height of any freestanding sign does not exceed 9m above ground level.	
SIGN-R5 ‘Any sign visible from beyond the site on which it is located’	Signs in carpark, on access, and within reclaimed shipyard	Reclaimed land, ‘Port Zone’ land	Where: 1. The sign: a. Does not obscure any official sign, traffic sign or traffic signal. b. Is located so as to provide an unrestricted view to the motorist for a minimum distance of 250m if the sign is visible from a road which has a speed limit of 70kph or greater. c. Relates to goods and services available on the site, except for a property naming sign or number, official signs, road signs and community signs. d. Complies with the relevant building and major structure height in relation to boundary setback when located on a site adjacent to a Residential Zone or Open Space and Recreation Zone. e. Does not resemble any official sign, road sign or Traffic Signal. f. Is not located: i. Within 100m of an intersection and/or a traffic signal on legal road corridors with a posted speed limit of less than 70kph. i. Within 200m of an intersection and/or a traffic signal on legal road corridors with a posted speed limit of greater than 70kph.	Project signage will comply with the requirements of SIGN-R5.
FLOODING				
NH-R4 ‘Flooding’	Earthworks and access construction in a Flood Susceptible Area.	Port Zone	A report or certificate from a suitable qualified and experienced professional is provided to the Whangarei District Council which indicates that the activity is designed to accommodate the flood hazard and will not create any adverse effects upstream or downstream nor endanger human life	A report will be provided to the Whangarei District Council following detailed design. It is expected the earthworks associated with access construction will be a permitted activity in accordance with NH-R4.
Regional Plan for Northland				
Provision	Project activity	Location	Applicable permitted activity requirements	Proposal specific assessment
NAVIGATION AIDS				
C.1.1.4 ‘Aids to navigation’ and C.1.8 ‘Coastal works general conditions’	Navigation aids associated with the drydock and shipyard	CMA	▪ Owned and operated by either: a) the Regional Council or its agents, or b) Northport, or c) Refining New Zealand, or d) Maritime New Zealand or its agents ▪ Not located in a mapped Site or Area of Significance to Tangata Whenua.	Any navigation aids associated with the Project can and will be designed to comply with the requirements of C.1.1.4.

			Compliance with C.1.8 'Coastal works general conditions'	
SIGNS				
C.1.1.5 'Signs' and C.1.8 'Coastal works general conditions'	Signs on authorised structures in the CMA	CMA	- Health and safety signs - Signs required by legislation - Signs related to good, services or facilities operated at or on the structure not exceeding 1.25m³ per sign, not reflective or flashing unless road or maritime risk signage, bottom of sign no more than 4m above deck level, all signs on the structure not exceeding 5m². - Compliance with C.1.8 'Coastal works general conditions'.	Any signs on authorised structures associated with the Project can and will be designed to comply with the requirements of C.1.1.5.
Monitoring and sampling equipment				
C.1.1.6 'Monitoring and sampling equipment' and C.1.8 'Coastal works general conditions'	Temporary turbidity meters, water quality sondes, hydrophones or other monitoring equipment	CMA	- The erection, placement, alteration or extension of monitoring or sampling equipment in the coastal marine area and any occupation of the common marine and coastal area by the equipment are permitted activities provided: - it is not an aquaculture activity, and - it is not located in a mapped (refer I Maps Ngā mahere matawhenua) Regionally Significant Anchorage, and - the monitoring or sampling equipment does not exceed a two metre vertical projection above mean high water springs or the foreshore, and - the monitoring or sampling equipment does not exceed (excluding any anchor(s) and anchor line(s)): a) three square metres, or b) ten square metres and is not in place for a period exceeding a total of 365 days or part days during a two-year period, inclusive of the placement and removal, and - the monitoring or sampling equipment does not obstruct access over water to, or the use of, any wharf, landing place, boat ramp, slipway, navigational channel or mooring, and - the monitoring or sampling equipment does not prevent public access to and along the foreshore, and - any surface buoys are clearly labelled with the owner's name, and - equipment and associated mooring and anchorage systems are marked as required by the International Association of Marine Aids to Navigation and Lighthouse Authorities (IALA) System 'A' Maritime Buoyage System, and - the conditions of C.1.8 Coastal works general conditions are complied with, and - the Regional Council's Compliance Manager and the Regional Council's Harbourmaster are given at least 10 working days' notice (in writing or by email) of each deployment of the monitoring or sampling equipment and the notice includes: - location details of proposed deployment(s), and 44 - proposed date(s) and approximate time(s) of deployment, scheduled maintenance and retrieval, and	Monitoring and sampling equipment associated with the Project can and will be designed to comply with the requirements of C.1.1.6.

			c) an image and description of the type of equipment to be deployed and its purpose, and d) details of who is responsible for the deployment.	
RECONSTRUCTION, REPLACEMENT, MAINTENANCE OR REPAIR OF A STRUCTURE				
C.1.1.7 ‘Reconstruction, replacement, maintenance or repair of a structure’ and C.1.8 ‘Coastal works general conditions’	Routine maintenance and repair of structures after construction. Includes: - Abutting Northport wharf structures where affected by works. - Northport reclamation area reinstatement where affected by works.	CMA	Permitted where: - The structure is authorised, and - There is no increase in the authorised structure's footprint, other than that resulting from routine maintenance or repair activities, and - There is no change to the authorised location of the structure, except where the structure is a network utility pole, and the location of any reconstructed or replaced pole is within two lineal metres of the location of the existing network utility pole it replaces - The reconstruction, replacement, maintenance or repair complies with the conditions of C.1.8 Coastal works general conditions.	The works associated with tie in to the existing Northport wharf structures and reclamation will comply with the requirements of this rule.
C.1.1.8 ‘Maintenance, repair or removal of hard protection structures’ and C.1.8 ‘Coastal works general conditions’	- Removal of existing Northport western revetment - Repair of affected Northport rock revetments	CMA and Northport reclamation.	1) the Regional Council's Compliance Manager is given at least 10 working days' prior notice (in writing or by email) of the start date of activities involving either the use of vehicles on the foreshore or seabed, or the removal of hard protection structures, and 2) the maintenance, repair or removal complies with the conditions of C.1.8 Coastal works general conditions, and 3) there is no increase in length, width, or height of the structure, other than to provide for the settlement of earthen stopbanks, and 4) the hard protection structure is authorised (unless the hard protection structure is being removed).	The works associated with tie in to the existing Northport reclamation will comply with the requirements of this rule.
TAKING AND USE OF COASTAL WATER				
C.5.1.2 ‘Taking and use of coastal water’	Possible use of coastal water for construction purposes	CMA	No requirements.	N/A