

RECOMMENDATION

Recommendation A

Pursuant to Sections 104 and 104B of the Resource Management Act 1991, consent is granted to Doug's Opuia Boatyard for the following resource consents, subject to the terms and conditions set out attached to this decision as Appendix A.

- AUT.041365.01.01** Demolish and construct a wharf facility in the coastal marine area (including alterations to the wharf, floating pontoons, piles, stormwater pipe(s) (attached to wharf), marina berths, slipway, signage, ladders, security and safety lighting, security gate).
- AUT.041365.02.01** Reconstruct a slipway in the coastal marine area (inclusive of slipway, turning block and associated cabling).
- AUT.041365.03.01** Place a hard protection structure (subsurface erosion barrier) in the coastal marine area.
- AUT.041365.04.01** Occupy space in the coastal marine area with structures, including a wharf facility, a workboat mooring, and associated dinghy pull, and a hard protection structure.
- AUT.041365.05.01** Occupy space in the coastal marine area in the vicinity of the wharf facility and slipway to the exclusion of others (occupation area).
- AUT.041365.06.01** Use the slipway in the coastal marine area for minor vessel maintenance.
- AUT.041365.07.01** Use the wharf facility structures and three working berth areas adjacent to the wharf in the coastal marine area for the purposes of vessel maintenance and chartering.
- AUT.041365.08.01** Use two berths associated with the wharf facility pontoon as a marina in the coastal marine area.
- AUT.041365.09.01** Disturb the foreshore and seabed in the coastal marine area during demolition and removal of unwanted structures, wharf facility and slipway reconstruction, and construction of a subsurface erosion.
- AUT.041365.11.01** Capital dredging around berths, fairway and slipway in the coastal marine area.
- AUT.041365.12.01** Maintenance dredging to maintain vessel berths, fairway and slipway in the coastal marine area.
- AUT.041365.13.01** Discharge treated stormwater to the coastal marine area.
- AUT.041365.14.01** Discharge contaminants to land from vessel maintenance activities.
- AUT.041365.15.01** Discharge contaminants to air from vessel maintenance activities.
- AUT.041365.16.01** Discharge contaminants to air in the coastal marine area from vessel maintenance activities.

Recommendation B – APP.008270.01.03

Pursuant to Section 127, consent is granted to amend conditions of the existing consent AUT.008270.01.02 held by Interesting Projects Limited T/A Great Escape Yacht Charters. The amendments to the relevant conditions are identified below, where deletions are shown as ~~strike through~~, and insertions are identified as **underscored and bolded text**.

INTERESTING PROJECTS LIMITED T/A GREAT ESCAPE, PO BOX 461, PAIHIA 0247

To undertake the following activity in Walls Bay, Opua at or about location coordinates 1701530E 6091859N:

AUT.008270.01.03	Place and use a floating structure in the coastal marine area alongside a wharf facility at Doug's Opua Boat yard, for the purpose of maintaining and servicing charter trailer yachts.
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Subject to the following conditions:

~~To place and use a floating structure alongside the existing jetty at Doug's Opua Boat yard, for the purpose of maintaining and servicing charter trailer yachts, Map Reference Q05:123 537 subject to the following conditions:~~

- 1 This consent is to use only those parts of the coastal marine area at Opua Basin ~~for the purposes of the consent as shown on NRC Plan No. 3014A attached, and applies only to the structure identified as 'Prop. Charter Pontoon Berth'~~ on the Reyburn and Bryant drawing referenced as **Northland Regional Council Plan Number 4952/1 attached**. The floating structure shall only be located on the northern side of the existing ~~jetty~~ **wharf facility**.
.....
- 3 The colour of the floating structure shall blend in with that of the ~~jetty~~ **wharf facility** and the surrounding landscape, such that the floating structure is unobtrusive when viewed from anywhere on Beechy Street.
.....
- 5 Vessel toilets shall not be discharged whilst the vessel is alongside the floating structure or the ~~jetty~~ **wharf facility**.
- 6 All vessel cleaning slops containing chemicals and all rubbish removed from vessels whilst at the floating structure or adjoining ~~jetty~~ **wharf facility** shall be disposed of on land to an authorised disposal facility.

APPENDIX A: RECOMMENDED CONDITIONS OF CONSENT

AUT.041365.01.01 **Notified New
Notified Replacement**

DOUGLAS CRAIG SCHMUCK, C/- DOUG'S OPUA BOATYARD, 1 RICHARDSON STREET, OPUA 0200

To carry out the following activities associated with a boat yard operation on Part Lot 1 and Lot 2 Block XXXII Town of Ōpua and Section 3 Blk XXXII [Town of Opuā](#); Sections 1-3 SO 68634 (NA121C/187), Part Russell Harbour Bed Deposited Plan 18044 (NA399/138) and in the coastal marine area at and adjacent to Walls Bay, Ōpua, Bay of Islands between location coordinates 1701619E 6091913N and 1701491E 6091813N.

- AUT.041365.01.01** Demolish and construct a wharf facility in the coastal marine area (including alterations to the wharf, floating pontoons, piles, stormwater pipe(s) (attached to wharf), marina berths, slipway, signage, ladders, security and safety lighting, security gate).
- AUT.041365.02.01** Reconstruct a slipway in the coastal marine area (inclusive of slipway, turning block and associated cabling).
- AUT.041365.03.01** Place a hard protection structure (subsurface erosion barrier) in the coastal marine area.
- AUT.041365.04.01** Occupy space in the coastal marine area with structures including a wharf facility, a workboat mooring, and associated dinghy pull, and a hard protection structure.
- AUT.041365.05.01** Occupy space in the coastal marine area in the vicinity of the wharf facility and slipway to the exclusion of others (occupation area).
- AUT.041365.06.01** Use the slipway in the coastal marine area for minor vessel maintenance.
- AUT.041365.07.01** Use the wharf facility structures and three working berth areas adjacent to the wharf in the coastal marine area for the purposes of vessel maintenance and chartering.
- AUT.041365.08.01** Use two berths associated with the wharf facility pontoon as a marina in the coastal marine area.
- AUT.041365.09.01** Disturb the foreshore and seabed in the coastal marine area during demolition and removal of unwanted structures, wharf facility and slipway reconstruction, and construction of a subsurface erosion barrier.
- AUT.041365.10.01** Earthworks in the coastal riparian management area (for slipway reconstruction).
- AUT.041365.11.01** Capital dredging around berths, fairway and slipway in the coastal marine area.
- AUT.041365.12.01** Maintenance dredging to maintain vessel berths, fairway and slipway in the coastal marine area.
- AUT.041365.13.01** Discharge treated stormwater to the coastal marine area from a proprietary stormwater system.

- AUT.041365.14.01** Discharge contaminants to land from vessel maintenance activities on Part Lot 1 and Lot 2 Block XXXII Town of Ōpua and Section 3 Blk XXXII Town of Ōpua (NA21C/265); Sections 2 and 3 SO 68634 (NA121C/187).
- AUT.041365.15.01** Discharge contaminants to air from vessel maintenance activities on Part Lot 1 and Lot 2 Block XXXII Town of Ōpua and Section 3 Blk XXXII; Sections 1-3 SO 68634 (NA121C/187); Part Russell Harbour Bed Deposited Plan 18044 (NA399/138).
- AUT.041365.16.01** Discharge contaminants to air in the coastal marine area from vessel maintenance activities within an occupation area adjacent to the wharf.

Subject to the following conditions:

General Conditions

- 1 The council's assigned monitoring officer shall be notified in writing of the date that the installation of the proprietary stormwater treatment system is intended to commence, at least two weeks prior to the works. Notice shall also be provided to the council's assigned monitoring officer two weeks prior to commencement of demolition construction, and/or maintenance works, capital dredging and each maintenance dredging operation on each occasion.
- 2 The Consent Holder shall arrange for a site meeting between the Consent Holder's contractor(s) and the council's assigned monitoring officer prior to the installation of the proprietary stormwater treatment system, and also prior to the wharf facility demolition and construction works. No works shall commence until the council's assigned monitoring officer has completed the site meeting on each occasion. If this site meeting cannot occur during this period due to the council's assigned monitoring officer not being available, then works can commence on the date specified in the notice provided in accordance with Condition 1.

Advice Note: *Notification of the commencement of works may be made by email to info@nrc.govt.nz.*

- 3 As part of the written notification required by Condition 1, the Consent Holder shall provide written certification from a suitably qualified and experienced person to the council's assigned monitoring officer to confirm that all plant and equipment entering the coastal marine area associated with the exercise of these consents is free from unwanted or risk marine species.
- 4 All structures and facilities covered by these consents shall be maintained in good order and repair.
- 5 Any activities undertaken on land and any activities in the coastal marine area associated with the boatyard activity authorised under this consent shall avoid any debris being discharged into the coastal marine area.
- 6 Noise levels associated with the exercise of these consents shall not exceed those set out in Schedule 1 **attached**.
- 7 The Consent Holder shall submit an updated Operational Management Plan (OMP) to the council's Compliance Manager for certification within three months of the date of commencement of these consents. The OMP shall cover all aspects of:

- (a) The operation and maintenance of the wharf;
- (b) The operation and maintenance of the slipway;
- (c) Measures to minimise the discharge of contaminants to coastal waters during operation or maintenance of the slipway or during maintenance activities undertaken on or adjacent to the wharf;
- (d) The operation and maintenance of the wash-water ~~treatment~~ **collection** and disposal system, including as-built plans of the ~~treatment~~ system;
- (e) The operation and maintenance of the stormwater treatment system, including as-built plans of the stormwater treatment system;
- (f) Measures to minimise the discharge of contaminants to ground;
- (g) Measures to minimise the emissions and any adverse effects on the environment from the discharges to air including
 - (i) Temporary signage to alert persons that painting is taking place and to maintain a minimum 15m separation from the activity.
 - (ii) Training procedures which explain the correct use of the water blaster to minimise the effects associated with water spray;
- (h) Contingency measures for unforeseen or emergency situations.

Commented [BH1]: Wash water is not being "treated" prior to discharge to the public sewer.

Advice Note: *The council's Compliance Manager's certification of the OMP is in the nature of certifying that adoption of the OMP is likely to result in compliance with the conditions of these consents. The Consent Holder is encouraged to discuss its proposed OMP with council monitoring staff prior to finalising this plan.*

- 8 The operation and maintenance of the boatyard operations and wharf facilities and marina facility shall be carried out in accordance with the most recent version of the certified Operational Management Plan. If there are any differences or apparent conflict between these documents and any conditions of these consents, the conditions of consent shall prevail.
- 9 The Consent Holder shall relodge the Operational Management Plan for certification in accordance with Condition 7 in consultation with the council's assigned monitoring officer at no greater than three yearly intervals. The reviewed Operational Management Plan shall not take effect until its certification by the council's Compliance Manager.
- 10 A copy of these consents shall be provided to the person who is to carry out the works associated with these consents. A copy of the consents shall be held on site, and available for inspection by the public, during demolition, construction and/or maintenance and dredging.
- 11 In the event of archaeological sites or kōiwi being uncovered, activities in the vicinity of the discovery shall cease and the Consent Holder shall contact Heritage New Zealand Pouhere Taonga. Work shall not recommence in the area of the discovery until the relevant Heritage New Zealand Pouhere Taonga approval has been obtained.

Advice Note: *The Heritage New Zealand Pouhere Taonga Act 2014 makes it unlawful for any person to destroy, damage or modify the whole or any part of an archaeological site without the prior authority of Heritage New Zealand Pouhere Taonga.*

12 The Consent Holder shall, on becoming aware of any discharge associated with the Consent Holder's operations that is not authorised by these consents:

- (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain the discharge; and
- (b) Immediately notify the council by telephone of the discharge; and
- (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the discharge; and
- (d) Report to the council's Compliance Manager in writing within one week on the cause of the discharge and the steps taken or being taken to effectively control or prevent the discharge.

For telephone notification during the council's opening hours, the council's assigned monitoring officer for these consents shall be contacted. If that person cannot be spoken to directly, or it is outside of the council's opening hours, then the Environmental Emergency Hotline shall be contacted.

Advice Note: *The Environmental Emergency Hotline is a 24 hour, seven day a week, service that is free to call on 0800 504 639.*

13 These consents shall lapse 5 years from ~~the commencement date of this decision~~, unless before this date the consents have been given effect to in accordance with Section 125(1A) of the RMA. The various consents will be deemed to be given effect to as follows:

Commented [BH2]: The commencement date is determined after any appeals have been resolved and so will not necessarily be the "date of this decision".

(a) Bundle A

- i. ~~AUT.041365.01.01-AUT.041365.05.01, AUT.041365.09, AUT.041365.11.01 and AUT.041365.12.01~~— ~~Conditions relating to the Wharf and Marina Facility, Subsurface Erosion Barrier, Slipway, Dinghy Ramp, Stormwater Culverts, Workboat Mooring and Dinghy Pull, Demolition, construction, dredging, maintenance dredging and occupation consents.~~
- ii. ~~AUT.041365.01.01-AUT.041365.03.01 and AUT.041365.09.01-AUT.041365.12.01~~— ~~Disturb the Foreshore during Demolition, Construction and Maintenance of a Wharf and Marina Facility and Associated Structures, and During Dredging~~
- iii. ~~AUT.041365.10.01-AUT.041365.12.01 Earthworks and Capital and Maintenance Dredging (including removal of contaminated sediments).~~
- iv. ~~AUT.041365.05.01—Occupation of space in the CMA~~

Deemed to be given effect to when demolition and dredging commences.

(b) Bundle B

- i. AUT.041365.06.01 – ~~AUT.041365.08.01~~ - Use of the Slipway, Wharf and Marina Facility
- ii. AUT.041365.13.01 – Discharge of Treated Stormwater to the Coastal ~~M~~marine Area
- iii. AUT.041365.14.01 – Discharge to Land
- iv. AUT.039650.15.01 – Discharge Contaminants to Air From land
- v. AUT.039650.16.01 – Discharge Contaminants to Air in the Coastal Marine Area

Deemed to be given effect to when boat maintenance activities re-commence (either on land or in the CMA).

- 14 Prior to the expiry or cancellation of these consents, those structures, other materials and ~~refuse-debris~~ located in the coastal marine area associated with these consents shall be removed, and the coastal marine area shall be restored to the satisfaction of the council's assigned monitoring officer, unless an application has been properly made to the council for the renewal of these consents or the activity is permitted by a rule in the Regional Plan.
- 15 The council may, in accordance with Section 128 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions annually during the month of July for any one or more of the following purposes:
- (a) To deal with any adverse effects on the environment that may arise from the exercise of the consent and which it is appropriate to deal with at a later stage; or
 - (b) To require the adoption of the best practicable option to remove or reduce any adverse effect on the environment; or
 - (c) To review discharge to air conditions relating to controls over timing of, and equipment used for, application of antifoulant and equipment to mitigate effects of air discharges.

The Consent Holder shall meet all reasonable costs of any such review.

Surrender of Consents

- 16 The Consent Holder shall surrender, in writing to the council, resource consents AUT.007914.01.03, AUT.007914.02.01, AUT.007914.07.01, AUT.007914.08.01, AUT.007914.09.01, and those parts of Deemed Coastal Permit AUT.005359.01.01 that relate to occupation of coastal marine area by and use of a jetty structure within one month of the completion of the wharf and marina facility construction works.

Advice note: That part of the deemed coastal permit AUT.005359.01.01 relating to occupation of the coastal marine area by a slipway is not surrendered.

AUT.041365.01.01–AUT.041365.09.01 – Conditions relating to Wharf and Marina Facility, Subsurface Erosion Barrier, Slipway, Dinghy Ramp, Stormwater Culverts, Workboat Mooring and Dinghy Pull

- 17 This consent applies only to the structures and facilities identified on the **attached** Reyburn and Bryant Limited drawings referenced as Northland Regional Council Plan Numbers **4952/1, 4952/2 and 4952/3** and **attached** Total Marine Limited drawings reference as Northland Regional Council Plan Numbers **4953/1, 4953/2, 4953/3, 4953/4, 4953/5 and 4953/6**.
- 18 The structures and facilities shall be constructed and maintained in accordance with the **attached** Reyburn and Bryant Limited drawings referenced as Northland Regional Council Plan Numbers **4952/1, 4952/2 and 4952/3** and **attached** Total Marine Services Limited drawings referenced as Northland Regional Council Plan Numbers **4953/1, 4953/2, 4953/3, 4953/4, 4953/5 and 4953/6**.

19 As part of the notification required by Condition 1 of this consent, a Demolition and Construction Management Plan (DCMP) shall be submitted to the councils Compliance Manager for certification. As a minimum, the DCMP shall include the following:

- (a) The expected duration (timing and staging) of the demolition and construction/refurbishment works including disposal sites for unsuitable material.
- (b) Details of sediment controls (e.g. silt curtains/screens) to be established during the demolition and construction works, including during dredging for the slipway refurbishment.
- (c) The commencement and completion dates for the implementation of the sediment controls.
- (d) Measures to ensure protection of the shellfish bed during the works.
- (e) Monitoring procedures to ensure adverse effects on water quality beyond works area in the coastal marine area are minimised.
- (f) Measures to prevent spillage of fuel, oil, and similar contaminants.
- (g) Contingency containment and clean-up provisions in the event of accidental spillage of hazardous substances.
- (h) Means of ensuring contractor compliance with the DCMP.
- (i) The name and contact telephone number of the person responsible for monitoring and maintaining all sediment control measures.

The Consent Holder shall undertake the activities authorised by this consent in accordance with the certified DCMP. Certification and compliance with the DCMP does not override the requirement to comply with any/all other conditions of this consent.

Advice Note: *The council's Compliance Manager's certification of the DCMP is in the nature of certifying that adoption of the DCMP is likely to result in compliance with the conditions of this consent. The Consent Holder is encouraged to discuss its proposed DCMP with council monitoring staff prior to finalising this plan.*

20 The seaward end of the wharf and marina facility pontoon shall be marked with the number **41365** in black lettering on a white background clearly displayed and in such a manner as to be clearly visible from the sea.

21 On completion of the construction of the wharf and marina facility, subsurface barrier, culverts, and dinghy pull, the Consent Holder shall provide to the council's assigned monitoring officer a plan defining the location of the features within the coastal marine area, such plan to include suitable GPS co-ordinate data (using Transverse Mercator 2000) in order for the council to be able to locate the features.

22 All rock or other materials used in the construction of the subsurface erosion barrier shall be free from material that could contaminate the adjacent foreshore.

23 All vehicles or equipment entering the coastal marine area associated with the exercise of these consents shall be in good state of repair and free of any leaks e.g. oil, diesel etc.

- 24 An oil spill kit, appropriate to the plant and equipment being used, shall be provided and maintained on site during demolition, construction or maintenance works.
- 25 Works associated with demolition, construction and/or maintenance of the structures and facilities shall only be carried out between 7.00 a.m. and sunset or 6.00 p.m., whichever occurs earlier, and only on days other than Sundays and public holidays.
- 26 Any discharges to water arising from the exercise of these consents shall not result in any conspicuous oil or grease film, scums or foams, floatable or suspended materials, or a reduction in natural visual clarity of more than 20%, or emissions of objectionable odour in the coastal water, as measured at any point 10 metres from the facilities during demolition, construction, or maintenance of the facilities.
- 27 Immediately upon completion of the installation of the wharf and marina facility structures (and associated capital dredging) the Consent Holder shall notify the following organisations in writing of the installation of the facilities. Evidence of this notification shall be provided to the council's assigned monitoring officer.

Hydrographic Surveyor
Land Information New Zealand
PO Box 5501
Wellington 6145

Far North District Council
Private Bag 752
Kaikohe 0440

The Maritime Safety Inspector Maritime New Zealand
PO Box 195
Ruakākā 0151

The Consent Holder shall include a scale plan of the completed works with the notification.

- 28 The Consent Holder shall have the structural integrity of the reconstructed wharf and marina facility and slipway structures inspected and reported on by a Chartered Professional (Structural) Engineer. The first inspection shall be undertaken prior to July 2035 and the wharf and marina facility structures shall be re-inspected at ten yearly intervals prior to the month of July in 2045, with a final inspection undertaken prior to 31 January 2054, being six months before the expiry date of this consent. An inspection report from the Chartered Professional Engineer shall be provided to the council's assigned monitoring officer within two weeks of completion of the inspection. The inspection report shall identify any maintenance that is required, the timeframe within which this maintenance is required to be carried out and shall confirm, or otherwise, the ongoing structural integrity and security of the structures.
- 29 The Consent Holder shall carry out all the maintenance required as a result of the inspections undertaken in accordance with Condition 28 above within the timeframe(s) prescribed in the inspections report. The Consent Holder shall notify the council's assigned monitoring office, in writing, as soon as the maintenance works have been completed on each occasion. This notice shall be accompanied by a statement from a Chartered Professional (Structural) Engineer confirming that any identified maintenance works have been undertaken as prescribed in the inspection report.
- 30 In the event of failure or loss of structural integrity of any part of the wharf and marina facility covered by this consent, the Consent Holder shall immediately:

- (a) Retrieve all affected structure elements and associated debris that might escape from the marina and dispose of these on land where they cannot escape to the coastal marine area; and
- (b) Advise the Regional Harbourmaster for Northland and the council's Compliance Manager of the event and the steps being taken to retrieve and dispose of the affected structures and debris.

Advice Note: *The purpose of this condition is to avoid navigation safety being compromised by floating debris and avoid contamination of the coastal marine area.*

AUT.041365.05.01 – Occupation of Space in the CMA

~~31 The Consent Holder shall have exclusive occupation rights within the 'Exclusive Occupation Area' identified on the attached Reyburn and Bryant Limited drawing referenced as Northland Regional Council Plan Number 4965, except that the Consent Holder shall allow reasonable public access to and through this area and reasonable public access to and use of the wharf and pontoon structures.~~

~~Reasonable public access to and use of the dinghy ramp, wharf and pontoon structures shall be as set out below:~~

- ~~(a) Public access to the dinghy ramp to the south of the wharf, and beach landings to both sides of the wharf, to be available at all times;~~
- ~~(a) Public access past the wharf sign board, security gate and charter boat berth area may be restricted by the consent holders only when working conditions require;~~
- ~~(a) Unless restricted by working conditions, public access through the security gate shall be available during the hours of 0700 – 1800, and 0700 – 2000 during NZ Daylight Savings time. Any access outside daylight hours shall be by way of arrangement with the consent holder. The consent holder shall erect signage on the wharf on the lighting pole adjacent to the wharf abutment as shown on the Northland Regional Council Plan Number 4953/2 to advise the public of the availability of the public access.~~

~~31. The consent holder shall have exclusive occupancy of the area of seabed within the boundary of the Occupation Area shown on Northland Regional Council plan number 4965 except that the consent holder shall allow reasonable public access to and through this area, and reasonable public access to and use of the dinghy ramp, wharf and pontoon structures as set out below:~~

- ~~(a) Public access to the dinghy ramp to the south of the wharf, and beach landings to both sides of the wharf, to be available at all times;~~
- ~~(b) Public access past the wharf sign board, security gate and charter boat berth area, may be restricted by the consent holders when working conditions require;~~
- ~~(c) Public access through the security gate is to be permitted from 0700-1800, and 0700-2000 during NZ Daylight Savings time when the consent holders of the facility are on site and working conditions will allow, provided that fishing, collection of seafood and the bringing of any equipment onto the structures is prohibited.~~

Commented [BH3]: See supplementary statement relating to proposed conditions.

AUT.041365.06.01–AUT.041365.08.01 – Use of the Slipway, Wharf and Marina Facility

~~3231~~ Maintenance of vessels and structures shall not occur outside of the hours 0700-2200 seven days a week, and in compliance with the noise standards specified in **attached Schedule 1**, except in emergencies which directly involve the safety of people or vessels.

~~3332~~ There shall be no discharge of untreated sewage into the coastal marine area from vessels berthed at the marina.

Advice Note: *For compliance purposes, discharges of untreated sewage will be determined by direct observation of discharges as well as by identification of the presence of human PCR markers within water samples from the marina where these are not present in background water quality.*

~~34~~ ~~Prior to the commencement of these consents, sediment sampling and quality analysis shall be undertaken in the vicinity of the structures to establish a compliance 'baseline' at the mixing zone. Metal concentrations in sediments identified in subsequent monitoring of sediments shall not exceed the median concentrations 'baseline' measured in previous years from similar locations. Where the compliance 'baseline' is lower than the levels specified below, then they shall not exceed those levels as follows:~~

- ~~* 65 milligrams per kilogram of copper;~~
- ~~* 50 milligrams per kilogram of lead;~~
- ~~* 200 milligrams per kilogram of zinc;~~
- ~~* 80 milligrams per kilogram of chromium;~~
- ~~* 21 milligrams per kilogram of nickel; or~~
- ~~* 1.5 milligrams per kilogram of cadmium.~~

35 No vessel shall be used for overnight accommodation while berthed at the working berths- or marina, unless either:

- (a) The vessel is equipped with a sewage treatment system ~~which is~~ specified in Schedule 5 and 7, or is compliant with Schedule 6, of the Resource Management (Marine Pollution) Regulations 1998 and which is installed, maintained, and operated in accordance with the manufacturer's instructions; or
- (b) The vessel is equipped with a sewage holding tank that has an effective outlet sealing device installed to prevent sewage discharges, this device remaining activated in the sealed state or position at all times while the vessel is moored; or
- (c) The vessel is equipped with a portable toilet on board. For the purposes of this condition a portable toilet is defined as a sewage containment device constructed of impermeable materials which is fully self-contained and removable, and consists of two independently sealed chambers comprising a water holding tank and a sewage holding tank separated by a slide valve; or
- (d) The vessel (if equipped with a built-in through hull toilet facility and no sewage holding tank) has an effective outlet sealing device installed on the toilet facility, with the outlet

Commented [BH4]: See supplementary statement relating to proposed conditions.

sealing device from the toilet facility being maintained in a sealed state, and the toilet sealed, at all times while the vessel is moored.

- 36 No discharge of wastes (e.g. sewage, oil, contaminated bilge water) shall occur from any vessel occupying the working or marina berths or from any other activity carried out at the facilities unless the discharge is authorised by a resource consent, or is permitted by a rule in a Regional Plan or by provisions of the Resource Management (Marine Pollution) Regulations 1998.
- 37 The working berths shall not be used for the permanent mooring of any vessel. For the purposes of this condition “permanent mooring” means the use of the ~~wharf~~ **working berths** for longer than 10 consecutive days or the use for other than repairs and maintenance or survey work which, because of their nature, requires a vessel to be located at the wharf for a longer period.
- 38 Monitoring and testing of water ~~and sediment quality~~ in the vicinity of the facilities shall be undertaken in general accordance with the **attached Schedule 2**. The testing programme may, upon consultation between the council’s Compliance Manager and the Consent Holder, be amended, subject to the agreement of the council’s Compliance Manager. Various elements of the approved monitoring and testing programme may be carried out by the Consent Holder with the agreement of the council’s Compliance Manager.

Commented [BH5]: For clarity.

Commented [BH6]: Consequential amendment due to my view that condition 34 should be deleted.

AUT.041365.01.01–AUT.041365.03.01 and AUT.041365.09.01–AUT.041365.12.01 – Disturb the Foreshore during Demolition, Construction and Maintenance of a Wharf and Marina Facility and Associated Structures, and During Dredging

- 39 Prior to the commencement of demolition, construction and dredging works and before the site meeting required by Condition 2, the footprint of the sub-surface erosion barrier and dredging area (including batters) within the inter-tidal area identified on the **attached** Total Marine Services Limited drawing referenced as Northland Regional Council Plan Number **4953/5** shall be determined and generally marked with white survey pegs driven into the foreshore. The pegs shall be removed upon completion of the dredging works and construction of the subsurface erosion barrier shall be completed in accordance with the drawings identified in Condition 18.
- 40 Foreshore disturbance from demolition, construction and dredging activities authorised by these consents shall avoid disturbance of the shellfish beds located on the intertidal beach outside of the footprint of the sub-surface erosion barrier and dredging area identified in condition 39.
41. Prior to dredging and slipway reconstruction works, a Pipi Relocation Plan shall be prepared by a suitably qualified ecologist and submitted to councils Compliance Manager for certification. The plan shall include, but not be limited to, details of the methodology to:
- Assess the potentially affected areas of sediment for the presence of pipi;
 - Remove pipi from sediments to be dredged or excavated;
 - Provide measures to enhance pipi survival and re-establishment;
 - Limit and otherwise contain contaminated sediment losses within a secure area above MHWS; and,
 - Relocate pipi to an unaffected area of Walls Bay.

Advice Note: *The Compliance Manager’s certification of the pipi relocation plan is in the nature of certifying that adoption of the plan is likely to result in compliance*

with the conditions of this consent. The Consent Holder is encouraged to discuss its proposed plan with council monitoring staff prior to finalising this plan.

42. All works associated with the plan certified in condition 41 shall be implemented in accordance with the requirements of the certified plan. On completion and prior to commencement of any dredging activity, the consent holder shall provide written certification from a suitably qualified ecologist to councils Compliance Manager to confirm that the works have been completed in accordance with the plan approved in Condition 41.

AUT.041365.10.01–AUT.041365.12.01 – Earthworks and Capital and Maintenance Dredging (including removal of contaminated sediments)

- 43 A certified Dredging and Mooring Management Plan shall be submitted to the councils assigned monitoring officer prior to the commencement of dredging. The Dredging and Mooring Management Plan shall be developed in consultation with and ~~certificated~~certified by the Regional Harbourmaster for Northland, and as a minimum shall contain the following information:

- (a) Details regarding timing and progression of dredging
- (b) Location of spoil disposal
- (c) Navigational safety plan to address safe passage across the Veronica Channel

The Plan shall contain written direction of the Harbourmaster to authorise the movement of any mooring and attached vessel within the designated Mooring Zone that is affected by the proposed capital dredging. The removal and relocation of the mooring shall be undertaken by a mooring contractor approved by the Harbourmaster.

Advice Note: *The Regional Harbourmasters certification of the Dredging and Mooring Management Plan (DMMP) is in the nature of certifying that adoption of the DMMP is likely to result in compliance with the conditions of this consent. The Consent Holder is encouraged to discuss its proposed DMMP with council maritime staff prior to finalising this plan.*

- 44 A contaminated sediment remediation plan shall be submitted to the council's assigned monitoring officer for certification prior to the commencement of dredging. The plan shall, at a minimum, contain the following information:

- (a) Extent of area from which contaminated sediment will be remediated;
- (b) Remediation methodology;
- (c) Personnel responsible for the proposed works;
- (d) Any validation and/or ongoing monitoring requirements.

- 45 The remediation of contaminated sediment shall be carried out in accordance with the plan certified in Condition 44. Upon completion of the proposed works, the Consent Holder shall provide to the council's assigned monitoring officer a Site Validation Report confirming the extent of remediation works and results of validation testing.

- 46 Where in-situ soil treatment by immobilisation is adopted as part of the Proposed Contaminated Sediment Remediation Plan as per Condition 44, the Consent Holder shall ensure that any temporary stockpiling and treatment of materials on the site is located and

treated in a manner such that no material or untreated stormwater generated from any stockpile enters the coastal marine area.

47 Dredging operations shall be undertaken in accordance with the certified Dredging and Moorings Management Plan certified under Condition 43 above.

48 Dredging shall be confined to the defined dredging area identified on the **attached** Total Marine Services Limited drawing referenced as Northland Regional Council Plan Number **4953/3**.

49 The depth of capital dredging and any subsequent maintenance dredging shall not exceed 1.5 metres below chart datum, with the exception of the marina berths that shall not exceed 2.0 metres below chart datum, and batters are not to exceed 1:6 and 1:4, as detailed on the **attached** Total Marine Services Limited drawing referenced as Northland Regional Council Plan Number **4953/3**.

50 On completion of the capital dredging, the Consent Holder shall provide to the council's assigned monitoring officer a plan defining the location and depth of the dredging area and batters within the coastal marine area, such plan to include suitable GPS co-ordinate data (using Transverse Mercator 2000) in order for the council to be able to locate the extent of the dredging.

~~51 Maintenance dredging shall not take place more frequently than once in any consecutive 12 month period.~~

5251 All dredged spoil shall be fully contained whilst being transported to the disposal site and shall be disposed of on land at a location authorised to take such material.

~~5352~~ The council's assigned monitoring officer shall be notified in writing as soon as capital dredging is completed, and on completion of each maintenance dredging operation.

5453 No discharge of wastes (e.g. sewage, oil, bilge water) shall occur from any vessel associated with the exercise of this consent.

5554 Dredging works shall only be carried out between 1 April and 30 September.

5655 Work associated with the dredging shall only be carried out between sunrise and sunset, as defined in the New Zealand Nautical Almanac, and appropriate navigation signals shall be shown at all times during dredging activities.

5756 The exercise of these consents shall not cause any of the following effects on the quality of the receiving waters, as measured at or beyond a 100 metre radius from the dredger:

- (a) The visual clarity, as measured using a black disk or Secchi disk, shall not be reduced by more than 50% of the background visual clarity at the time of measurement;
- (b) The turbidity of the water (Nephelometric Turbidity Units (NTU)) shall not be increased by more than 50% of the background turbidity at the time of measurement;
- (c) The Total Suspended Solids shall not exceed 40 grams per cubic metre above the background measurement;

Commented [BH7]: I am unsure of the point of this condition. Maintenance dredging takes place "when it is required".

- (d) The production of any conspicuous oil or grease film, scums or foams, or floatable or suspended materials, or emissions of objectionable odour; and
- (e) The destruction of natural aquatic life by reason of a concentration of toxic substances.

5857 Monitoring of dredging shall be undertaken in accordance with the **attached Schedule 3**.

AUT.041365.13, AUT.041365.14 and AUT.041365.15 – Discharge Stormwater and Discharges to Land and Air

5958 Prior to any discharge activities commencing, a wash water collection and proprietary stormwater treatment system shall be constructed in accordance with the design identified in the Vision Consulting Limited Report dated 7 June 2019 and shall be configured in accordance with the **attached** Vision Consulting Limited drawing referenced as Northland Regional Council Plan Number **4955**.

6059 The discharge of treated stormwater shall be at an all-tide location as shown on the **attached** Total Marine Services drawing referenced as Northland Regional Council Plan Number **4953/2** and shall be either:

- (a) Via connection and extension to the existing culvert on the northern side of the slipway (subject to obtaining approval to vary CON20133124201); or
- (b) If a variation to CON20133124201 is not granted, via a separate pipe extending from the proprietary stormwater system to an all-tide location.

61. The discharge of non-working area stormwater shall be in accordance with either:

- (a) The **attached** Thompson Survey drawing referenced as Northland Regional Council Plan Number **4950B**, noting that this option is dependent on obtaining a further variation to AUT31242.01 and/or other consents; or
- (b) If a variation to AUT31242.01 and or other necessary consents are not granted, the **attached** Thompson Survey drawing referenced as Northland Regional Council Plan Number **4950A** and in accordance with Condition 60 a) or b).

AUT.041365.13 – Discharge Treated Stormwater to the Coastal Marine Area

62. All stormwater from areas of land used for the maintenance of vessels shall be directed to a proprietary stormwater treatment system for treatment prior to discharge to the coastal marine area. That proprietary stormwater treatment system shall utilise a demand driven diversion valve that shall automatically direct a minimum of 2.4m³ of wash down water (trade waste) to the public sanitary sewer system as a 'first flush' when the water blaster is activated.

63. Concentration of any contaminants in the stormwater discharges, as measured at the outlet of the stormwater treatment system, shall not exceed:

- (a) 0.014 milligrams per litre of total copper;
- (b) 0.048 milligrams per litre of total lead;

- (c) 0.165 milligrams per litre of total zinc;
- (d) 100 milligrams per litre of Total Suspended Solids.

Advice Note: *The limits on heavy metal concentrations in the stormwater discharge have been calculated by applying a dilution factor of 11 to the coastal water quality standards required by Policy H.3.3 of the Proposed Regional Plan for Northland (PRP).*

- 64. To enable the collection of samples from the proprietary stormwater treatment system, easy and safe access shall be provided at all times to a point immediately after the outlet from the treatment system and prior to the connection to the Far North District Council stormwater discharge pipe.
- 65. The discharge of stormwater from the proprietary stormwater treatment system shall not result in any of the following effects, as measured at or beyond a 20 metre radius from the stormwater outlet:
 - (a) Cause the pH of the receiving water to fall outside of the range 6.5 to 9.
 - (b) Cause the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials in the receiving water.
 - (c) Cause any emission of objectionable odour in the receiving water.
 - (d) Cause any significant adverse effects on aquatic life or public health.
- 66. The proprietary stormwater treatment system, and all associated equipment, shall be adequately maintained so that it operates effectively at all times. The Consent Holder shall keep a written record of all maintenance carried out on the proprietary stormwater treatment system and shall supply a copy of this record to the council's assigned monitoring officer immediately on written request.

AUT.041365.14.01 – Discharge to Land

- 67. The discharges to land authorised by this consent only apply to those areas above mean high water springs within the 'Proposed Offensive Odour and Air Discharge Boundary' identified on the **attached** Reyburn and Bryant drawing referenced as Northland Regional Council Plan Number **4966**.
- 68. High and low pressure water blasting, and wet abrasive blasting of vessel hulls shall be confined to concrete and bunded areas on the areas identified as 'Area A' and within Pt Lot 1 Blk XXXII Town of Opuā, Lot 2 Blk XXXII Town of Opuā, and Lot 3 Blk XXXII Town of Opuā on the **attached** Reyburn and Bryant drawing referenced as Northland Regional Council Plan Number **4952/1**. Wash water from water blasting and wet abrasive blasting shall be discharged to trade waste via the wash water collection system to be installed and operated under Conditions 62-66 above.
- 69. When the water blasting, wet abrasive blasting or wet sanding operations are being undertaken, the waste water collection system shall automatically direct wash water to a pump chamber and then to attenuation tanks prior to discharge to trade waste/public sewer (through the use of a fox valve or similar). The catch pit is to be sized so that it does not overtop during water blasting.

70. When the water blaster is not being used, all working areas on the washdown pad shall be maintained clean of debris.
71. All visible waste, including discoloured water, shall be hosed from the washdown pad immediately after completion of any water blasting operation. The wash water collection system shall be sufficiently flushed following pressure blasting activities to ensure that contaminated washdown water is not disposed of in coastal waters via the stormwater network.
72. All work areas shall be bunded, to prevent debris from vessel maintenance entering water bodies. The bunding shall be sufficiently impermeable to prevent leakage of contaminants.
73. Washdown areas and work areas used for dry or wet sanding, spray painting and other boat maintenance activities shall be cleared of accumulations of residues, paint flakes and any other debris at the end of each work session, or by the end of each working day, whichever occurs first.
74. All waste material, including antifouling residue, paint flakes and marine growth, removed from vessel hulls or generated from the cleaning or maintenance of vessels, shall be stored on Doug's Opuia Boat Yard in a sealed unit prior to being disposed of at an off-site facility that is authorised to accept such wastes. The Consent Holder shall provide evidence by way of tracking verification (i.e. receipts) of the disposal location, upon written request from the council's assigned monitoring officer.

AUT.039650.15.01 – Discharge Contaminants to Air from Land

75. This consent only applies to the areas landward of mean high water springs identified as the 'Proposed Offensive Odour and Air Discharge Boundary' on the **attached** Reyburn and Bryant drawing referenced as Northland Regional Council Plan Number **4966**.
76. This consent does not authorise dry abrasive blasting activities.
77. The preparation or smoothing of vessel hulls or superstructure including removal or smoothing of antifouling using a sanding or grinding device shall only be undertaken using an appropriate dust collection system that is operating effectively.
78. A permanent weather station capable of measuring wind speed and direction at a height of 6 metres shall be installed on the boat yard site.
79. Sanding and grinding operations shall only be conducted when the wind speed is between 0.5 m/s and 5 m/s (as an hourly average).
80. Water blasting and the application of antifouling and paint shall only be undertaken when the windspeed is greater than 0.5 m/s and when apparent wind on the slipway is from the northeast to the south southeast (wind is blowing up the slipway through an angle of 45 to 170 degrees).
81. All spray application of antifouling paint shall comply with Environmental Protection Authority rules including setting up of a controlled work area around the vessel being coated with antifouling paint.

82. Temporary signage shall be placed on the edge of the reserve and at the bottom of the slipway notifying the public that painting of vessels is taking place. The signage shall be designed to comply with the requirements of the Environmental Protection Authority rules.
83. A temporary screen shall be erected between the blasting area and the walking track at all times during high pressure water blasting to mitigate the effects of spray drift.
84. All equipment used to avoid or mitigate any adverse effects on the environment from emissions to air shall be maintained in good working order.
85. The Consent Holder's operations shall not give rise to any dust, overspray, or odour beyond the 'Proposed Offensive Odour and Air Discharge Boundary' identified on the **attached** Reyburn and Bryant drawing referenced as Northland Regional Council Plan Number **4966** which is noxious, dangerous, offensive or objectionable in the opinion of a council monitoring officer.
86. Daily records of all occasions when water blasting, wet abrasive blasting and spray coating activities are undertaken shall be kept by the Consent Holder. These records shall be made available to the council's assigned monitoring officer on written request and include:
- (a) Details of vessels being water blasted/wet abrasive blasted;
 - (b) Item(s) being spray coated;
 - (c) Location at which spray coating occurred;
 - (d) Date and time (Hours) of operation each day, including a record of the wind speed and direction at the commencement and conclusion of works on each day;
 - (e) Number of spray coating units being used; and
 - (f) Types and volumes of coating materials being applied.
87. The maximum daily paint application rate for all paints, excluding those which contain diisocyanate compounds, shall be restricted to no more than 30 L/day.
88. The use of diisocyanate based paints shall be restricted and limited to no more than 15 L/year.
89. Diisocyanate painting shall only be undertaken when the wind is from the northeast through to south southeast direction (i.e. 45° to 170°). The Consent Holder shall advise the councils assigned monitoring officer, in writing, when diisocyanate painting is to occur at least 24 hours beforehand on each occasion.

AUT.039650.16.01 – Discharge Contaminants to Air in the Coastal Marine Area

90. This consent only applies to the area identified as the 'Proposed Offensive Odour and Air Discharge Boundary' within the coastal marine area identified on the **attached** Reyburn and Bryant drawing referenced as Northland Regional Council Plan Number **4966**.
91. The preparation or smoothing of vessel hulls and the application of paint (including antifouling) shall not be undertaken in the coastal marine area except for minor repairs not exceeding 200 mm in diameter which shall only be undertaken within the Exclusive Occupation Area boundary.

92. The preparation or smoothing of vessel or facility superstructure or hulls (in the case of minor repairs) using a sanding or grinding device shall not be undertaken unless a dust collection apparatus that is operating effectively is attached to the device.
93. The exercise of this consent shall not give rise to the discharge of contaminants which are noxious, dangerous, offensive or objectionable beyond the 'Proposed Offensive Odour and Air Discharge Boundary' identified on the **attached** Reyburn and Bryant drawing referenced as Northland Regional Council Plan Number **4966**.
94. The exercise of this consent shall not give rise to the discharge of contaminants into water or onto the seabed.

EXPIRY DATE:	All Consents	31 JULY 2055
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SCHEDULE 1

ENVIRONMENTAL STANDARDS – NOISE

CONSTRUCTION NOISE

Based on Table 2, NZS 6803: 1999 “Acoustics – Construction Noise”, Standards New Zealand:

Time of Week	Typical Duration	Typical Duration (dBA)		Short-term Duration		Long-term Duration	
		L _{leg}	L _{max}	L _{leg}	L _{max}	L _{leg}	L _{max}
Weekdays	0630 – 0730	60	75	65	75	55	75
	0730 – 1800	75	90	80	95	70	85
	1800 – 2000	70	85	75	90	65	80
	2000 – 0630	45	75	45	75	45	75
Saturdays	0630 – 0730	45	75	45	75	45	75
	0730 – 1800	75	90	80	95	70	85
	1800 – 2000	45	75	45	75	45	75
	2000 – 0630	45	75	45	75	45	75
Sundays and public holidays	0630 – 0730	45	75	45	75	45	75
	0730 – 1800	55	85	55	85	55	85
	1800 – 2000	45	75	45	75	45	75
	2000 – 0630	45	75	45	75	45	75

Construction Sound levels shall be measured in accordance with New Zealand Standard NZS 6803:1999 “Acoustics – Construction Noise”. Measurement shall be at any point on the line of Mean High Water Springs (MHWS) on the adjacent foreshore any point 100 metres from the jetty and marina facility.

Note:

- “Short-term” means construction work any one location for up to 14 calendar days.
- “Typical duration” means construction work at any one location for more than 14 calendar days, but less than 20 weeks.
- “Long-term” means construction work at any one location with a duration exceeding 20 weeks.

OPERATION NOISE

For operational noise generated by activities in the boat yard and the wharf and marina seaward of the line of MHWS, the following noise limits shall be complied with when measured at or within the notional boundary of any dwelling not under the control of the Consent Holder:

Time Period (Mon – Sun)	Noise Limit
0700 hrs to 2200 hrs	55dBA LAeq(15min)
2200 hrs to 0700 hrs	45dBA LAeq(15min)
	75dBA LMax

Sound levels shall be measured in accordance with New Zealand Standard NZS 6801:2008 Measurement of Environmental Sound, and assessed in accordance with NZS 6802:2008 Acoustics – Environmental Noise.

Notes: 1. Noise levels L10 , Lmax and Leq are measured in dBA. Definitions are as follows:

- (a) dBA means the sound level obtained when using a sound level meter having its frequency response A-weighted. (See IEC 651).
- (b) Lmax means the maximum noise level (dBA) measured.
- (c) L10 means the noise level (dBA) equalled or exceeded for 10% of the measurement time.
- (d) Leq means the time average level.

SCHEDULE 2

TESTING PROGRAMME FOR WATER AND SEDIMENT QUALITY

DURING OPERATION OF WHARF AND MARINA FACILITY

Water Quality Sampling

Testing shall be carried out for *E. coli* (*Escherichia coli*). Faecal source tracking, using PCR analysis for human markers, may be triggered should the *E.coli* levels be found to be above background levels or 50% above relevant Microbiological Water Quality Guidelines, whichever is lower.

Samples will be taken within the footprint of the Wharf and marina facility, the precise location(s) of which will be determined following consultation by council monitoring staff with the Consent Holder. A minimum of one sample is to be submitted for *E.coli* testing from within the area of the wharf and marina berths, and an upstream and a downstream control site.

PCR analysis may not necessarily be undertaken on all elevated results within the marina from a single sampling event but will include as a minimum the upstream control and at least one marina site.

A minimum of four one off sampling events are to be undertaken within the marina annually. Sampling should be undertaken over a period of a slack tide. Should sampling identify the need for further investigations, these will be targeted to specific areas and undertaken in liaison with the Consent Holder.

Marine Sediment Quality Sampling

Testing for metals in the seabed from within the vicinity of the wharf and marina facility will be carried out annually and at upstream and downstream control sites. Samples will be collected from the top two centimetres of the sediment. Sediments will be analysed for the following:

- * Total copper
- * Total zinc
- * Total lead
- * Total chromium
- * Total nickel
- * Total cadmium

The sampling shall establish median concentrations metals from composite samples of intertidal or subtidal sediment measured at any point 10 metres from the facilities and from at least three representative locations.

Commented [BH8]: Consequential amendment relating to proposed deletion of sediment quality monitoring.

STORMWATER DISCHARGE

The stormwater discharges will be sampled at least once annually at point of discharge, being after the proprietary system before any mixing, during a moderate rainfall event following an extended dry period. Samples will be analysed for TSS, Copper, Lead and Zinc.

A sample may also be collected from a pre-treatment location and a post treatment location.

SCHEDULE 3

DREDGE MONITORING PROGRAMME

During dredging operations, daily inspections of the waters adjacent to the dredge excavation areas will be undertaken by the dredging contractor, or the Consent Holder's nominated agent, in order to identify any visually observable change in clarity (turbidity) of the receiving waters at or beyond 100 metres from the point of the dredging operations. Results of the daily inspections are to be recorded in a written log book by the Consent Holder or the Consent Holder's nominated agent, and submitted weekly to the council's assigned monitoring officer by email.

Should the visual inspection indicate any change in clarity at or beyond 100 metres from the point of the dredging operations, then the Consent Holder will implement the following monitoring programme to assess compliance with the relevant conditions of this consent.

Clarity measurements, using Secchi disc methods are to be taken at the boundary of the down-current edge of the mixing zone within the area of changed clarity. The same measurements are to be taken at least 50 metres up-current from the dredging activity to be used as control measurements for comparison with the down-current effect measurements. Three measurements are to be undertaken at each upstream and downstream location and the median used to assess compliance with the water quality standards stated and identified in the consent. Water samples shall also be collected at the edge of the mixing zone and at the control sites for analysis of suspended solids (TSS) and turbidity (NTU) for analysis for compliance against the standards in Condition 57. Results of this monitoring are to be reported to the council's assigned monitoring officer in writing within one week of the occurrence of monitoring.