

Talking Points – verbal presentation Hearing 17th May 2018 (J Johnston)

Corrections to original submission....

Corrections to "Further Evidence"....

Redact ("Witness") from title of my "Further Submission" and replace with "Submitter".

Other corrections in F.S.....

Table correspondence with NRC Hearings Administrator vis a vie "expert witnesses names given 7th May, and expert submitter statement provided as "further submission" on 9th May.

Introduction

Key points in my submission – I oppose the proposal as presented, and associated consents on the basis that they are bundled to provide for a significant new development (not renewals and replacement of existing activities), and does so with the following deficits in terms of the deliberations that must be undertaken by the NRC and/or its appointed Hearings Panel:-

- Various descriptions, and yet insufficient description of the proposal (array of activities associated with establishing and then operating the new facilities in the CMA and demands on landward infrastructure to service these);
- inaccurate assessment of current context (site characteristics) and baseline environment (including coastal marine hydrology, recreational use by the land-based and boating public, ecology, natural character, ecology, sensitive sites);
- inaccurate assessment of the current environmental performance of the existing facilities and of the boatyard on the foreshore and associated with the road and Esplanade Reserves.
- inadequate Assessment of Environmental Effects (including absence of key aspects, including on hydrology, on ecology, on natural character, and on public use and enjoyment).

- absence of information about future use and demand of these facilities and public assets they area associated with; and on alternative locations or means of conducting the activity.

Note that my original submission was based on the information provided in the application as notified – and less so on later releases of information that included more detailed plans.

I have no objection to a renewal of consents (had these been applied for) relating to maintaining/replacing existing structures – to support the existing approved array of activities associated with the Boatyard and its jetty.

However, rather than more permissive conditions attached to those activities – resulting in discharges to air, to land and to water (directly as “treated wash mixed with ‘stormwater’ discharge, and indirectly via overland flow to the CMA).

I would ask that greater control and clear conditions be brought to bare – as it is now 2018, and the regulatory context has changed since consents were last NZCPS approved. RPS - N M+M Shatay - Opuia Manna consents

2004 Plan

It is a concern to me, having listened to part of the proceedings yesterday afternoon that the applicant is intending to have 24/7 boat hauling and charter boat operation off the new facilities – as the main reason for seeking to dredge. That is a considerable extension of this businesses operating management plan – well over and above simply wanting all tide access to the jetty.

I want it noted, please, that there has been NO disclosure of that in the statement of proposal, and no evaluation of the numerous adverse effects arising out of such an operation – particularly in this context. A sheltered Bay surrounded by natural bush ecosystem, with residential housing beyond (below the ridgeline). Night-time operations have not been assessed at all.

The “Ecological Report” was provided with little time to secure an independent expert reviewer – and while I endeavoured to do that (refer to correspondence with NRC Hearing Administrator, in which I named two specialists in NZ Environmental – 7th May), I did also ask if I could provide my own expert evidence, as I am capable of ‘peer reviewing’ that report, and providing comment on my own volition.

As the NZ Environmental was not able to turn around a peer review in the time-frame requested, I did choose to present my own review of that report, in terms of its ability to inform a description of the location or operating environment, or any AEE as relevant to the proposal and consents as applied for.

In my Further Submission – I challenged the Ecological Report as it is not sufficient for the purposes of an appraisal of the ecological context associated with this proposal. Nor is it an Assessment of Ecological Effects.

That report does provide evidence of existing contamination, most likely emanating from the boat yard (point source pollution essentially), and dispersed throughout this Bay.

It does not make mention of the impact of the existing small sea wall, as a barrier to the passage of Little Blue Penguin, seeking to rest and to nest in their natural habitat. (Refer to newspaper article, of local schools building penguin huts for placement around the coast at suitable sites).... Walls Bay was ideally suited to this species, before the foreshore was “de-naturalised” with the inclusion of a hard wall, too high for them to jump and too vertical for them to climb.

There are a number of other matters I would have raised in my Further Submission, that I didn't include, as it turned out I would need to provide a statement on the ecological report myself.

For example – I did not discuss in more detail, the hydrology of the area – in terms the influence of catchment hydrology and of the tidal flows. I ought not have to however, as I am not the applicant.

I note now however, that the Bay is sheltered (as noted yesterday with regards to 'pre-dominant wind patterns'). That is of benefit to the public use of the Walls Bay Reserve, as well as to the boatyard.

The waters are also calmer than elsewhere in the vicinity, similar to an eddy and lesser flows) as seen for example on the side of a river below a waterfall – that in the more exposed coastline beyond.... so at English Bay further to the north-west for example, where conditions are less sheltered.

The dominant channel providing for 24/7 access to the Opuia Marina is the Waikere Inlet, that Taumarere River discharges into further south-east of the Opuia Marina.

Walls Bay, therefore, provides a habitat different to other parts of Opuā (as evidenced by the continuing presence of shellfish beds). One can envisage sting ray use the Bay, crabs, sprats feeding grounds and seagulls and wading birds feeding in the intertidal zone.

The 'settled' nature of this Bay tells us something of the hydrology of the Bay and Inlet as well. Yes, it also makes it a nice spot for jetty. Unfortunately, it also means contaminants can (and have) settled there and accumulate at concentrations that make it literally 'contaminated' – in other words, it is NOT suitable in my opinion, for boat maintenance work associated with a mudcrete in the CMA.

There is a big difference between 'embarking/disembarking services' and 'boat maintenance services'. *20 pua Basin*
for charter boats
& accomodation at a mini-marina.

There are facilities for 'boat maintenance' – on land – all around the Bay. These have appropriate wash-down holding and treatment facilities, hard surfaces for preparing for painting and painting, and waste management facilities.

In my view – the addition of a dredged channel within the Bay will affect the natural hydrology. Particularly a channel dredged into that side of the Bay.

One can anticipate increased vertical flow (off the beach, via that channel) during stormy conditions, and reduced lateral drift.

Lateral drift deposition is evident in the sampling as provided by 4sight, as well as in the construction of the Walls Bay and the Opuā beach – and indeed in the pattern of erosion at the promotories either side of Walls Bay.

However, in the vicinity of the channel at the foreshore, one can anticipate displacement of the "swash zone" (wave action) and shifting it further up the beach. A channel all the way to the beach would introduce a new rip that doesn't currently exist.

I did note in my further submission – some key considerations as directed by the NZCPS.... Refer to page 7.

I neglected to provide a review of the S42 Planner's Report.

I would like to focus on the later today – and table some notes in support of my verbal presentation today.

P3 – innominate activities – deemed “discretionary”. The Regional Coastal Plan did not conceive of ‘vessel maintenance’ in the CMA (refer to the consents for the Tui, or “shippeys” – near Waitangi Wharf. It is a permanent structure in the CMA, that is prohibited from having any maintenance work done on it in situ).... Consider the “precedent” of allowing boat maintenance in the CMA.

P3 – innominate activity – deemed “discretionary” – occupy space in the CMA “to the EXCLUSION OF OTHERS” – was not conceived of in the NRCP. Not improving public access, but curtailing it (existing use right as per current consents), and extending it. *Refer to Pakia Reef – permitted as public access*

P5-6 – Activity Description – does not outline the type, level and/or frequency of use of the new structures in the CMA. Does not account for the landward side demands on infrastructure and compatibility with landward planning.

In current NRCP – this area is Zoned for “Moorings” – not for a marina. *2004*

No where is the NRC’s adopted (2014) “Moorings and Marina Strategy” referenced. This area is NOT identified as a marina area – there are moorings provided for beyond the navigation ‘free-way’ that provides clearance around the coast to access the moorings within the Opuā Basin.

P7 – p8 – discharge of wash water to the CMA. Current consents provide only for TREATED washwater to be discharged – and this has been diverted to the public waste water scheme. The new consents seek to discharge untreated wash to the CMA – with no assessment as to the effects of permitting that. *accidents / risk might weather dependent*

P7 – p11 – Discharge permits – are all sought for the wrong location – shifting to the CMA, and OFF the boatyard property (that is zoned commercial – not industrial). A *change in Easement IS NOT* failure by the FNDC to provide adequate distinction between “commercial” and “industrial” activities has lead to numerous conflicts and anomalies for District *rescue consent* planning, as industrial and commercial have occupied each others zones.

Consider – are these consents simply being applied for in the wrong place. These discharges can all be contained in private space of the boatyard, and do not need to be delivered to the CMA, should the activities be provided for on land.

P8 – 1.8 p17 – vessels tied up for “accommodation purposes” – a Marina facility must offer on-shore services – for example, solid waste management,

lawyer says permitted on slipway

toilets/showers (sewage solutions), potable water, parking. None of these are outlined or able to be assessed. Extensive new Marina facilities are located just around the corner.

Are boutique (unserviced) marina's OK in the inshore environment? There is already acknowledged pressures at popular casual mooring sites throughout the Bay of Islands. What we can observe on land with "freedom campers" can not be as easily observed when it comes to over-night stays throughout the Bay.

Bay Beach Cleaners – pick up a lot of pegs – perhaps not surprisingly.

P9 – 1.9 -

While the applicant has alluded (in response to the Commissioner's questioning as to if he envisages all the consents – as a bundle – need to be approved, or perhaps some lesser mix could be granted (as relevant to replacement or even extension of structures and occupation area) while refusing others such as pertaining to dredging) that the whole bundle must be approved to ensure the boat yard business remains viable – that is not the concern of the Hearing Panel.

----- *Ambitious change.*