

APPENDIX 3

EXISTING AND EXPIRED RESOURCE CONSENTS [2002 AND 2013]

IN THE MATTER of three appeals pursuant to
Section 121 of the Resource
Management Act 1991

BETWEEN DOUG'S OPUA BOATYARD
(RMA 381/01)

Appellant

AND E T & M C LEEDS
(RMA 387/01)

Appellant

AND THE DIRECTOR GENERAL
OF CONSERVATION
(RMA 393/01)

Appellant

AND THE NORTHLAND
REGIONAL COUNCIL

First Respondent

AND THE FAR NORTH DISTRICT
COUNCIL

Second Respondent

BEFORE THE ENVIRONMENT COURT

Environment Judge L J Newhook sitting alone pursuant to Section 279 of the Act

IN CHAMBERS at AUCKLAND on 31 day of January 2002

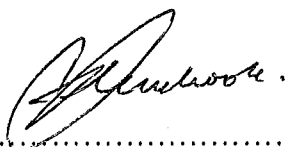
CONSENT ORDER

HAVING CONSIDERED the notice of appeal, the respondent's reply, and the memorandum submitted on behalf of the parties, THIS COURT HEREBY ORDERS BY CONSENT:

1. The decision of second respondent {clauses 2) a. iv, 2) b., 2) c.} is amended as shown on the schedule hereto.



2. The conditions of consent for the decisions of both the first and second respondents are amended as shown on the schedule hereto.
3. The appeals are allowed to the extent of making those amendments and are otherwise refused.
4. There is no order for costs.



.....
L J Newhook
Environment Judge



PROCEDURAL MATTERS:

Modifications

The following elements of the applications were withdrawn or modified by the Applicant during the hearing:

1. Proposed washdown relocated onto the landward portion of the slipway above Mean High Water Springs.
2. Proposed capital dredging withdrawn.
3. CTS and water tank confirmed as being located on the Applicant's property.

NORTHLAND REGIONAL COUNCIL DECISIONS

A NLD 99 7914 – 01 to 09 - COASTAL PERMIT:

A1 That pursuant to the Resource Management Act 1991, the Northland Regional Council grants consent in part to the applications by D C Schmuck to carry out the following activities:

To place, use and maintain:

- (01) A wharf, wharf abutment and walking track security lighting, discharge piping and access pontoon;
- (02) A slipway, complete with cabling and a dinghy ramp;
- (03) Those parts of a timber and stone seawall and associated reclamation that lie within the Coastal Marine Area;
- (05) A workboat mooring and pull; and
- (06) Existing signage and hoardings.
- (07) To carry out maintenance dredging of seabed material at the slipway.
- (08) To use the above structures for purposes associated with the boatyard, including survey and inspection of ships and safe ship management, gridding of vessels for maintenance, marine brokerage of vessels for sale and/or charter in conjunction with the boatyard office.
- (09) To occupy an area of seabed associated with the slipway and wharf structures.

Subject to the information submitted with the application and the following conditions:

- 1 This consent applies only to the area defined within the Boundary of Occupation Area shown on Northland Regional Council Plan No. 3231b attached.

The Consent Holder shall have the exclusive occupancy of the area of seabed within the boundary of occupation area shown on Northland Regional Council Plan No: 3231



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.

- 3 The Consent Holder shall submit a Management Plan, to the Regional Council, for approval, within three months of the date of commencement of these consents. The Management Plan shall cover all aspects of:

- (a) The operation and maintenance of wharf;
- (b) The operation and maintenance of the slipway, including maintenance dredging;
- (c) Measures to avoid the discharge of contaminants to the Coastal Marine Area; and
- (d) Contingency measures for unforeseen or emergency situations.

The operation and maintenance of the above systems, and the boatyard operations, shall be carried out in accordance with the approved Management Plan.

- 4 The Consent Holder shall review the Management Plan in consultation with the Regional Council at no greater than three yearly intervals. The reviewed Management Plan shall not take effect until its approval by the Regional Council.
- 5 The Consent Holder shall notify the Regional Council in writing of the date construction work is to commence at least two weeks beforehand.
- 6 The Consent Holder shall keep the Coastal Marine Area free of debris resulting from the Consent Holder's activities.
- 7 Waste collection facilities shall be provided on the wharf and all waste material from activities carried out in association with the use of the wharf and slipway shall be removed from the Coastal Marine Area and disposed of to an approved disposal facility.

Note: A 2.3 metre long by 1.0 metre wide by 1.3 metre high box, along the edge of the jetty adjacent to its connection to the land, will be constructed for this purpose.

- 8 The wharf shall not be used for the cleaning down, or the preparation or painting of vessel hulls.
- 9 Noise levels associated with the construction and installation of the proposed new facilities and the operation of all facilities shall not exceed those set out in the relevant sections of Schedule 1, **attached**.
- 10 The Consent Holder shall remove the old slipway within six months of the date of commencement of this consent.
- 11 The wharf 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 for longer than 12 hours in any seven day period 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.

- 12 ***Maintenance of vessels and structures within the consent area shall not occur outside of the hours 0700-2000 Monday to Friday and 0800-2000 Saturday, Sunday and Public Holidays, except in emergencies which directly involve the safety of people or vessels.***
- 13 Maintenance dredging of the slipway shall be carried out no more than once a year.
- 14 The Consent Holder shall notify the Regional Council in writing of each date dredging is intended to commence, at least one week beforehand.
- 15 The area to be dredged shall be confined to that indicated on Northland Regional Council Plan No. 3231 and the depth dredged at any location within this area shall not extend below the level of the underside (soffit) of the closest slipway rail support.
- 16 Dredging shall be undertaken by hydraulic excavator operating from the slipway at low tide.
- 17 Silt screening shall be in place around the dredge site during dredging.
- 18 All dredgings shall be disposed of to an approved land-based disposal facility or location.
- 19 ***Within the coastal marine area, there shall be no cleaning of vessel hulls below their water lines involving the discharge of contaminants.***

Note: While this condition generally precludes the cleaning of marine growth from vessel hulls, it does allow the controlled removal of marine growth from limited areas of the vessel (for example from skin fittings, propellers or zinc blocks) associated with minor maintenance, where all marine growth that is removed is contained and disposed of to an approved land-based facility, and where no marine growth is discharged to the coastal marine area.
- 20 The floating pontoon shall only be used for the casual berthing of craft.
- 21 The plans and specifications for the proposed floating pontoon and its piles shall be prepared by an appropriately qualified and experienced Registered Engineer and the construction shall be in accordance with those plans and specifications, once building approval has been obtained.
- 22 Monitoring of the consent will be carried out by the Regional Council. Various elements of the monitoring may be carried out by the Consent Holder with the prior written agreement of the Regional Council.
- 23 Immediately upon completion of the installation of all new works associated with this consent the Consent Holder shall, in writing, notify:



*Nautical Information Advisor
Land Information New Zealand
Private Box 5501
Wellington*

*Maritime Safety Authority
P O Box 27-006
Wellington*

*The Far North District Council
Private Bag 752
Kaikohe*

*Northland Regional Council
Private Bag 9021
Whangarei*

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

- 24 Where from any cause, contaminant associated with the Consent Holder's operations escapes otherwise than in conformity with this consent the Consent Holder shall:
- (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain such escape; and
 - (b) Immediately notify the Regional Council by telephone of an escape of contaminant; and
 - (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the escape; and
 - (d) Report to the Regional Council in writing within one week on the cause of the escape of the contaminant and the steps taken or being taken to effectively control or prevent such escape.
- 25 The Regional 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 of this consent. Such notice may be served twelve months after the date of commencement of the consent, and thereafter at yearly intervals. The review may be initiated 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 to deal with any such effects following assessment of the results of the monitoring of the consent and/or as a result of the Regional Council's monitoring of the state of the environment in the area;
 - (b) To require the adoption of the Best Practicable Option to remove or reduce any adverse effect on the environment;
 - (c) To provide for compliance with rules in any regional plan that has been made operative since the commencement of the consent;
 - (d) To deal with any inadequacies or inconsistencies the Regional Council considers there to be in the conditions of the consent, following the establishment of the activity the subject of the consent;
 - (e) To deal with any material inaccuracies that may in future be found in the information made available with the application. (Notice may be served at any time for this reason.); and
 - (f) To change existing, or impose new limits on the operation of the facilities or the discharges.



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

- 26 This consent shall lapse on the expiry of two years after the date of commencement of the consent, unless the consent is given effect to before the expiry of this period or such longer period as may be granted under Section 125 of the Act.
- 27 Upon the expiry, cancellation, or lapsing of this consent the Consent Holder shall remove all structures and other materials and refuse associated with this consent from the consent area and shall restore the consent area to the satisfaction of the Regional Council.

EXPIRY DATE: 30 March 2036

A2 That pursuant to the Resource Management Act 1991, the Northland Regional Council declines consent to the applications by D C Schmuck to carry out the following activities:

- (02 –part) A containment and utility wharf shed complete with ramp.
- (04) A timber boatramp.
- (08- part) Mooring of vessels to the wharf as structures for the purposes of accommodation.

B NLD 99 7914 - 10 to 15 DISCHARGES:

That pursuant to the Resource Management Act 1991, the Northland Regional Council grants consent to the applications by D C Schmuck to carry out the following activities associated with the operation of a boatyard at Richardson Street, Opua.

- (10) To discharge treated washwater to the Coastal Marine Area at or about Map Reference Q05:124-537.
- (11) To discharge contaminants to air from marine vessel construction, sale, repair, maintenance and associated activities on Sec 2 SO 24139, Pt Sec 1 SO 16553, Sec 3 SO 46155, Sec 1 – 4 SO 63634, Blk V Russell SD, at or about Map Reference Q05: 123-537.
- (12) To discharge contaminants to air in the Coastal Marine Area from marine vessel construction, sale, repair, maintenance and associated activities at or about Map Reference Q05: 124-537.
- (13) To discharge contaminants to ground as a result of boat maintenance activities on Sec 2 SO 24139, Pt Sec 1 SO 16553, Sec 3 SO 46155, Secs 2 & 3 SO 63634, Blk V Russell SD at or about Map Reference Q05: 123-537.
- (14) To discharge stormwater to an unnamed tributary of the Veronica Channel on Sec 3 SO 46155 Blk V Russell SD at or about Map Reference Q05: 123-537.



- (15) To discharge stormwater to the Coastal Marine Area at or about map reference Q05: 124-537.

Subject to the following conditions:

Discharge of treated washwater to the Coastal Marine Area – 7914-10

- 1 The total quantity discharged in the exercise of this consent shall not exceed one cubic metre per day.
- 2 The proposed boat washwater containment system, and CTS treatment system shall be constructed in general accordance with the details provided in the application, and attached, within three months of the commencement of this consent.
- 3 The quality of the discharge shall not exceed the following standards:

| Parameter | Standard |
|-----------|----------|
| TSS | 100 mg/l |
| Copper | 2 mg/l |
| Zinc | 20 mg/l |
| Lead | 2 mg/l |

- 4 Notwithstanding any other conditions of this consent, the discharge shall not result in any of the following effects in the receiving water, at or beyond the edge of the mixing zone:
 - (a) A reduction in the dissolved oxygen concentration to below 80% of saturation;
 - (b) A change in the natural water temperature greater than three degrees Celsius;
 - (c) A change in the natural pH greater than 0.2 units;
 - (d) The change in water clarity as measured by the black disc method shall not be greater than 20%;
 - (e) The change in hue as measured with the Maunsell Colour Chart System shall not exceed 10 units;
 - (f) The production of any conspicuous oil or grease films, scums or conspicuous floating or suspended materials;



- (g) The concentration of metals shall not exceed the following:

| | |
|--------------|----------------------|
| total copper | 5 mg/m ³ |
| total lead | 5 mg/m ³ |
| total zinc | 50 mg/m ³ |

- (h) Any emission of objectionable odour; and
(i) Any adverse effect on aquatic life.

The harbour waters within a 10 metre radius of the discharge point, shall be deemed to be the mixing zone for this discharge.

When the background water quality in the coastal waters does not meet the above standards, then the discharge shall not cause the water quality in the harbour at the edge of the mixing zone to be worse than the background water quality.

Note: For compliance purposes, when comparing background and receiving water quality results the error of the analytical method, or measuring instrument, at the 95%ile confidence level shall be taken into account.

The Consent Holder shall provide and maintain easy access to a sampling point in the discharge pipe at the end of the jetty. This shall allow for the taking of samples, and the introduction of tracer substances as required.

Discharges to Air – 7914 11 and 12

- 5 Except as required by the following conditions, no alteration shall be made to plant or processes that may significantly change the nature, effects, or quantity of contaminants discharged as described in the consent application without the prior written approval of the Regional Council.
- 6 The exercise of this consent shall not give rise to any discharge of contaminants, which is noxious, dangerous, offensive or objectionable at or beyond the boundaries of Sec 2 SO 24139, Pt Sec 1 SO 16553, Sec 3 SO 46155, Sec 1 – 4 SO 63634, Blk V and the area within the Coastal Marine Area defined by the Offensive Odour Boundary in NRC Plan No 3231.
- 7 Where practicable, the Consent Holder shall preferentially use surface coating materials and application methods that have a low odour and/or low emission/loss potential.
- 8 All operations shall be conducted with regard to wind direction and wind strength to prevent or minimise any adverse effects on the environment.
- 9 The discharge of contaminants into the air from the exercise of this consent shall not cause or significantly contribute to ambient concentrations of the following contaminants exceeding the following limits at or beyond the boundaries of Sec 2 SO 24139, Pt Sec 1 SO 16553, Sec 3 SO 46155, Sec 1 – 4 SO 63634, Blk V and the area



within the Coastal Marine Area defined by the Offensive Odour Boundary in NRC Plan No 3231.

| Contaminant | Ambient Limit (micrograms per cubic metre) |
|---|---|
| Particulate (PM ₁₀) | 50 micrograms per cubic metre (24 hour average) |
| Lead and lead compounds expressed as lead | 0.5 micrograms per cubic metre (3 month moving average) |
| Copper and copper compounds expressed as copper | 20 micrograms per cubic metre (8 hour average) |
| Zinc and zinc compounds expressed as zinc | 4.8 micrograms per cubic metre (8 hour average) |
| Tin and tin compounds expressed as tin | 2.4 micrograms per cubic metre (8 hour average) |
| Isocyanates, (as -NCO), including all isocyanates and pre-polymers as mists, dusts, and vapours | 0.048 micrograms per cubic metre (8 hour average) |

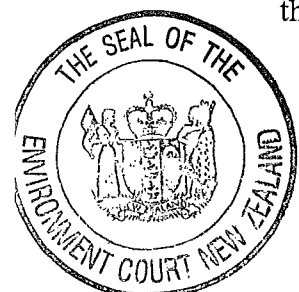
- 10 As far as is practicable, work areas and surrounding areas shall be cleared of accumulations of waste generated as a result of, and as soon as is practicable after completion of any abrasive blasting or water blasting operation. Any waste material shall be disposed of at a location with the appropriate resource consents.
- 11 Dry abrasive blasting operations shall only be carried out when the object's size, shape or weight prevents it being practicably transported and blasted in an abrasive blasting booth for which appropriate resource consents are held.
- 12 All items to be dry blasted outside of a booth shall be screened by means of covers, tarpaulins, cladding, or other means, as completely as is practicable, to contain dust emissions and depositions and to restrict the spread of all blasting debris.
- 13 All abrasive used for abrasive blasting shall contain less than 2% by dry weight free silica.

Discharge to Ground 7914-13

- 14 The Consent Holder shall undertake such measures as are necessary to minimise the discharge of contaminants to ground within the boatyard site *and adjacent Esplanade Reserve*. These measures shall be incorporated into the Management Plan required by Condition 18 of this Consent.

Discharge of Stormwater to Water 7914-14

- 15 The proposed land contouring and stormwater treatment and disposal system shall be constructed in general accordance with the details provided in the application, within three months of the commencement of this consent.



16 Notwithstanding any other conditions of this consent, the discharge shall not result in any of the following effects in the receiving water, at or beyond the edge of the mixing zone:

- (a) A reduction in the dissolved oxygen concentration to below 80% of saturation;
- (b) A change in the natural water temperature greater than three degrees Celsius;
- (c) A change in the natural pH greater than 0.2 units;
- (d) The change in clarity as measured by the black disc method shall not be greater than 40%;
- (e) The production of any conspicuous oil or grease films, scums or conspicuous floating or suspended materials;
- (f) The concentration of metals shall not exceed the following:

| | |
|--------------|-----------------------|
| total copper | 10 mg/m ³ |
| total lead | 10 mg/m ³ |
| total zinc | 100 mg/m ³ |

- (g) Any emission of objectionable odour.

The drain waters immediately upstream of the coastal walkway, shall be deemed to be the edge of the mixing zone for this discharge.

When the background water quality in the drain does not meet the above standards, then the discharge shall not cause the water quality in the drain at or beyond the edge of the mixing zone to be worse than the background water quality.

Note: For compliance purposes, when comparing background and receiving water quality results the error of the analytical method, or measuring instrument, at the 95%ile confidence level shall be taken into account.

Discharge of Stormwater to the CMA – 7914-15

17 Notwithstanding any other conditions of this consent, the discharge shall not result in any of the following effects in the receiving water, at or beyond the edge of the mixing zone:

- (a) A reduction in the dissolved oxygen concentration to below 80% of saturation;
- (b) A change in the natural water temperature greater than three degrees Celsius;
- (c) A change in the natural pH greater than 0.2 units;
- (d) The change in water clarity as measured by the black disc method shall not be greater than 20%;
- (e) The change in hue as measured with the Maunsell Colour Chart System shall not exceed 10 units;
- (f) The production of any conspicuous oil or grease films, scums or conspicuous floating or suspended materials;



- (g) The concentration of metals shall not exceed the following:

| | |
|--------------|----------------------|
| total copper | 5 mg/m ³ |
| total lead | 5 mg/m ³ |
| total zinc | 50 mg/m ³ |

- (h) Any emission of objectionable odour; and
(i) Any adverse effect on aquatic life.

The harbour waters within a 10 metre radius of the discharge point, shall be deemed to be the mixing zone for this discharge.

When the background water quality in the coastal waters does not meet the above standards, then the discharge shall not cause the water quality in the harbour at edge of the mixing zone to be worse than the background water quality.

Note: For compliance purposes, when comparing background and receiving water quality results the error of the analytical method, or measuring instrument, at the 95%ile confidence level shall be taken into account.

General Conditions Applying to Consents 7914-10 to 15

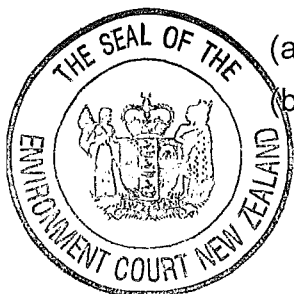
- 18 The Consent Holder shall submit a Management Plan, to the Regional Council, for approval, within three months of the date of commencement of these consents. The Management Plan shall cover all aspects of:

- (a) The operation and maintenance of the boat washdown area;
- (b) The operation and maintenance of the washwater treatment system;
- (c) The operation and maintenance of the stormwater treatment system;
- (d) Measures to minimise the discharge of contaminants to ground;
- (e) Measures to minimise the emissions and any adverse effects on the environment from the discharges to air; and
- (f) Contingency measures for unforeseen or emergency situations.

The operation and maintenance of the above systems, and the boatyard operations, shall be carried out in accordance with the approved Management Plan.

- 19 The Consent Holder shall review the Management Plan in consultation with the Regional Council at no greater than three yearly intervals. The Reviewed Management plan shall not take effect until its approval by the Council.
- 20 The Consent Holder shall, for the purposes of adequately monitoring the consent as required under section 35 of the Act, maintain records of any complaints relating to the discharge of contaminants received by the Consent Holder, as detailed below:

- (a) The name and address of the complainant;
- (b) The date and time the complaint is received;



- (c) The duration of the event that gave rise to the complaint;
- (d) The location from which the complaint arose;
- (e) The weather conditions prevailing at that time;
- (f) Any events in the management and operation of any processes that may have resulted in the increased discharge of contaminants; and
- (g) Any actions taken by the Consent Holder, where possible, to minimise the contaminant emissions.

The Consent Holder shall notify the Regional Council, as soon as is practicable, of any complaint received. Records of the above shall be sent to the Council upon request.

- 21 For the purpose of adequately monitoring the consent as required under section 35 of the Act, the Consent Holder on becoming aware of any incident or situation that does not comply with this consent shall:
- (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain such escape;
 - (b) Immediately notify the Regional Council by telephone of an escape of contaminant;
 - (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the escape; and
 - (d) Report to the Regional Council in writing within one week on the cause of the escape of the contaminant and the steps taken or being taken to effectively control or prevent such escape.
- 22 The Regional 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 of this consent. Such notice may be served six months after the commencement of the consent, and thereafter at yearly intervals. The review may be initiated 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 to deal with any such effects following assessment of the results of the monitoring of the consent and/or as a result of the Regional Council's monitoring of the state of the environment in the area;
 - (b) To require the adoption of the Best Practicable Option to remove or reduce any adverse effect on the environment;
 - (c) To provide for compliance with rules in any regional plan that has been made operative since the commencement of the consent;
 - (d) To deal with any inadequacies or inconsistencies the Regional Council considers there to be in the conditions of the consent, following the establishment of the activity the subject of the consent; and



- (e) To deal with any material inaccuracies that may in future be found in the information made available with the application.

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

EXPIRY DATE: 30 April 2006

SCHEDULE 1

ENVIRONMENTAL STANDARDS - NOISE

CONSTRUCTION

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

| Time Period | Weekdays (dBA) | | Saturdays (dBA) | | Sundays and public holidays (dBA) | |
|-------------|-------------------|-----------|--------------------|-----------|---|-----------|
| | L_{eq} | L_{max} | L_{eq} | L_{max} | L_{eq} | L_{max} |
| 0630 - 0730 | 65 | 75 | 45 | 75 | 45 | 75 |
| 0730 - 1800 | 80 | 95 | 80 | 95 | 55 | 85 |
| 1800 - 2000 | 75 | 90 | 45 | 75 | 45 | 75 |
| 2000 - 0630 | 45 | 75 | 45 | 75 | 45 | 75 |

Note: The definitions of L_{eq} and L_{max} are given in NZS 6801:1991.

OPERATION

Noise emitted from any activity, when measured at the boundary of the zone (as defined below), shall not exceed the following noise levels.

| <i>Time Period</i> | <i>Noise Limit</i> |
|--|-------------------------------------|
| 0700 hrs to 2200 hrs | 50 dBA L_{10} |
| 2200 hrs to 0700 hrs the following day | 45 dBA L_{10} 65 dBA L_{max} |

Note: The boundary of the zone shall be the line of mean high water springs and the radius, within the Coastal Marine Area, of 100 metres of the source of the noise.

Sound levels shall be measured in accordance with New Zealand Standard NZS 6801:1991 Measurement of Sound and assessed in accordance with NZS 6802:1991 Assessment of Environmental Sound.



FAR NORTH DISTRICT COUNCIL DECISIONS

A *That pursuant to section 105 and section 104 of the Resource Management Act 1991, the Far North District Council grants its consent to application number RC 2000812 by DC Schmuck for the following activities and structures on land known as Doug's Opuia Boatyard (Sec 2 SO 24139, Pt Sec 1 SO 16553, Sec 3 SO 46155 Blk XXXII Town of Opuia):*

- 1) a. i. A commercial marine slipway including a turntable and all of its integral parts, fixtures, supporting members, attachments and utilities.
ii. A boatyard and a paint cleaning station.
iii. A boat building shed.
iv. An office.
- b. i. A Stormwater Containment System (CSW) including all tanks, pipes, cables, traps, filters, and utilities.
ii A Discharge Containment System (CTS) including all tanks, pipes, cables, traps, filters and utilities.
- c. To reconstruct and concrete the slipway and boatyard including the replacement of existing tramway rails.

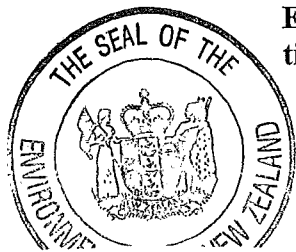
B *That pursuant to section 105 and section 104 of the Resource Management Act 1991, the Far North District Council grants its consent in part to application number RC 2000812 by DC Schmuck for the following activities and structures on the Esplanade Reserve (Sec 1, Sec 2, Sec 3 & Sec 4 as shown on SO 68634):*

- 2) a. i. A commercial marine slipway including a turntable and all of its integral parts, fixtures, supporting members, attachments, utilities and non-permeable surfaces.
iv. A concrete wash down area with an associated discharge containment system. **as shown on the attached plan and to be located 10 metres above m.h.w.s.**
v Stormwater and conduit drain.
vi. Security light pole and associated utilities for power and water.
vii. Safety signage.
x. Wharf abutment.
xii Existing wooden and stone retaining walls, where these do no otherwise lie in the Coastal Marine Area.
- b To reconstruct the slipway between the boatyard property and **m.h.w.s. and to concrete that part of the slipway situated above a line 10 metres from m.h.w.s.**
- c To carry out the activity of washing down of boats prior to the boats being moved to the boatyard for repairs or maintenance or being returned to the water, **provided however that repairs and maintenance may be carried out on the reserve only in accordance with condition 8.**

Subject to the following conditions:



- 1) That, except as otherwise required to be changed by the conditions that follow, the application shall proceed generally in accordance with that shown on Northland Regional Council plan No 3231a.
- 2) That all necessary plumbing, drainage and building consents shall be obtained prior to the commencement of site works.
- 3) That the **Discharge Containment System and the Stormwater Containment System** shall be located as far as is practicable within the Consent Holder's site with these arrangements being to the satisfaction of the District Council's Resource Consent Manager.
- 4) **Except as provided in condition 8** that no materials, tools or other items shall be placed or left on the Esplanade Reserve except as may be necessary for the passage of boats on the slipway and only whilst those activities are being carried out.
- 5) **The Consent Holder shall provide to the Resource Consents Manager of the Council a parking plan showing 4 onsite car parking spaces which shall be in accordance with the standards specified in the District Plan. The carparking spaces shall be formed and marked in accordance with the plan, as approved by the Resource Consents Manager, no later than 3 months after the date of this consent.**
- 6) **All safety signs and security lighting shall be installed prior to the consent being given effect to. This shall be arranged to the satisfaction of the District Council Resource Consents Manager and shall include conferring with the Kawakawa Community Board to ensure the signs and lightings are appropriately located in the best interests of the public.**
- 7) That appropriate signage shall be located at the entrance to the property indicating parking for the use of the boatyard facilities. Such signage shall be located in consultation with the District Council's Roading Asset Manager and be to the satisfaction of the District Council's Resource Consent Manager.
- 8) **Except as provided herein any repair or maintenance work on vessels shall be undertaken within the Consent Holder's site. Vessels may be washed down within that area of the Esplanade Reserve marked "A" on the attached plan. Any vessel which by virtue of its length or configuration is unable to be moved so that it is entirely within the Consent Holder's site may be repaired or maintained on that part of the Esplanade Reserve marked "A" on the attached plan. That part of the Esplanade Reserve marked "B" on the attached plan may be used for the purposes of permitting the repair or maintenance of any vessel standing on the southern branch of the slipway marked "C" on the attached plan. Notwithstanding condition 12 the Council may review condition 8 one year after the date of this consent if requisite approvals under the Reserves Act 1977 have not been received for use of Area "A" and Area "B".**
- 9) **Except as provided in this consent no vessel shall be left on the slipway within the Esplanade Reserve. All relevant safety requirements shall be adhered to at all times. The only permitted closure of the Esplanade Reserve is for safety reasons**



during vessel haulage. No more of the Esplanade Reserve shall be closed than is absolutely necessary.

- 10) The hours of operation for all outdoor activities associated with the boatyard, with the exception of haulage, shall be limited to 0700 – 2000 hours Monday to Friday and 0800 – 2000 hours Saturday, Sunday and Public Holidays.
- 11) All earthworks material, which is surplus to the development requirements, shall be secured so that siltation and erosion does not occur, or removed from the site.
- 12) The District Council reserves the right, pursuant to Section 128 of the Act, to review the conditions herein should it decide there is evidence that the activity creates an adverse effect not currently mitigated through conditions of consent. Such a review shall occur one year after the issue of this decision and every two years thereafter.
- 13) During periods when that part of the slipway through the Esplanade Reserve area is being used for the washing down of boats, the Consent Holder shall erect screens or implement similar measures to effectively contain all contaminants within the washdown perimeter. Screening shall be arranged at the Consent Holder's expense and be to the satisfaction of the District Council's Resource Consent Manager.
- 14) All activities shall be conducted so as to ensure that noise from the site shall not exceed the following noise limits as measured at or within the boundary of any site in the zone or the residential Zone, or at or within the notional boundary of any dwelling within a rural or coastal zone.

| <i>Time Period</i> | <i>Noise Limit</i> |
|---|---|
| <i>0700 hrs to 2200 hrs</i> | <i>50 dBA L₁₀</i> |
| <i>2200 hrs to 0700 hrs the following day</i> | <i>45 dBA L₁₀ and 65 dBA L_{max}</i> |

Note: The notional boundary is defined in NZS 6802:1991 Assessment of Environmental Sound as a line 20m from any part of any dwelling, or the legal boundary where this is closer to the dwelling.

NOISE MEASUREMENT AND ASSESSMENT

Sound levels shall be measured in accordance with New Zealand Standard NZS 6801:1991 Measurement of Sound and assessed in accordance with NZS 6802:1991 Assessment of Environmental Sound.

- 15) The Consent Holder shall submit a Management Plan to the Far North District Council, for approval, within three months of the date of commencement of these consents. The Management Plan shall cover all aspects of:
 - a) The operation and maintenance of the boat washdown area.
 - b) Contingency measures for unforeseen or emergency situations. The operation and maintenance of the above systems, and the boatyard operations shall be carried out in accordance with the approved Management Plan.The need to minimise effects on the public use of the walking track and Esplanade Reserve.

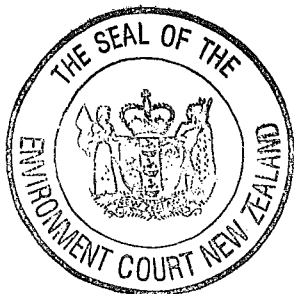


C *That pursuant to section 105 and section 104 of the Resource Management Act 1991, the Far North District Council refuses its consent in part to application number RC 2000812 by DC Schmuck for the following activities and structures on the Esplanade Reserve (Sec 1, Sec 2, Sec 3 & Sec 4 as shown on SO 68634):*

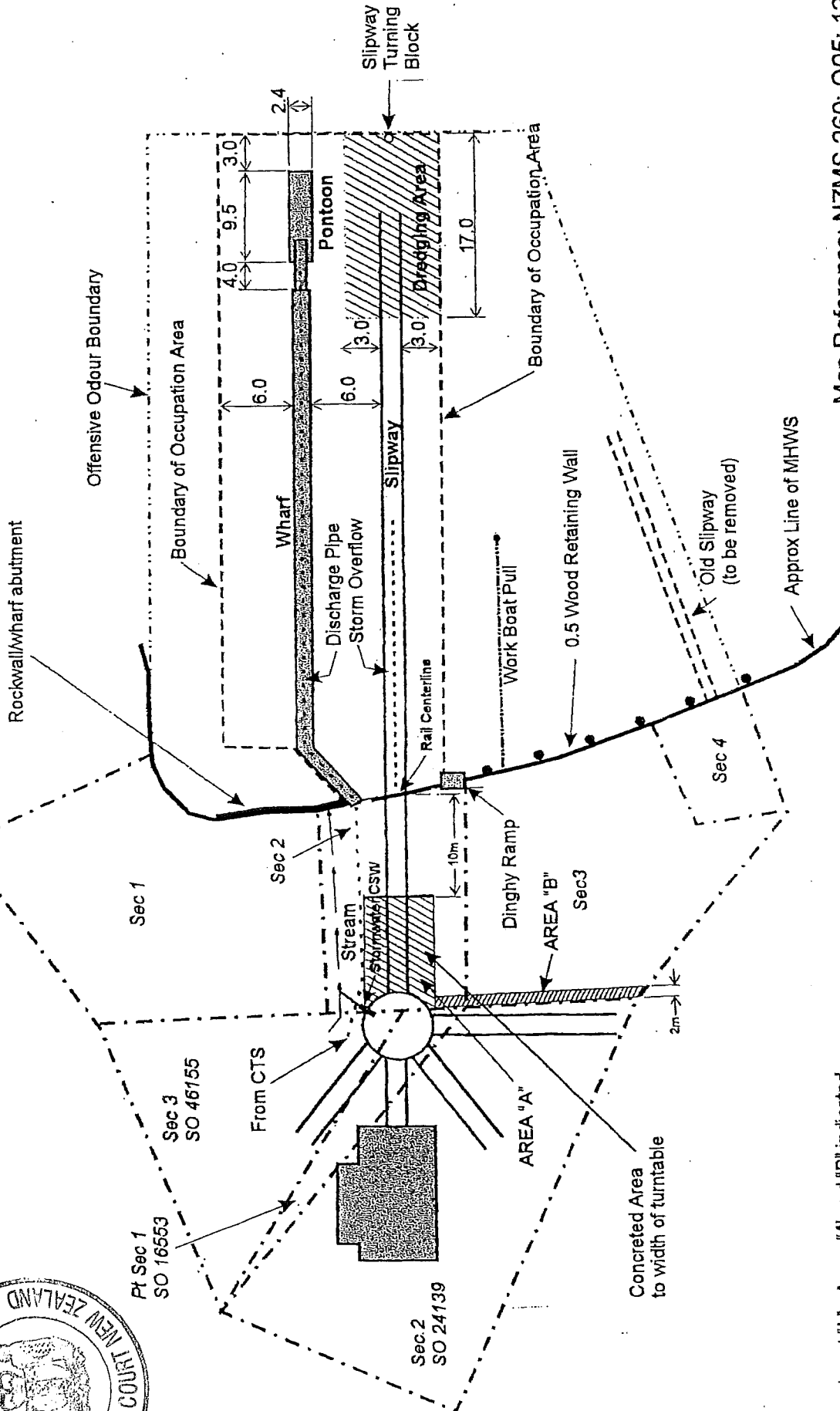
- 2) a ii. A Stormwater Containment System (CSW) including all tanks, pipes, cables, traps, filters, and utilities.
 iii A Discharge Containment System (CTS) including all tanks, pipes, cables, traps, filters and utilities.
 iv Use of the concrete slipway for boat repair and maintenance.
 viii Existing dinghy racks.
(new)xiii Existing south dinghy ramp.

ADVICE NOTE

The District Council will prepare a management plan for the Esplanade Reserve.



Note: Dimensions in Metres



Map Reference: NZMS 260: Q05: 123-537



**NORTHLAND
REGIONAL
COUNCIL**

Plan No.

Scale

N.T.S.

3231h

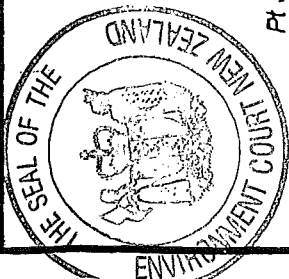
RESOURCE CONSENT NLD 99 7914

for

**Doug's Opua Boat Yard
Boat Maintenance Facilities - Opua**

Amendment "b": Areas "A" and "B" indicated
Amendment "a": Washdown area in CMA deleted

| By | | Date |
|-----------|--------------|-------|
| Dwn. | C N Anderson | |
| App'd | | |
| Amendment | | Date |
| No. | By | Date |
| a | C N Anderson | 03/01 |
| b | C N Anderson | 12/01 |



The following are current consents for extension to authorised seawalls and ramps
AUT.007914.16-18

| |
|---|
| <div data-bbox="655 407 909 658" data-label="Image"></div> <div data-bbox="1061 405 1275 434" data-label="Text"><p>CON20120791416</p></div> <div data-bbox="462 654 1104 736" data-label="Section-Header"><h2>Resource Consent</h2></div> <div data-bbox="443 761 1117 822" data-label="Text"><p><i>Pursuant to the Resource Management Act 1991, the Northland Regional Council (hereinafter called "the Council") does hereby grant a Resource Consent to:</i></p></div> <div data-bbox="288 873 1058 913" data-label="Text"><p>DOUGLAS CRAIG SCHMUCK, 1 RICHARDSON STREET, OPUA 0200</p></div> <div data-bbox="287 925 1272 992" data-label="Text"><p>To carry out the following activities in the coastal marine area of Walls Bay, Opuia at or about location co-ordinates 1701495E 6091840N.</p></div> <div data-bbox="287 1008 485 1041" data-label="Section-Header"><p>Coastal Permits:</p></div> <div data-bbox="287 1075 1011 1158" data-label="List-Group"><ul style="list-style-type: none">(16) To place, use and occupy space with a seawall.(17) To place, use and occupy space with a dinghy ramp extension.</div> <div data-bbox="284 1184 1267 1249" data-label="Section-Header"><p>Land Use Consent (Issued under Transfer of Functions, Powers and Duties from the Far North District Council):</p></div> <div data-bbox="290 1267 1267 1332" data-label="List-Group"><ul style="list-style-type: none">(18) To place and use those portions of a dinghy ramp located above Mean High Water Springs (MHWS),</div> <div data-bbox="280 1359 1264 1426" data-label="Text"><p><i>Note: All location co-ordinates in this document refer to Geodetic Datum 2000, New Zealand Transverse Mercator Projection.</i></p></div> <div data-bbox="280 1442 655 1478" data-label="Section-Header"><p>Subject to the following conditions:</p></div> <div data-bbox="277 1496 1264 1832" data-label="List-Group"><ol style="list-style-type: none">1 These consents apply to only to the seawall and dinghy ramp identified on NRC Plan No. 4467A attached and also on the marked up Thompson Survey Limited Plan entitled "<i>Proposed Walls Bay Site Management Plan</i>" Surveyor Ref. No. 8095, Rev date 03-04-12 (NRC Plan No. 4467B).2 A cloth, graduated rock layers, or equivalent filtration or barrier method, effective in preventing escape of backfill or other material to the coastal marine area from behind the seawall, shall form part of its construction.3 The Consent Holder shall mark the seawall with the number 7914-16 in black lettering on a white background clearly displayed and in such a manner as to be clearly visible from the sea.</div> |
|---|

- 4 The Consent Holder shall keep the coastal marine area free of debris resulting from the Consent Holder's activities.
- 5 The Consent Holder shall maintain the structures covered by these consents in good order and repair.
- 6 The Consent Holder shall ensure that a copy of these consents is provided to the person who is to carry out construction and or maintenance works associated with these consents. A copy of these consents shall be held on site, and available for inspection by the public, during construction or maintenance.
- 7 The Consent Holder shall exercise these consents in a manner which ensures that the quality of the receiving waters, at any point 10 metres from the structure authorised by this consent, always meets the following standard during maintenance works:

| Standard | Contact Recreation Standard CB |
|------------------------------------|---|
| Natural visual clarity | Not reduced more than 20%. |
| Natural hue | Not changed more than 10 Munsell units. |
| Oil/grease film, scum, foam, odour | No conspicuous oil or grease film, scums or foams, floatable or suspended materials, or emissions of objectionable odour. |

- 8 The Consent Holder shall, for the purposes of adequately monitoring these consents as required under Section 35 of the Act, on becoming aware of any contaminant associated with the Consent Holder's operations escaping otherwise than in conformity with these consents:
 - (a) Immediately take such action, or execute such work as may be necessary, to stop and/or contain such escape; and
 - (b) Immediately notify the Council by telephone of an escape of contaminant; and
 - (c) Take all reasonable steps to remedy or mitigate any adverse effects on the environment resulting from the escape; and
 - (d) Report to the Council's Monitoring Manager in writing within one week on the cause of the escape of the contaminant and the steps taken or being taken to effectively control or prevent such escape.

In regard to telephone notification, during Council opening hours the Council's assigned monitoring officer for this consent shall be contacted. If that person cannot be spoken to directly, or it is outside of Council opening hours, then the Environmental Emergency Hotline shall be contacted.

Advice Note: *The Environmental Emergency Hotline is a 24 hour, 7 day a week, service that is free to call on 0800 504 639.*

9 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 March for the following purpose:

- (a) To deal with any adverse effects on the environment that may arise from the exercise of this consent and which it is appropriate to deal with at a later stage.

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

Advice Note: *The Northland Regional 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 any time for the following purposes:*


- (i) To provide for compliance with rules relating to minimum standards of water quality in any regional plan that has been made operative since the commencement of the consent; or*
- (ii) To provide for compliance with any relevant national environmental standards that have been made; or*
- (iii) Where there are inaccuracies in the information made available with the application that materially influenced the decision on the application and where the effects of the exercise of consent are such that it is necessary to apply more appropriate conditions.*

10 These consents shall not lapse until their expiry.

11 Prior to the expiry, cancellation, or lapsing of these consents the Consent Holder shall remove all structures and other materials and refuse associated with these consents from the consent area and shall restore the consent area to the satisfaction of the Council, unless an application for replacement consents have been properly made beforehand.

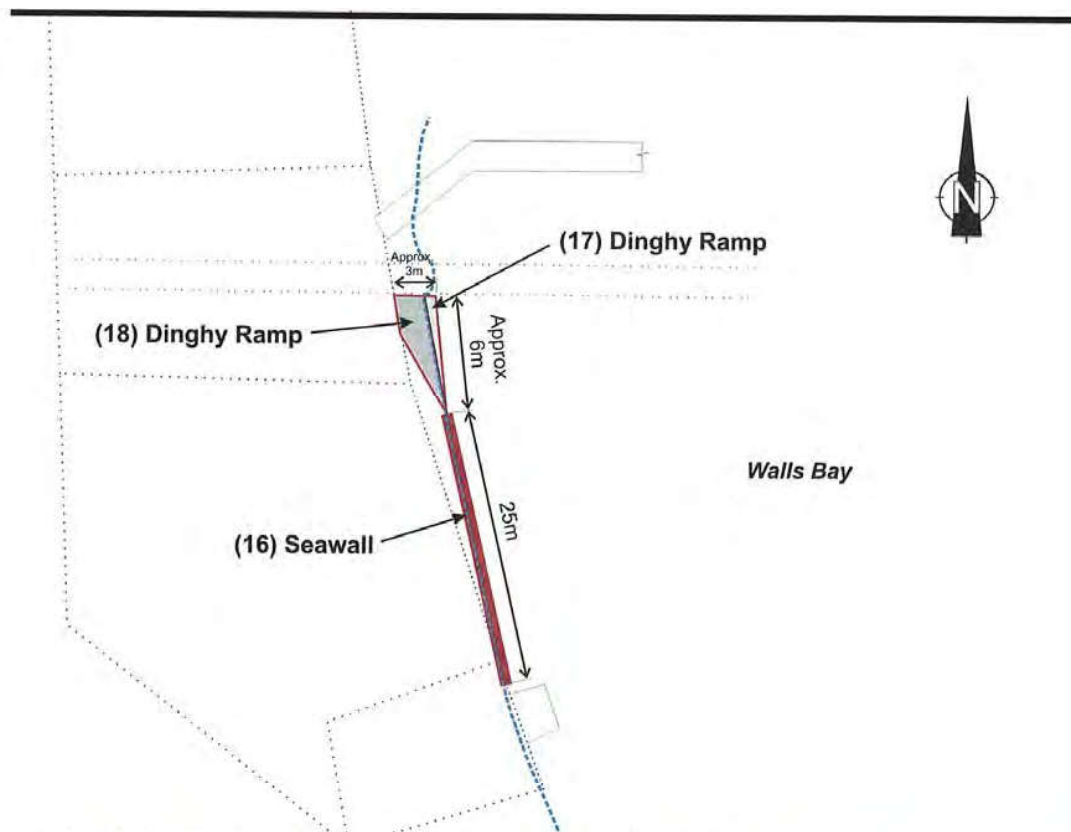
EXPIRY DATE: 30 MARCH 2036

These consents are granted this Nineteenth day of February 2013 under delegated authority from the Council by:



Allan Richards
Consents Programme Manager – Coastal & Works

Please note that the date of commencement for these resource consents is 19 February 2013.



Location Co-ordinates:
Datum: NZTM
Easting: 1701495
Northing: 6091840

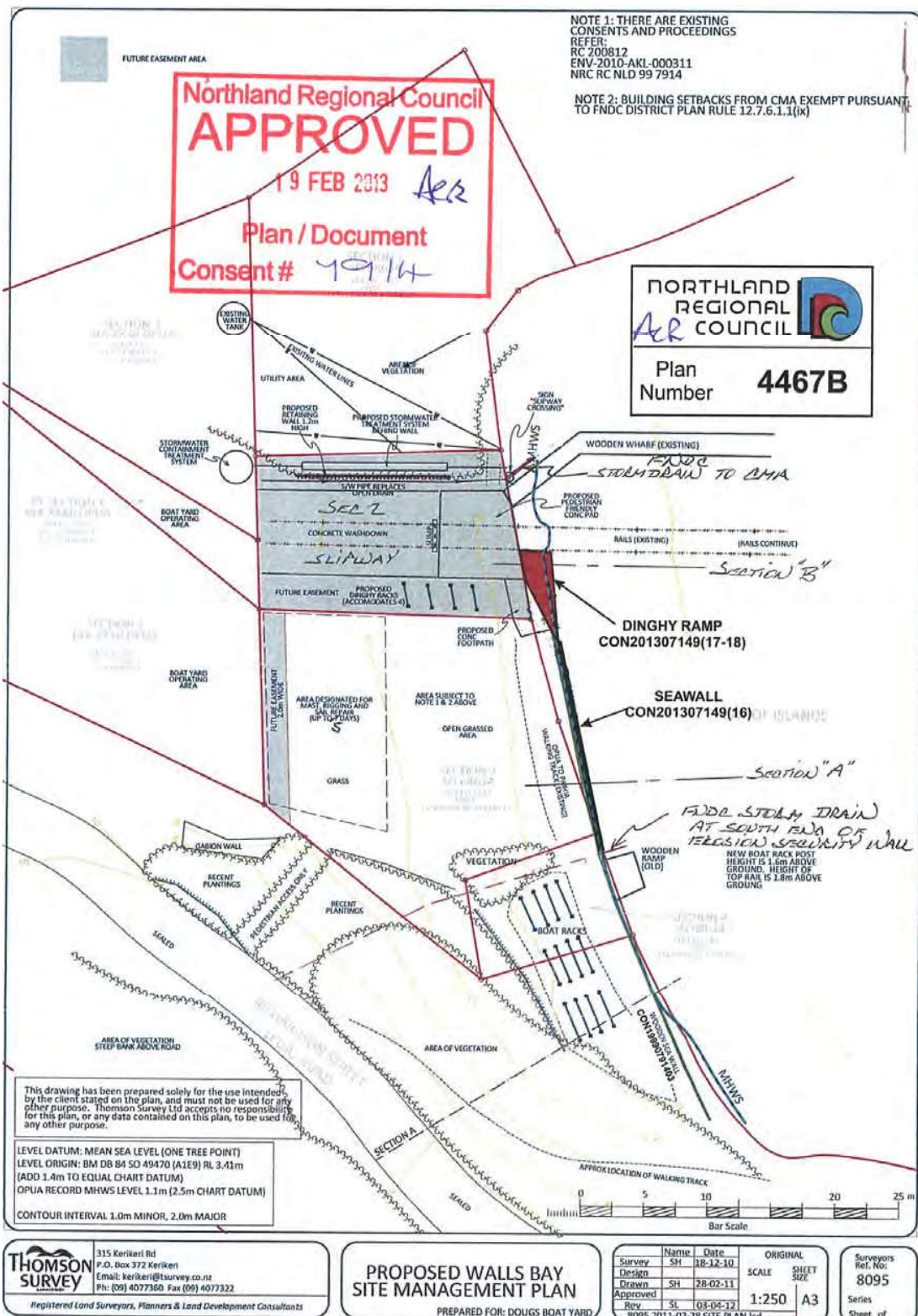
**NORTHLAND
REGIONAL
COUNCIL**

RESOURCE CONSENT CON201307914016-18
for
D Schmuck
Seawall and Dinghy Ramp Extension
Walls Bay, Opua

Scale: N.T.S.
Drawn: PAM 02/13


App'd: *Ali. Ricketts* 02/13
Plan No.

4467A



APPENDIX A:

The following is the current consent for AUT.007914.01-3 and AUT.007914.05-09.

| | |
|---|--|
|  | CON20030791410 Re-issue of (01-03) & (05-15) Including Changes to (10) and (14) |
| <h1><i>Resource Consent</i></h1> | |
| <p><i>Pursuant to the Resource Management Act 1991, the Northland Regional Council (hereinafter called "the Council") does hereby grant a Resource Consent to:</i></p> | |
| <p>DOUG'S OPUA BOATYARD (D C SCHMUCK), RICHARDSON ST, OPUA</p> | |
| <p><u>A (01 - 03) AND (05 - 09) - COASTAL PERMITS:</u></p> | |
| <p>To carry out the following activities associated with the operation of a boatyard at Richardson Street, Opuā:</p> | |
| <ul style="list-style-type: none">(01) A wharf, wharf abutment and walking track security lighting, discharge piping and access pontoon;(02) A slipway, complete with cabling and a dinghy ramp;(03) Those parts of a timber and stone seawall and associated reclamation that lie within the Coastal Marine Area;(05) A workboat mooring and pull; and(06) Existing signage and hoardings.(07) To carry out maintenance dredging of seabed material at the slipway.(08) To use the above structures for purposes associated with the boatyard, including survey and inspection of ships and safe ship management, gridding of vessels for maintenance, marine brokerage of vessels for sale and/or charter in conjunction with the boatyard office.(09) To occupy an area of seabed associated with the slipway and wharf structures. | |
| <p>subject to the information submitted with the application and the following conditions:</p> | |
| <ul style="list-style-type: none">1 This consent applies only to the area defined within the Boundary of Occupation Area shown on Northland Regional Council Plan No. 3231b attached.2 The Consent Holder shall have the exclusive occupancy of the area of seabed within the boundary of occupation area shown on Northland Regional Council Plan No: 3231 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. | |

3 The Consent Holder shall submit a Management Plan, to the Regional Council, for approval, within three months of the date of commencement of these consents. The Management Plan shall cover all aspects of:

- (a) The operation and maintenance of wharf;
- (b) The operation and maintenance of the slipway, including maintenance dredging;
- (c) Measures to avoid the discharge of contaminants to the Coastal Marine Area; and
- (d) Contingency measures for unforeseen or emergency situations.

The operation and maintenance of the above systems, and the boatyard operations, shall be carried out in accordance with the approved Management Plan.

4 The Consent Holder shall review the Management Plan in consultation with the Regional Council at no greater than three yearly intervals. The reviewed Management Plan shall not take effect until its approval by the Regional Council.(MM5.95)

5 The Consent Holder shall notify the Regional Council in writing of the date construction work is to commence at least two weeks beforehand.

6 The Consent Holder shall keep the Coastal Marine Area free of debris resulting from the Consent Holder's activities.

7 Waste collection facilities shall be provided on the wharf and all waste material from activities carried out in association with the use of the wharf and slipway shall be removed from the Coastal Marine Area and disposed of to an approved disposal facility.

(Note: A 2.3 metre long by 1.0 metre wide by 1.3 metre high box, along the edge of the jetty adjacent to its connection to the land, will be constructed for this purpose.)

8 The wharf shall not be used for the cleaning down, or the preparation or painting of vessel hulls.

9 Noise levels associated with the construction and installation of the proposed new facilities and the operation of all facilities shall not exceed those set out in the relevant sections of Schedule 1, attached.

10 The Consent Holder shall remove the old slipway within six months of the date of commencement of this consent.

11 The wharf 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 for longer than 12 hours in any seven day period 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.

12 Maintenance of vessels and structures within the consent area shall not occur outside of the hours 0700-2000 Monday to Friday and 0800-2000 Saturday, Sunday and Public Holidays, except in emergencies which directly involve the safety of people or vessels.

- 13 Maintenance dredging of the slipway shall be carried out no more than once a year.
- 14 The Consent Holder shall notify the Regional Council in writing of each date dredging is intended to commence, at least one week beforehand.
- 15 The area to be dredged shall be confined to that indicated on Northland Regional Council Plan No. **3231b** and the depth dredged at any location within this area shall not extend below the level of the underside (soffit) of the closest slipway rail support.
- 16 Dredging shall be undertaken by hydraulic excavator operating from the slipway at low tide.
- 17 Silt screening shall be in place around the dredge site during dredging.
- 18 All dredgings shall be disposed of to an approved land-based disposal facility or location.
- 19 Within the coastal marine area, there shall be no cleaning of vessel hulls below their water lines involving the discharge of contaminants.
(**Note:** While this condition generally precludes the cleaning of marine growth from vessel hulls, it does allow the controlled removal of marine growth from limited areas of the vessel (for example from skin fittings, *propellers or zinc blocks*) associated with minor maintenance, where all marine growth that is removed is contained and disposed of to an approved land-based facility, and where no marine growth is discharged to the coastal marine area.)
- 20 The floating pontoon shall only be used for the casual berthing of craft.
- 21 The plans and specifications for the proposed floating pontoon and its piles shall be prepared by an appropriately qualified and experienced Registered Engineer and the construction shall be in accordance with those plans and specifications, once building approval has been obtained.
- 22 Monitoring of the consent will be carried out by the Regional Council. Various elements of the monitoring may be carried out by the Consent Holder with the prior written agreement of the Regional Council.
- 23 Immediately upon completion of the installation of all new works associated with this consent the Consent Holder shall, in writing, notify:

Nautical Information Advisor
Land Information New Zealand
Private Box 5501
Wellington

Maritime Safety Authority
P O Box 27-006
Wellington

The Far North District Council
Private Bag 752
Kaikohe

Northland Regional Council
Private Bag 9021
Whangarei

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

24 Where from any cause, contaminant associated with the Consent Holder's operations escapes otherwise than in conformity with this consent the Consent Holder shall:

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

25 The Regional 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 of this consent. Such notice may be served twelve months after the date of commencement of the consent, and thereafter at yearly intervals. The review may be initiated 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 to deal with any such effects following assessment of the results of the monitoring of the consent and/or as a result of the Regional Council's monitoring of the state of the environment in the area;
- (b) To require the adoption of the Best Practicable Option to remove or reduce any adverse effect on the environment;
- (c) To provide for compliance with rules in any regional plan that has been made operative since the commencement of the consent;
- (d) To deal with any inadequacies or inconsistencies the Regional Council considers there to be in the conditions of the consent, following the establishment of the activity the subject of the consent;
- (e) To deal with any material inaccuracies that may in future be found in the information made available with the application. (Notice may be served at any time for this reason.); and
- (f) To change existing, or impose new limits on the operation of the facilities or the discharges.

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

26 This consent shall lapse on the expiry of two years after the date of commencement of the consent, unless the consent is given effect to before the expiry of this period or such longer period as may be granted under Section 125 of the Act.

- 27 Upon the expiry, cancellation, or lapsing of this consent the Consent Holder shall remove all structures and other materials and refuse associated with this consent from the consent area and shall restore the consent area to the satisfaction of the Regional Council.

EXPIRY DATE: 30 MARCH 2036

B (10 - 15) DISCHARGES:

To carry out the following activities associated with the operation of a boatyard at Richardson Street, Opuā:

- (10) To discharge treated washwater to the Coastal Marine Area at or about Map Reference Q05:124-537.
- (11) To discharge contaminants to air from marine vessel construction, sale, repair, maintenance and associated activities on Sec 2 SO 24139, Pt Sec 1 SO 16553, Sec 3 SO 46155, Sec 1 – 4 SO 63634, Blk V Russell SD, at or about Map Reference Q05: 123-537.
- (12) To discharge contaminants to air in the Coastal Marine Area from marine vessel construction, sale, repair, maintenance and associated activities at or about Map Reference Q05: 124-537.
- (13) To discharge contaminants to ground as a result of boat maintenance activities on Sec 2 SO 24139, Pt Sec 1 SO 16553, Sec 3 SO 46155, Secs 2 & 3 SO 63634, Blk V Russell SD at or about Map Reference Q05: 123-537.
- (14) To discharge stormwater to an unnamed tributary of the Veronica Channel on Sec 3 SO 46155 Blk V Russell SD at or about Map Reference Q05: 123-537.
- (15) To discharge stormwater to the Coastal Marine Area at or about map reference Q05: 124-537.

(10) DISCHARGE OF TREATED WASHWATER TO THE COASTAL MARINE AREA

- 1 The total quantity discharged in the exercise of this consent shall not exceed one cubic metre per day.
- 2 The proposed boat washwater containment system, and CTS treatment system shall be constructed in general accordance with the details provided in the application, and attached, within six weeks of the granting of legal easements giving access to the sites of the proposed systems but by no later than 31 January 2005.
- 3 The quality of the discharge shall not exceed the following standards:

| Parameter | Standard |
|-----------|----------|
| TSS | 100 mg/l |
| Copper | 2 mg/l |
| Zinc | 20 mg/l |
| Lead | 2 mg/l |

- 4 Notwithstanding any other conditions of this consent, the discharge shall not result in any of the following effects in the receiving water, at or beyond the edge of the mixing zone:

- (a) A reduction in the dissolved oxygen concentration to below 80% of saturation;
- (b) A change in the natural water temperature greater than three degrees Celsius;
- (c) A change in the natural pH greater than 0.2 units;
- (d) The change in water clarity as measured by the black disc method shall not be greater than 20%;
- (e) The change in hue as measured with the Maunsell Colour Chart System shall not exceed 10 units;
- (f) The production of any conspicuous oil or grease films, scums or conspicuous floating or suspended materials;
- (g) The concentration of metals shall not exceed the following:

| | |
|--------------|----------------------|
| total copper | 5 mg/m ³ |
| total lead | 5 mg/m ³ |
| total zinc | 50 mg/m ³ |

- (h) Any emission of objectionable odour; and
- (i) Any adverse effect on aquatic life. (T8.95 mod)

The harbour waters within a 10 metre radius of the discharge point, shall be deemed to be the mixing zone for this discharge.

When the background water quality in the coastal waters does not meet the above standards, then the discharge shall not cause the water quality in the harbour at the edge of the mixing zone to be worse than the background water quality.

(Note: For compliance purposes, when comparing background and receiving water quality results the error of the analytical method, or measuring instrument, at the 95%ile confidence level shall be taken into account.

The Consent Holder shall provide and maintain easy access to a sampling point in the discharge pipe at the end of the jetty. This shall allow for the taking of samples, and the introduction of tracer substances as required.)

(11 & 12) DISCHARGES TO AIR

- 5 Except as required by the following conditions, no alteration shall be made to plant or processes that may significantly change the nature, effects, or quantity of contaminants discharged as described in the consent application without the prior written approval of the Regional Council.
- 6 The exercise of this consent shall not give rise to any discharge of contaminants, which is noxious, dangerous, offensive or objectionable at or beyond the boundaries of Sec 2 SO 24139, Pt Sec 1 SO 16553, Sec 3 SO 46155, Sec 1 – 4 SO 63634, Blk V and the area within the Coastal Marine Area defined by the Offensive Odour Boundary in NRC Plan No 3231.

- 7 Where practicable, the Consent Holder shall preferentially use surface coating materials and application methods that have a low odour and/or low emission/loss potential.
- 8 All operations shall be conducted with regard to wind direction and wind strength to prevent or minimise any adverse effects on the environment.
- 9 The discharge of contaminants into the air from the exercise of this consent shall not cause or significantly contribute to ambient concentrations of the following contaminants exceeding the following limits at or beyond the boundaries of Sec 2 SO 24139, Pt Sec 1 SO 16553, Sec 3 SO 46155, Sec 1 – 4 SO 63634, Blk V and the area within the Coastal Marine Area defined by the Offensive Odour Boundary in NRC Plan No **3231b**.

| Contaminant | Ambient Limit (micrograms per cubic metre) |
|---|---|
| Particulate (PM ₁₀) | 50 micrograms per cubic metre (24 hour average) |
| Lead and lead compounds expressed as lead | 0.5 micrograms per cubic metre (3 month moving average) |
| Copper and copper compounds expressed as copper | 20 micrograms per cubic metre (8 hour average) |
| Zinc and zinc compounds expressed as zinc | 4.8 micrograms per cubic metre (8 hour average) |
| Tin and tin compounds expressed as tin | 2.4 micrograms per cubic metre (8 hour average) |
| Isocyanates, (as –NCO), including all isocyanates and pre-polymers as mists, dusts, and vapours | 0.048 micrograms per cubic metre (8 hour average) |

- 10 As far as is practicable, work areas and surrounding areas shall be cleared of accumulations of waste generated as a result of, and as soon as is practicable after completion of any abrasive blasting or water blasting operation. Any waste material shall be disposed of at a location with the appropriate resource consents.
- 11 Dry abrasive blasting operations shall only be carried out when the object's size, shape or weight prevents it being practicably transported and blasted in an abrasive blasting booth for which appropriate resource consents are held.
- 12 All items to be dry blasted outside of a booth shall be screened by means of covers, tarpaulins, cladding, or other means, as completely as is practicable, to contain dust emissions and depositions and to restrict the spread of all blasting debris.
- 13 All abrasive used for abrasive blasting shall contain less than 2% by dry weight free silica.

(13) DISCHARGE TO GROUND

- 14 The Consent Holder shall undertake such measures as are necessary to minimise the discharge of contaminants to ground within the boatyard site and adjacent Esplanade Reserve. These measures shall be incorporated into the Management Plan required by Condition 22 of this Consent.

(14) DISCHARGE OF STORMWATER TO WATER

- 15 The proposed land contouring and stormwater treatment and disposal system shall be constructed in general accordance with the details provided in the application, within six weeks of the granting of legal easements giving access to the sites of the proposed systems but by no later than 31 January 2005.

- 16 Notwithstanding any other conditions of this consent, the discharge shall not result in any of the following effects in the receiving water, at or beyond the edge of the mixing zone:

- (a) A reduction in the dissolved oxygen concentration to below 80% of saturation;
- (b) A change in the natural water temperature greater than three degrees Celsius;
- (c) A change in the natural pH greater than 0.2 units;
- (d) The change in clarity as measured by the black disc method shall not be greater than 40%;
- (e) The production of any conspicuous oil or grease films, scums or conspicuous floating or suspended materials;
- (f) The concentration of metals shall not exceed the following:

| | |
|--------------|-----------------------|
| total copper | 10 mg/m ³ |
| total lead | 10 mg/m ³ |
| total zinc | 100 mg/m ³ |

- (g) Any emission of objectionable odour.

The drain waters immediately upstream of the coastal walkway, shall be deemed to be the edge of the mixing zone for this discharge.

When the background water quality in the drain does not meet the above standards, then the discharge shall not cause the water quality in the drain at or beyond the edge of the mixing zone to be worse than the background water quality.

(Note: For compliance purposes, when comparing background and receiving water quality results the error of the analytical method, or measuring instrument, at the 95%ile confidence level shall be taken into account.)

(15) DISCHARGE OF STORMWATER TO THE CMA

17 Notwithstanding any other conditions of this consent, the discharge shall not result in any of the following effects in the receiving water, at or beyond the edge of the mixing zone:

- (a) A reduction in the dissolved oxygen concentration to below 80% of saturation;
- (b) A change in the natural water temperature greater than three degrees Celsius;
- (c) A change in the natural pH greater than 0.2 units;
- (d) The change in water clarity as measured by the black disc method shall not be greater than 20%;
- (e) The change in hue as measured with the Maunsell Colour Chart System shall not exceed 10 units;
- (f) The production of any conspicuous oil or grease films, scums or conspicuous floating or suspended materials;
- (g) The concentration of metals shall not exceed the following:

| | |
|--------------|----------------------|
| total copper | 5 mg/m ³ |
| total lead | 5 mg/m ³ |
| total zinc | 50 mg/m ³ |

- (h) Any emission of objectionable odour; and
- (i) Any adverse effect on aquatic life. (T8.95 mod)

The harbour waters within a 10 metre radius of the discharge point, shall be deemed to be the mixing zone for this discharge.

When the background water quality in the coastal waters does not meet the above standards, then the discharge shall not cause the water quality in the harbour at edge of the mixing zone to be worse than the background water quality.

(Note: For compliance purposes, when comparing background and receiving water quality results the error of the analytical method, or measuring instrument, at the 95%ile confidence level shall be taken into account.)

GENERAL CONDITIONS APPLYING TO CONSENTS (10 TO 15)

18 The Consent Holder shall submit a Management Plan, to the Regional Council, for approval, within three months of the date of commencement of these consents. The Management Plan shall cover all aspects of:

- (a) The operation and maintenance of the boat washdown area;
- (b) The operation and maintenance of the washwater treatment system;
- (c) The operation and maintenance of the stormwater treatment system;
- (d) Measures to minimise the discharge of contaminants to ground;
- (e) Measures to minimise the emissions and any adverse effects on the environment from the discharges to air; and

- (f) Contingency measures for unforeseen or emergency situations.

The operation and maintenance of the above systems, and the boatyard operations, shall be carried out in accordance with the approved Management Plan. (M4.95 mod)

- 19 The Consent Holder shall review the Management Plan in consultation with the Regional Council at no greater than three yearly intervals. The Reviewed Management plan shall not take effect until its approval by the Council.(MM5.95)

- 20 The Consent Holder shall, for the purposes of adequately monitoring the consent as required under section 35 of the Act, maintain records of any complaints relating to the discharge of contaminants received by the Consent Holder, as detailed below:

- (a) The name and address of the complainant;
- (b) The date and time the complaint is received;
- (c) The duration of the event that gave rise to the complaint;
- (d) The location from which the complaint arose;
- (e) The weather conditions prevailing at that time;
- (f) Any events in the management and operation of any processes that may have resulted in the increased discharge of contaminants; and
- (g) Any actions taken by the Consent Holder, where possible, to minimise the contaminant emissions.

The Consent Holder shall notify the Regional Council, as soon as is practicable, of any complaint received. Records of the above shall be sent to the Council upon request.

- 21 For the purpose of adequately monitoring the consent as required under section 35 of the Act, the Consent Holder on becoming aware of any incident or situation that does not comply with this consent shall:

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


- 22 The Regional 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 of this consent. Such notice may be served six months after the commencement of the consent, and thereafter at yearly intervals. The review may be initiated 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 to deal with any such effects following assessment of the results of the monitoring of the consent and/or as a result of the Regional Council's monitoring of the state of the environment in the area;
- (b) To require the adoption of the Best Practicable Option to remove or reduce any adverse effect on the environment;
- (c) To provide for compliance with rules in any regional plan that has been made operative since the commencement of the consent;
- (d) To deal with any inadequacies or inconsistencies the Regional Council considers there to be in the conditions of the consent, following the establishment of the activity the subject of the consent; and
- (e) To deal with any material inaccuracies that may in future be found in the information made available with the application.

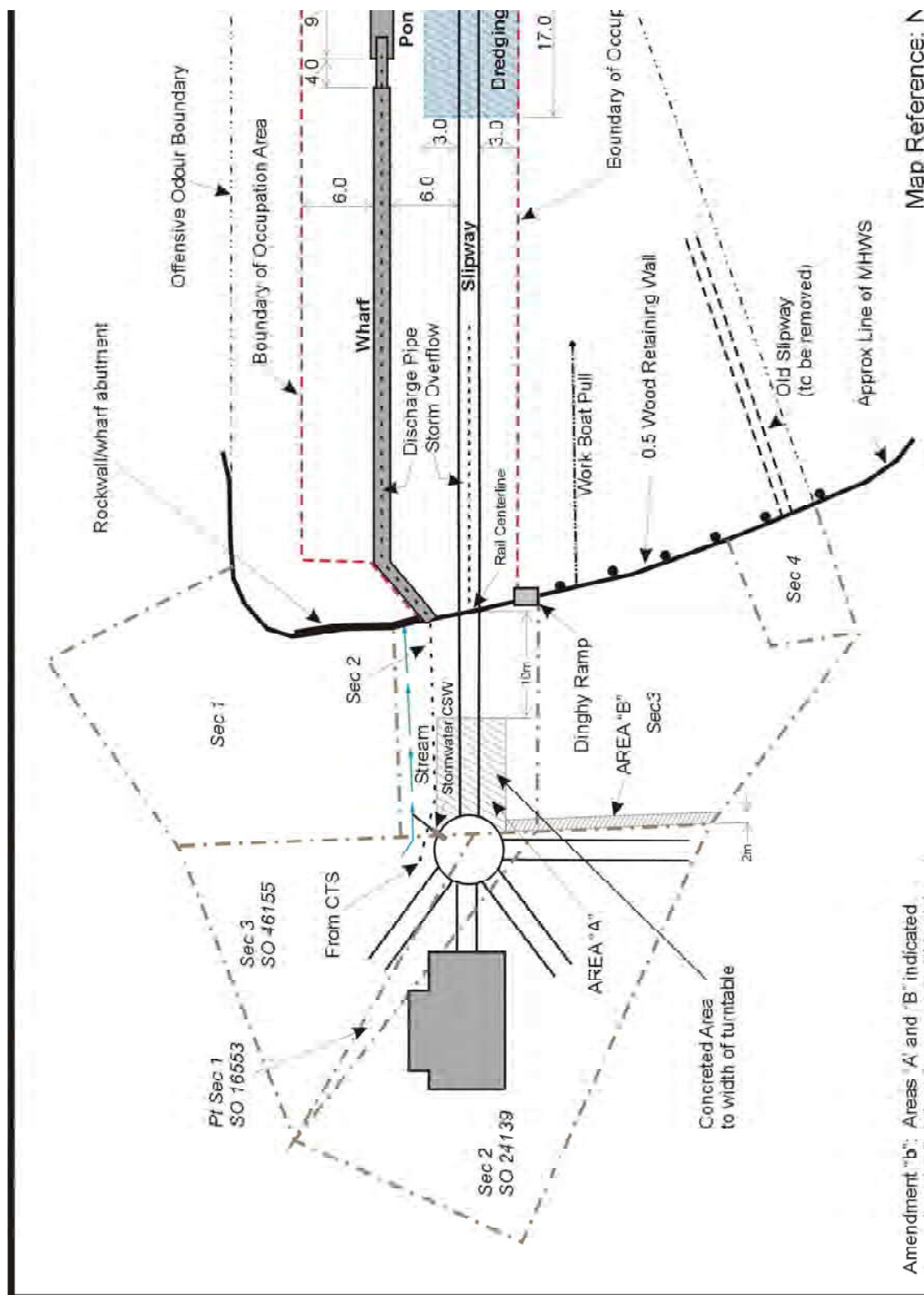
The Consent Holder shall meet all reasonable costs of any such review.

EXPIRY DATE: 30 APRIL 2006

ISSUED at Whangarei this Fourth day of March 2004



**D L Roke
Consents Manager**



Amendment "b": Areas 'A' and 'B' indicated

SCHEDULE 1

ENVIRONMENTAL STANDARDS - NOISE

CONSTRUCTION

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

| Time Period | Weekdays (dBA) | | Saturdays (dBA) | | Sundays and public holidays (dBA) | |
|-------------|-------------------|-----------|--------------------|-----------|---|-----------|
| | L_{eq} | L_{max} | L_{eq} | L_{max} | L_{eq} | L_{max} |
| 0630 - 0730 | 65 | 75 | 45 | 75 | 45 | 75 |
| 0730 – 1800 | 80 | 95 | 80 | 95 | 55 | 85 |
| 1800 - 2000 | 75 | 90 | 45 | 75 | 45 | 75 |
| 2000 - 0630 | 45 | 75 | 45 | 75 | 45 | 75 |

Note: The definitions of L_{eq} and L_{max} are given in NZS 6801:1991.

OPERATION

Noise emitted from any activity, when measured at the boundary of the zone (as defined below), shall not exceed the following noise levels.

| <i>Time Period</i> | <i>Noise Limit</i> |
|---|------------------------------------|
| 0700 hrs to 2200 hrs | 50 dBA L_{10} |
| 2200 hrs to 0700 hrs the following day | 45 dBA L_{10} |
| | 65 dBA L_{max} |

Note: The boundary of the zone shall be the line of mean high water springs and the radius, within the Coastal Marine Area, of 100 metres of the source of the noise.

Sound levels shall be measured in accordance with New Zealand Standard NZS 6801:1991 Measurement of Sound and assessed in accordance with NZS 6802:1991 Assessment of Environmental Sound.

R