

To: Northland Regional Council Hearings Committee.

APP.039650.01.01,

Dr Anthony Atkinson, expanding on my original submission (31 Jan18) following recess.

~~This is a profoundly inauthentic application for exclusive use of resources that are in continual use by the general public. Or were, until this applicant took dominating occupation of jetty, of esplanade and of the beach, for example by assaulting a citizen observing boatyard goings-on on the Reserve, removing public signage on the Reserve. (Thereby creating trespass anxiety which continues to inhibit public use of the Reserve, beach and jetty).~~

There are 3 PROCEDURAL MATTERS that I believe should be addressed before Madam Commissioner makes her conclusions.

First

(1). The Communities interest has been wilfully blinded and diverted by The **December 2017** public notification of a haphazard collection of unbound, and unindexed, ~~allowance~~ 'smoke screen,' of business-as-usual consent-renewals, for a boatyard that no longer exists. These renewals buried the application for new resources in Dec 2017. (This problematic procedural manipulation gets worse,)

Secondly

(2). An incomplete and deficient notification, **in Dec 2017** has strategically excluded all those citizens who have only now, in **July 2018** become, indirectly aware of The Applicants actual plan.

Those that didn't register any concern for the now obsolete, but not withdrawn notification of **Dec 2017** have no rights to be heard on the actual, but **fundamentally different scope** of a **private Marina plan of July 2018** (having a different scope in character, in location and in size). From the Dec 2017 notification) These citizens have no rights to make a submission. Is this appropriate hosting by a Regional Council?

to the heart of the inauthenticity of this application and I ask that the Commissioner bear this in mind when making her adjudication.

(8.) What is authentic is the fact that in May 2018 ~~the Commissioner will have observed that~~ for all intents and purposes The Applicants property has reverted to private use. The property has no hard stand rail network and all but the property owners private boat cradle are removed. I find it particularly relevant that the applicants property has no boundary adjoining the CMA, or the existing jetty, which is in the CMA.

There was and is no longer any hardstand rail network for accommodating more than the Applicants private boat on the applicants private property.

~~in conclusion~~

~~In the event that The Commissioner finds reason to grant resources for use by The Applicant~~ I submit that there should be no unenforceable, discretionary conditions pertaining to the erection/or not of spray-drift screens.

Users of the Esplanade deserve not to have their enjoyment impaired by ~~s~~ spray drift.

Water-blasting or coating repairs should only occur within the boundaries of the Applicants property. Screens must be used whenever such occurs.

There is a significant prospect that The Applicant will claim no commercial interest or responsibility if encouraging, unaware DIY boaties to attend to their coatings on the slipway as has occurred frequently in the past and already shown in video evidence to this hearing in May.

For this reason I submit that all work on boat coatings beyond that of cloth and brush wipe downs be confined to the Applicants property and confined by screens.

on the positive side
~~finally~~

I have no objection to dredging of a channel to improve access to the pontoon and enhance the operation of the Great Escape charter operation.

There are

Many ~~lies have been told and~~ misapprehensions induced by the Applicant.

For example;

This slipway was originally not to serve the boating public. It was placed purely ¹⁹⁷⁵ for the one-off launching of the boats that the artisan boatbuilder, Ted Leeds, constructed within the present structure on the property in a residential zone.

It was the next enterprising owner, Elliott, who took advantage of the defacto slipway to convert the open land surrounding the shed with an ingenious rail network and turntable, so as to enable hardstand for up to 6 vessels at any one time to be brought to the yard. Elliot ran such a respectful operation that the NRC consented to him constructing a jetty that the public could use as well.

The Applicants most recent deception was that of showing yourself Madam Commissioner, a fake survey peg, during your May 2018 site inspection, placed by The Applicant so as to mislead you as to the boundary of the Applicants property. This peg has since been removed.

I can name 3 boaties who would testify as to being misled to believe that it was quite ok for them to do their own boat maintenance work on the publics recreational asset or in the CMA,

The local school principal and the PTA have been misled by the Applicant ~~as to their right to arrange with The Applicant, a suitable time to hold the schools annual regatta and gala day using the Esplanade and jetty.~~

Finally I have to say... both statutorily responsible authorities are running scared of this applicant.

The FNDC, alone, has consumed over \$800,000 of ratepayers funds attempting to resist and then succumbing to this applicants vexatious legal assault on our rules and regulations. I expect it will take the Minister for Conservation withdrawing her ministerial warrant of delegation to the District Council to bring this behaviour to a halt.

This application now has the necessary prof reports.

this application needs to be notified