

Sarah Wainwright

From: Andrew Johnson <andrew@totalmarineservices.co.nz>
Sent: Monday, 31 August 2020 10:34 AM
To: Colleen Prendergast
Subject: RE: APP.041365.01.01 - Hearing Documents (Re response to Cr's query re sandbags) URGENT VERY URGENT

Hi Colleen,

Re the subsurface erosion barrier - while the reporting planner advised the Commissioner he was satisfied from an engineering perspective, there was some discussion about the lack of alternatives considered. In essence, the feeling was that the hearing was just presented with the option of a shallower draft or the barrier. The Commissioner referred to the comment from Richard Griffiths (I think) to the 2018 hearing re soft protection measures, noted there was no discussion on those, and queried Alister on sandbags rather than rock or a pile wall.

Do you have any comment? It would be helpful to go back to the Commissioner with any advantages/disadvantages if you do.

Referring to my additional evidence 29th July 2020, we have considered several other alternatives. We have considered alternatives to the erosion barrier itself (pt 6(i), pt 6(ii), pt 6(iii)), and it was considered a erosion barrier was the most suitable. We then considered different types of erosion barriers pt 9, to determine a placed rock barrier was most suitable.

Re: soft protection measures

- Sandbags are not practical due to their poor durability, the nylon bags will perish when exposed to UV and saltwater in a short amount of time - and then they will need to be replaced.
- A batter was not possible due to; geotechnical conditions, and the proximity of the slipway and the shellfish bed.
- In my opinion a placed rock barrier is actually quite a "soft" protection measure, when you consider the advantages outline in my evidence pt9 & pt10.

Kind Regards, Andrew

Ps. I must admit it feels like I have answered this question so many times.

From: Colleen Prendergast
Sent: Monday, August 31, 2020 8:54 AM
To: Andrew Johnson
Subject: RE: APP.041365.01.01 - Hearing Documents (Re response to Cr's query re sandbags) URGENT VERY URGENT

Thanks

Regards
Colleen

Colleen Prendergast BTP LLB
Consultant

Direct Phone 09 430 4349
Fax 09 438 6420
PO Box 11, Whangarei 0140
www.hendersonreeves.co.nz

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From: Andrew Johnson [<mailto:andrew@totalmarineservices.co.nz>]
Sent: Monday, 31 August 2020 8:37 a.m.
To: Colleen Prendergast <ColleenPrendergast@hendersonreeves.co.nz>
Subject: RE: APP.041365.01.01 - Hearing Documents (Re response to Cr's query re sandbags) URGENT VERY URGENT

Hi Colleen,
Sorry I have been busy with large tenders, I have a meeting until 0930 and I will respond then.

Kind Regards, Andrew

From: Colleen Prendergast <ColleenPrendergast@hendersonreeves.co.nz>
Sent: Monday, August 31, 2020 12:12 AM
To: Andrew Johnson <andrew@totalmarineservices.co.nz>
Subject: RE: APP.041365.01.01 - Hearing Documents (Re response to Cr's query re sandbags) URGENT VERY URGENT
Importance: High

Andrew
I need to get my reply on Doug's behalf to the Commissioner tomorrow – well today actually.

I need your response please – were any soft protection measures considered? If so what? If not why not? Would sandbags be a soft protection measure? Would they work? Would they be visually more pleasing than the rock?

Please don't let Doug down – thanks

Colleen

Colleen Prendergast BTP LLB
Consultant



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From: Colleen Prendergast
Sent: Tuesday, 25 August 2020 4:03 p.m.
To: 'Andrew Johnson' <andrew@totalmarineservices.co.nz>
Subject: FW: APP.041365.01.01 - Hearing Documents (Re response to Cr's query re sandbags) URGENT
Importance: High

Hi Andrew
Will you please respond to my email below.

Thanks
Colleen

Colleen Prendergast BTP LLB
Consultant



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From: Colleen Prendergast
Sent: Tuesday, 11 August 2020 4:28 p.m.
To: 'Andrew Johnson' <andrew@totalmarineservices.co.nz>
Cc: 'Doug & Helen Schmuck (totarahill@xtra.co.nz)' <totarahill@xtra.co.nz>; 'Brett Hood (brett@reyburnandbryant.co.nz)' <brett@reyburnandbryant.co.nz>; 'John Papesch' <johnp@haighworkman.co.nz>; 'Pete Wilson' <petew@4sight.co.nz>; 'Peter Stacey' <Peter.Stacey@ghd.com>; 'Mike Farrow' <mike@lla.co.nz>
Subject: FW: APP.041365.01.01 - Hearing Documents

Hi Andrew

Sorry – just discovered another bit of my notes that does affect you.

Re the subsurface erosion barrier - while the reporting planner advised the Commissioner he was satisfied from an engineering perspective, there was some discussion about the lack of alternatives considered. In essence, the feeling was that the hearing was just presented with the option of a shallower draft or the barrier. The Commissioner referred to the comment from Richard Griffiths (I think) to the 2018 hearing re soft protection measures, noted there was no discussion on those, and queried Alister on sandbags rather than rock or a pile wall.

Do you have any comment? It would be helpful to go back to the Commissioner with any advantages/disadvantages if you do.

Thanks – and regards
Colleen

Colleen Prendergast BTP LLB
Senior Solicitor



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From: Colleen Prendergast
Sent: Tuesday, 11 August 2020 4:05 p.m.
To: 'Doug & Helen Schmuck (totarahill@xtra.co.nz)' <totarahill@xtra.co.nz>
Cc: 'Brett Hood (brett@reyburnandbryant.co.nz)' <brett@reyburnandbryant.co.nz>; 'Andrew Johnson' <andrew@totalmarineservices.co.nz>; 'John Papesch' <johnp@haighworkman.co.nz>; 'Mike Farrow'

<mike@lla.co.nz>; 'Peter Stacey' <Peter.Stacey@ghd.com>; 'Pete Wilson' <petew@4sight.co.nz>

Subject: FW: APP.041365.01.01 - Hearing Documents

Good morning all

A final – well almost final – update on the Schmuck hearing.

First – to thank you all for the time and effort you put in for Doug. I think the evidence was first class, and your performance on the stand could not be faulted. Yes, there was some awkward moments, but that is par for the course, particularly when the Commissioner has some definite views on some aspects. But at least the Commissioner made his concerns known, and sought further information where necessary. It was clear from the wrap-up and discussion of conditions with the reporting planner on the last day, that the main areas of concern relate to public access, including the effects of the marina berths on such access, cultural issues and the “existing environment,” with lesser concerns generally relating to the specifics necessary to ensure appropriate conditions. In particular:

Pete W – consideration/formulation of a condition to ensure metals in sediments do not increase/exceed existing levels, in recognition of already increased levels; **and** discussion and likely effect re translocation of pipis – would removal/relocation be helpful both to the health of the bed and culturally; what percentage would need to be removed/relocated; will they reseed/regenerate, and if so over what time period etc. For your info – Alister (reporting planner) acknowledges the effect on the pipi beds but considers consent can be granted, on the grounds that any development will generate effects and that translocation is likely to retain 95% of the shellfish. Do you have any comment?

Peter S – a water blasting condition with a view to mitigating (not avoiding absolutely) effects of the plume on the walking track. There was some discussion about aligning it with wind speeds and direction as per the sanding/painting/antifouling conditions. **And** an appropriate distance/condition for when painting, particularly with diisocyanate paints. **Also** some discussion of the location of the offensive odour boundary – although consistently referred to as “odour boundary,” particularly in the CMA. Do you have any comments on that? I note your answer to a question was that a “smell” is not necessarily offensive or objective – do you think there is a need to emphasise that? I will refer to case law in our reply. I have read somewhere that the offensive odour boundary on land is defined as the property boundary for ease of monitoring, but of course that is not possible/realistic in the CMA.

John P – pumping set up? I think this was about the washwater and sending it to the trade waste – does it rely on power for the pump? My memory says your response was yes but my notes show that in the further discussion on the amount of rain you said it was sent to the sewer by siphon. From reading your response to the Commissioner it seems clear that the first flush is dependent on electricity. I’m confused – please clarify for me – thanks.

Doug – comments on the Clark assertion and measurements that purport to show sufficient depth for keel boats without dredging. **I have those to hand – thanks.**

Brett – to work with Alister to produce an agreed (if possible) set of conditions taking into account all concerns. **Also** – please give me your opinion on s 105(1) and particularly whether you consider there are alternatives to the proposed discharges and whether those alternatives (if any) are reasonable or practicable. (**Peter S, Pete W, John P** – feel free to comment if you hold views on this)

Our right of reply is due by 28 August. Please **email me, copy Brett**, your responses to the above by no later than **19 August**.

For your records, the link in Ali’s email below will take you to all the written statements presented at the hearing. Am happy to answer questions to the best of my ability should you need clarification on any of the above – or as to the discussions that occurred when you were not at the hearing.

Thanks – and regards
Colleen

Colleen Prendergast BTP LLB
Senior Solicitor



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From: Alissa Sluys [<mailto:alissas@nrc.govt.nz>]
Sent: Thursday, 6 August 2020 3:13 p.m.
To: Colleen Prendergast <ColleenPrendergast@hendersonreeves.co.nz>; Julie K Great Escape Sailing <info@greatescape.co.nz>
Subject: APP.041365.01.01 - Hearing Documents

Good afternoon Colleen and Julie,
Please find below a link to all of the documents tabled at the hearing.
https://northlandregionalcouncil-my.sharepoint.com/:f/g/person/alissas_nrc_govt_nz1/EqcTAHP3r0dOp57AdwwnposB-jph0Xarjeacr-vCa7FctA?e=V74489

If you have any questions, please do not hesitate to contact me.
Ngā mihi

Alissa Sluys
Consents & Hearing Administrator
Northland Regional Council » Te Kaunihera ā rohe o Te Taitokerau



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P 0800 002 004 » W www.nrc.govt.nz



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