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15 September 2020

Colleen Prendergast
Counsellor
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Whangarei

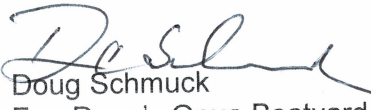
REF: APP.041365.01.01 COMMISSIONER'S MINUTE #5

1. With respect, the issues regarding the above Minute fall squarely on myself as the proprietor/owner/consent holder for not only that which exists, but all of the proposed structures, their integrity in use, safety when in use, environmental effects from those uses, and in the end, the reasonableness by which I control those particular liabilities for both the boating and general public when they step onto and/or secure their property to them.
2. With the greatest respect; my views are not a matter of choice, but of function. Nor is there a typo or in any way an effort to somehow conflate the different terms of "Marina Berths" and/or "Marina Berths/Reasonable Public Berthing" as shown on all of the application plans as "Marina Berths"; and are in effect, multiple uses.
3. In the past, other areas of the wharf have been made available to those members of the public who have requested the ability for a vessel not related to the boatyard operations, to berth to, for instance, load water or their families etc. This meant however, that if there were no alternatives available, those vessels would have to wait for an hour or so to be able to come alongside.
4. I therefore see the reply to the Commissioner's Minute #4A not as any form of set direction by him, but an invitation to fully consider an alternative pontoon structure that would increase and/or maximize the space available within the Marina Mooring Area, as applied for, to augment a proposed specific area of pontoon space for "Reasonable Public" berthing that would be the least likely to obstruct the primary operations of the working wharf/marina and Great Escape Yacht Charters pontoons.
5. In that event, the eastern end section of the proposed marina pontoon could also be a berth in and of itself for mooring of both tenders and/or vessels up to 8 metres and therefore could be a "Reasonable Public Berthing Area" subject to conditions on its use as already indicated. In example, is a photograph to give the Commissioner some dimensions as to the scope of use of the existing wharf and pontoons that can at times, exclude what would have been any form of "Casual Berthing". This excepting; one short berth along the existing gangway very much in keeping with what I had proposed in the reply to Minute 4A. Otherwise, there are six vessels of draft, multiple tenders, the workboat wedged between the cradle and the middle vessel, and likely ten persons on, in, or near their vessels and/or on the charter pontoon. Please see **Attachment "A"**.
6. The additional structure proposed regarding Minute 4A was solely a question of space to allow both to coexist; no more than that. And in the matter of fact, would be a good utilization of a substantial portion of the existing wharf

footprint to achieve the proposed outcomes in scope. Which in effect, raises once again the matter of the "Existing Environment"

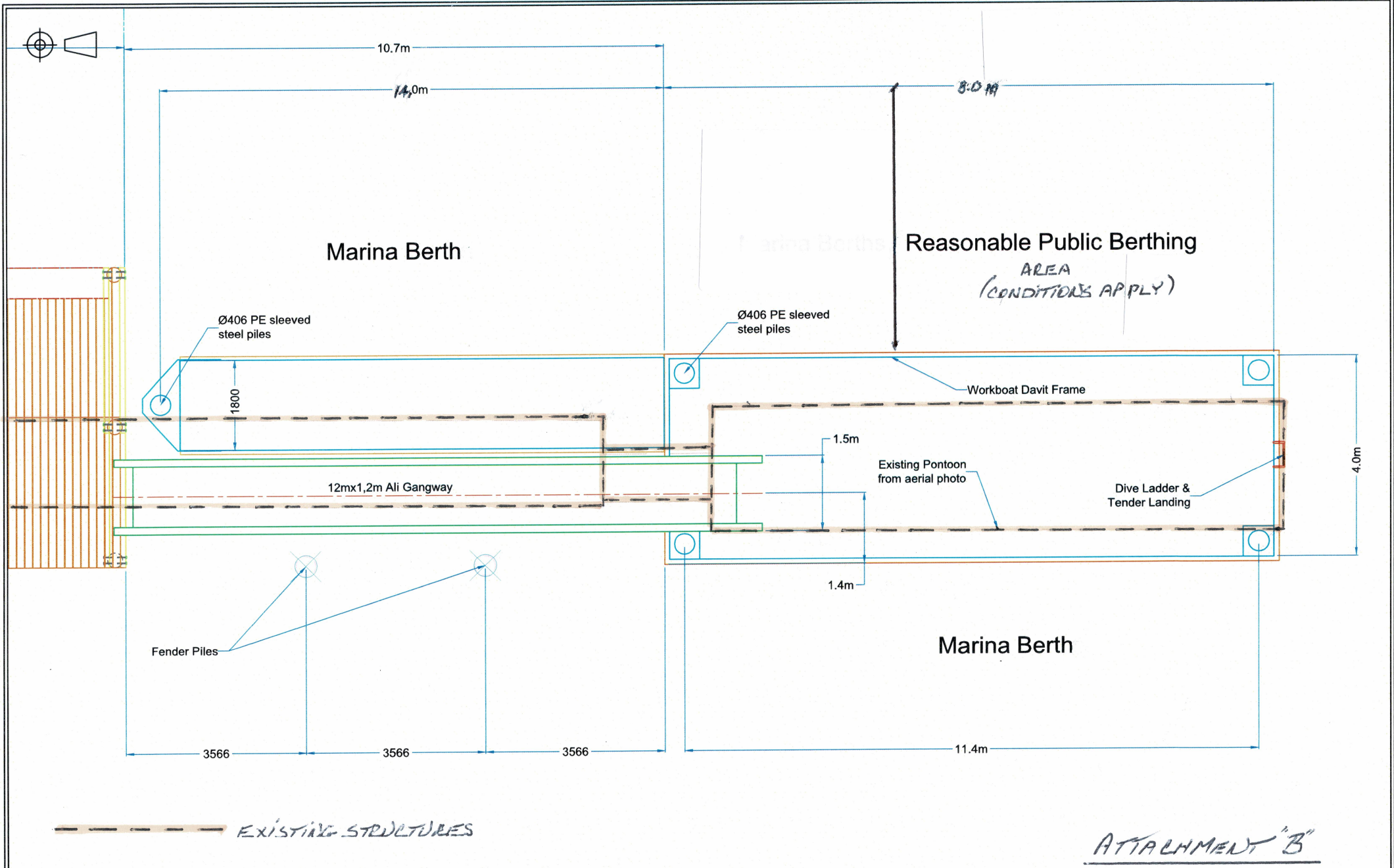
7. I have therefore as a reference, superimposed the approximate footprint of the old structures over this amended proposal for the Commissioner to consider. Please see **Attachment "B"**. This is a point I wish to make about the footprints of the slipway and wharf combined that seems to be missing from the greater view regarding all of these applications, but which should be self-evident when viewing attachments "A" & "B" together.
8. It is my understanding that Judge Jackson in his 1998 decision was very clear about what structures were implicit to occupational footprints in the CMA. It is also clear to me from Attachment "A", what this looks like at this site and what constitutes the scope of occupations that are intrinsic to these applications.
9. What I see is a series of structures that become one that occupy almost all, if not all of the existing footprints of the "Deemed Coastal Permit", but also the current resource consents until 2036.
10. In consideration of the concerns of the Commissioner, what the parameters of scope of the original applications might be able to entail, I have consulted with Mr Hood as to how the old wharf footprint might be useful for this end purpose and not transgress the issue surrounding scope of consent. And by this, implement reasoned conditions that might be of assistance to achieving the purpose of providing a "Reasonable Public Berthing Area"; in conjunction with a workable scheme of reasonable public access; in conjunction with a working wharf and marina.
11. If this amendment can be accomplished within the scope of all the existing applications in consultation with Mr Hartstone, then as the applicant, I would like to pursue this amendment so that the entire proposal will and can achieve maximum utilization of the proposed footprint for all users in a controlled, constructive and responsible manner, which has always been the mantra of this boatyard. This, a direct positive effect for the public whom custom these facilities as well as those that are not now customers, but may well be in the future. For without the public, there would be no boatyard and most certainly no Great Escape Yacht Charters.

Regards



Doug Schmuck
For: Doug's Opua Boatyard



"A" WHARF / SLIPWAY
GREY & PULTON
OPS
DEC 2018



ATTACHMENT "B"

| Rev | Date | Description | Check | App | | | | | |
|-----|-----------|-------------------------------------|-------|-----|--|----------------|-----------|----------------------|---|
| | | | | | Drawing No: | 0155-0504-0008 | Scale: | 1:70 |  |
| | | | | | Date: | 08/09/2020 | Client: | Doug's Opua Boatyard | |
| | | | | | | | Drawn by: | Pieter Muller | |
| | | | | | © All designs and calculations contained in this plan are the sole and wholly owned intellectual property of Total Marine Services Ltd, New Zealand. | | | | |
| 1 | 8/09/2020 | PROPOSED REASONABLE PUBLIC BERTHING | PM | AJ | APP-041365-01-01 Sheet 0008 Proposed Amendments | | | | |