

barracks were all features of the occupation of the foreshore and unformed road.

7. Initially a slipway and boat building and maintenance activities were established around the Stewart house. In 1971, land taken and exchanged for road created the sitte now occupied by the boatyard. In 1966, Council permission for a boatyard and associated slipway to the sea was granted. Boats were cleaned and maintained on the foreshore as was the practice of the time.
8. In 1967 – 68, major earthworks provided the platform needed to allow the construction of a slipway to the boatshed on the boatyard property (see 1967 photograph **attached** to my application). The slipway has been in its current location since 1976. At that time planning consent allowed the slipway over the unformed road to be used only to move boats to and from the sea. Boat storage, cleaning and maintenance on the unformed road continued.
9. In 1995, at my request the Minister of Conservation and the FNDC agreed to stop a portion of the Crown Grant Road, and vest it in the FNDC as a local purpose (esplanade) Reserve over which the FNDC would subsequently grant an easement to the Boatyard to formalize the existing and proposed activities of the Boatyard. The unformed road was formally stopped in June 1998 and vested as a Local Purpose (esplanade) Reserve).
10. In 2000, I made a joint application to the NRC and Far North District Council for land use and discharge consents, and coastal permits for boatyard activities on the newly created reserve and in the coastal marine area. These consents, as amended by appeal, were granted by Environment Court Consent Order dated 31 January 2002.
11. Since that time the resource consents allow specified boatyard activities on the Reserve, including the wash down, repair and maintenance of boats while on the slipway, a discharge containment system located on the reserve, and the discharge of contaminants to air, land and the CMA, all in accordance with the conditions of the consents. In addition, coastal permits provide for a jetty and the exclusive occupation of a portion of the CMA.
12. The discharge consents were subsequently reviewed and replaced in 2008 with an expiry date of 31 March 2018. The coastal permits have an expiry date of March 2036. A copy of the existing consents held for the boatyard is attached to my applications.

13. **The Applications**

Beach rehabilitation

14. I wish to advise up front that I have reconsidered my proposal to rehabilitate the foreshore and beach in front of the boatyard and have decided not to proceed with that part of the applications.

Discharge Consents

15. The existing Discharge consents for boatyard activities on the land and in the CMA have now expired. I have applied for their renewal to effectively control and mitigate the effects on the environment from the activities of this boat maintenance facility. Without their renewal the land use consents and coastal permits will become useless into the future.

Coastal permits

16. The structural removal and reconstruction consents for the slipway and jetty are for the renewal of thirty year old structures that were built to less than modern standards for safety, utilization, and security. They are now likely not to last the term of their existing consents without considerable capital investment.
17. The proposed new jetty structure will be located at the extreme north side of the bay with no change to the location of the abutment. It is designed to fit in along the bush to be visually more amenable to the bush clad foreshore whilst at the same time utilizing the width of the occupational footprint for approaches to the slipway and new jetty in a more effective manner at all tides. The three working berths and mudcrete grids are functions of the shorter length and configuration of the jetty allowing five berths overall instead of the present eight allowed by the existing consent.
18. The marina berths, pontoon and mooring areas consents replace an old pontoon and are for the purpose of accommodating a sustainable number of deep water marinas in relationship to the onshore infrastructures of parking, rubbish, restrooms, power, and water now that the boatyard operations have down sized for better environmental controls on the land.

Dredging

19. The capital and maintenance dredging consents are to augment access to the new structures within the new occupational footprint to allow for 24/7 all tide access to the 2 metre draft line along the Veronica Channel at low tide. There is no tangible reason to dredge the occupational structure footprint and leave it stranded as a pond at half to low tide in every tide cycle. This particularly so as the structures are commercial in nature with activities that are at the core purpose for the access within this application.
20. The "Dredging Mooring Management Plan" (**attached**) addresses the NRC Harbour Master's concerns. It lays out the processes by which the dredging will be conducted and the responsibilities of the consent holder to the mooring holders in the exercise of these consents. The consents imbedded in the utilization design of the jetty are for the greater safety, functionality, and security regarding basic marine maintenance activities both during the day and/or at night.
21. The consent to occupy space in the CMA is a follow on from the original coastal permits which were always based on the location of the slipway turning block at the eastern boundary of the occupation area. This block has not been shifted from its original location. The distance measurements have always been incorrectly shown on the NTS (Not to Scale) plan used for the earlier resource consents and by this application need to be corrected to reflect the existing situation. The Total Marine plan APP-039650-01 **attached** replicates NRC plan 4804/2 but is drawn to scale to reflect the existing situation.

Exclusive occupation of the CMA

22. The consent regarding exclusive occupation is also a follow on from the original coastal permits which allow for reasonable public access to the jetty. By this

Concerns in Staff Report

Dredging Mooring Management Plan

36. Discussions with the Harbour Master and Mooring Manager have resulted in the approval of my proposed Mooring Management Plan ("DMMP") which identifies control practices whilst dredging for navigational safety and consent holder responsibility to affected mooring holders. The DMMP (precirculated) is now in place and has been circulated for the Commissioners information.

Discharge Consent conditions

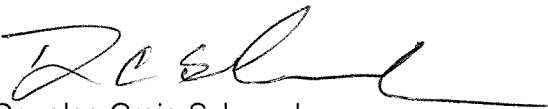
37. I have addressed the discharge consents both on the land and in the CMA above. I generally accept the conditions of consent. The only concerns I have relate to the conditions 70 and 72 of the consent for discharges to air on land. These relate to wind speed and direction, and the practical use of screening for containment of contaminants to impermeable surfaces. *deleted*
38. Condition 70 prevents the application of antifouling paint when the wind speed is below 0.5m/s or when the wind direction is blowing from between 45 degrees through to 170 degrees. Condition 72 requires screens to be erected around blasting areas to mitigate effects of spray drift.
39. As indicated in my diagram "Radius of Fall" with regard to the Woodward Clyde report, there is a clear consistent environmental condition at the boatyard of on shore winds 94% of the time less than 15 knots. Therefore no condition should be attached to this consent that in effect stops work when wind from any direction is less than 15 knots.
40. Spray drift from water blasting is solely fresh water and is not a contaminant that should or could be controlled by screens, except beyond the confines of Section 2 or slipway corridor.
41. I would therefore like to see conditions 70 and 72 amended to say:
- 70 All activities of water blasting of antifouling surfaces and spray painting shall not take place in onshore winds greater than 15 knots without screens.
 - 72 Screens shall be erected around blasting areas during high pressure water blasting to mitigate effects of spray drift. The screens shall be of a height sufficient to effectively direct and contain contaminants within the impervious slipway surfaces to allow the collection and treatment of contaminated wastewater through the discharge containment system.

Corrections to Plans and Problem Solving

42. There are issues with some of the dimensions and distances shown on the plans submitted with this application. This issue will be addressed by Andrew Johnson of Total Marine to ensure clarity in the final plans.
43. The conditions relating to dredging have required a rethink on the matter of establishing and protecting the shellfish bed to secure the area in relation to the dredging. This is also a matter for problem solving by Total Marine Services and will be addressed by Andrew Johnson.

but I know my slipway and its environment as a skilled expert practitioner in marine professional provisioning, facilitating, and maintenance.

53. For the discharge consents, I have endeavored to follow best practice methods in containment system designs, multiple structure placement, impermeable surfaces, screening when required due to environmental conditions, control utilities both on and hidden under ground, direct discharge connection to the Opuia sewer scheme, and foreshore improvements. I note that the discharge consents are inextricably related to the valid FNDC land use consent I hold which provides for boatyard activities on the reserve.
54. For the coastal permits, I have endeavored to satisfy the concerns expressed in the staff report. I have obtained approval from the Harbormaster to the proposed capital dredging. In recognition of the cultural and ecological issues likely to arise, I have decided not to proceed with the beach rehabilitation earlier proposed.
55. For the most part, I accept the conditions proposed by the Council consultant planner. For those conditions where I have expressed some concern, I am happy to discuss and accept conditions amended as necessary to take account of those concerns.
56. I believe my applications, when taken together with the conditions proposed and accepted, will benefit both the users of the boatyard and members of the public while having no more than minor effects on the environment.
57. I agree with the conclusions and recommendations of the staff report. I believe the applications can be approved and ask the Commissioners to do so.



Douglas Craig Schmuck

Date 17/5/2014